

Can the NRA fund an Australian political party?

What you need to know about our election donation laws



The recent Al Jazeera investigation into the NRA's covert lobbying showed how foreign money could influence Australian political processes. One Nation's whisky-fuelled dreams may be ridiculous, but the question foreign influence has troubled politicians for a while. With new laws and a Federal election coming, it is a good time to check your compliance.

What can I donate?

Australians are free to give whatever they like to Federal candidates or parties. Only caveat is that donations (including 'in-kind') totalling more than \$13,800 in a year to a candidate or party must be notified to the Australian Electoral Commission (**AEC**) by both you and the beneficiary. Your name, donation amount and beneficiary will be published on the AEC website.

If you give more than \$13,800 to an associated entity of a party (eg a trade union) or a third party activist (eg Greenpeace) and any part of your donation is used by them for electoral campaigning, that will also be published.

Tighter restrictions apply at state level, different for each state (and sometimes each election).

How do I know if I am (or am donating to) a third party activist?

Third party activists are those who spend more than \$13,800 in a year on electoral campaigning. The campaigning doesn't need to be as obvious as the big parties' ads, it just needs to be for the primary purpose of influencing the way electors vote. If you aren't sure whether you might be a third party activist, it is worth checking. The closer to the election the greater the likelihood that the purpose of political activism is to influence the vote.

And what of foreign donations?

The big change for the 2019 Federal election is the new prohibition on foreign donations. Ironically voted into law by Pauline Hanson just after her colleagues' Washington junket.

Candidates and parties will need to further scrutinise donations to make sure they aren't unwittingly in receipt of foreign money. They can't get anything above \$100 which is intended to fund their election, or over \$1,000 full stop.

Third parties (so it is important to know if you are one) can't use a foreign donation of more than \$13,800 to fund electoral campaigning. They also can't receive a foreign donation of more than \$100 which they know is intended to fund electoral campaigning. This doesn't stop advocacy groups from raising funds around the world, but it does add an extra layer of compliance to the process of accepting and recording donations. Breach of the new laws can mean criminal penalties.

Questions? Give us a call.



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