

29 September 2017

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Commissioner Mansfield
Political Donations Inquiry
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Dear Commissioner Mansfield

Political Donations Inquiry

We refer to your letter dated 29 August 2017 inviting us to make submissions in to the Political Donations Inquiry (Inquiry).

Law Society Northern Territory (Society) welcomes the opportunity to make a submission into the Inquiry. The Society represents approximately 550 lawyers in the Northern Territory including Government and private lawyers. The mission of the Society is among other things to advocate for fair and just laws.

The Society supports a transparent and accountable system of government. The Society also strongly supports a nationally consistent approach to political donations that can be applied across the three tiers of government. Currently there are out of date, fragmented and inconsistent regimes for political donations around Australia. This provides the opportunity for money to be funnelled through different jurisdictions to avoid disclosure. While we understand a request has been made to COAG by the New South Wales Government to co-ordinate a national reform of political donations¹, the Society recommends the Northern Territory Government do the same.

The Society supports the Political Finance and Donations Position Paper of Transparency International Australia² which promotes increasing transparency, requirements that preserve and promote integrity based on best practice to avoid a real or perceived conflict of interest and to prevent corruption.

The Society has had the benefit of reviewing the *Political Donations* report³ commissioned in the wake of serious political finance scandals in NSW. This report has provided many

¹ NSW June 2017 update accessed at http://www.dpc.nsw.gov.au/announcements/panel_of_experts_-_political_donations

² <http://transparency.org.au/index.php/our-work/political-finance/>

³ http://www.dpc.nsw.gov.au/announcements/panel_of_experts_-_political_donations

recommendations on how to prevent corruption in relation to political donations. The Society supports the principles underlying these recommendations and believes they would be useful for the Commission to take into account.

However, the Society recommends that in order to comply with the test set out in *McCoy v New South Wales*⁴, the inquiry should first look at the issues identified in Terms of Reference eight and ensure any recommended limitations on the implied freedom of political communication are enacted for a legitimate purpose.

Yours faithfully



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