



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON JUSTICE
AND COMMUNITY SAFETY**

(Reference: Campaign finance reform)

Members:

**MRS V DUNNE (The Chair)
MR J HARGREAVES (The Deputy Chair)
MS M HUNTER**

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 10 MARCH 2010

**Secretary to the committee:
Dr H Jaireth (Ph: 6205 0137)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Committee Office of the Legislative Assembly (Ph: 6205 0127).

WITNESSES

SAMPFORD, PROFESSOR CHARLES, Foundation Dean and Professor of Law, Griffith University; and Director, Institute for Ethics, Governance and Law, a joint initiative of the United Nations University, Griffith, QUT and ANU**28**

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Amended 21 January 2009

The committee met at 10.31 am.

SAMPFORD, PROFESSOR CHARLES, Foundation Dean and Professor of Law, Griffith University; and Director, Institute for Ethics, Governance and Law, a joint initiative of the United Nations University, Griffith, QUT and ANU.

THE CHAIR: Good morning, Professor Sampford. I am the chair of the justice committee. I am here with my committee member, Meredith Hunter. Our other colleague the deputy chair, Mr Hargreaves, has apologised as he cannot be with us today. He is interstate. I would like to thank you for giving us your time this morning via telephone link and for contributing to our inquiry into campaign finance reform.

I have read some of your more recent publications. Professor Sampford, could you reflect upon your recent experiences with the Queensland government's discussion paper on integrity and accountability and your reflections on the Fitzgerald process over the last 20 years or so and where you see institutions in Australia in light of those experiences?

Prof Sampford: That is a big question.

THE CHAIR: Yes. Take as much time as you like. I suppose that is where I wanted to go generally, and together we might explore those sorts of areas.

Prof Sampford: Sure. I will say something briefly about what we have learnt over those 20 years. Interestingly enough, the approach that Queenslanders took, which is now referred to as the "integrity systems" approach, has now basically supplanted the Hong Kong model as the internationally regarded best approach to dealing with not just corruption and malpractice but actually promoting integrity.

If you cast your mind back 20 years, the Hong Kong model, that of a strong anticorruption agency and strong anticorruption law, was seen as the model. In fact, it is interesting to think back because, at the very time that Tony Fitzgerald was holding his hearings, Nick Greiner was introducing the Hong Kong model in New South Wales.

What was interesting about the Queensland approach was that, rather than just looking at a single problem and a more or less single solution, there were a series of institutional reforms, each of which were intended to be mutually supportive. It was not just about dealing with an anticorruption commission or bad governance; the principal objective was to ensure improved governance, good governance, rather than just preventing bad governance. Preventing bad governance has got to be a necessary corollary and part of your approach, but in fact it is not the main game. It is a necessary corollary.

I called this approach an ethics regime; the OECD called it an ethics infrastructure; and Transparency International ended up calling it integrity systems. That integrity systems approach has been tended to be followed right around the world. It is so well entrenched that probably only about a quarter of the people who are using the term realise what its origins actually were. But I think that is actually a compliment to the approach to reform rather than a worry for it. It is like Kleenex being used as a

general term for facial tissues. To some extent, it goes almost beyond the brand.

I think that is the general approach we should take to governance change. I was thinking I might say two general things about attempting to deal with integrity issues, or potential integrity issues, of which campaign finance is one, and then make a couple of comments about campaign finance. If I do that, maybe you could jump in or ask questions at any point, because of course you are the chair and I am just the person giving the evidence.

THE CHAIR: That is fine.

Prof Sampford: A general point I have made a few times is that in modern liberal democracies the majority of citizens value both democracy and the market. There is a popular commitment to the belief that politics should be dominated by democratic principles and the economy should be dominated by market principles. While both democracy and the market are built on the single principle of individual choice, they involve two fundamentally different principles for evaluating choices.

Milton Friedman once claimed that markets are better than democracy because if you were part of the 49 per cent you got nothing but if you got 49c you might be able to buy something. Of course, there is a radically different counting principle in democracy, it is one vote, one value. The counting principle of the market is one dollar, one value. Of course, there is an eternal temptation for those who have accumulated dollars in the market to use those dollars to influence decisions that are supposed to be governed by one dollar, one vote.

We will have to live with this unless we decide to abandon our commitment to the idea that we are going to have both markets and democracies. Some people traditionally who have believed in the market and not democracy, and democracy and not the market. There are not many people these days, and certainly I am not one of them. Probably 99 per cent of people in the developed world believe in both markets and democracy.

That means two things. One is a political choice as to what matters are determined by the institutions structured around one vote, one value, and those institutions structured around one dollar, one value. Clearly, there is a difference of opinion. I have a strong view that democracy should choose what areas of public life are determined by markets and what areas are determined by democratic principles. But it means that you have two really important issues. One of them is that you are working out what falls into one category and what falls into the other; the second is policing the divide, the points where the market and democracy interact.

This interaction produces many of the most controversial issues—issues of campaign funding, lobbying, employment of MPs after working in government, privatisation and PPPs, zoning decisions and the media. All of these things are, if you like, at the interface between the market and democracy. The first thing is to realise that these are always going to be problems. There are going to be temptations to use dollars to get votes and in some cases to use votes to get dollars. Unless you want to abandon commitment to either markets or democracies, this will be with you. So you have to accept that there are going to be risks and look at how you manage the risks.

To me, this leads on to the approach to integrity systems, which I see as a risk management strategy. I see it almost like taking out insurance. If you decide you are going to have both markets and democracy, you realise that there are going to be risks and you take out insurance in the form of institutional arrangements to reduce that risk—the risk that those who have access to dollars will try to convert them into votes for the policies that they prefer and that are in their interests.

In looking at this as a risk management strategy, you have to address a number of questions, as you would in normal risk management approaches: how great are the risks? What are the costs of dealing with the risks? But also a very important principle is that if you are going to take insurance, you do not take insurance just because the risks have materialised. In fact, if the risks have materialised, you normally cannot take out insurance. If there is a risk your house is going to burn down, you do not take out insurance because you know your house is going to burn down. If you know your house is burning down or has burnt down, you cannot get insurance for it.

So the whole approach of integrity systems is not to say, “Hey, look, we know that campaign funding rules are being abused.” “We know that lobbying is being abused,” or “We know that zoning issues are being abused.” You actually say: here is a risk and how do we deal with it institutionally? There are a number of ways, obviously, and that is a whole area of good governance. Integrity systems are devoted to this.

I would like to draw attention to the fact that managing risk in governance institutions there is not just one way of doing it. If you want to reduce the risk that power will be abused—and this is going to be because there is temptation or opportunity—sometimes the best approach is to try to reduce the temptation so that if there is a temptation, because of campaign funding rules, for governments or oppositions to seek financial support for their policies because they need campaign funding, if in fact there are other means of campaign funding other than having to go out to private donors, that is a good way of reducing temptation.

Sometimes there is a question of reducing opportunity so that those who might seek to gain benefits by donating to political parties are capable of gaining the benefits, and there is also a question of increasing the likelihood of being discovered, with issues of transparency and so forth.

So the general approach is that, first, there is going to be the tension because campaign funding is one of these interfaces between the market democracy. Secondly, once one recognises that, one needs to engage in a risk management strategy. The risk management strategy can take one of several different forms. Reducing opportunity, reducing temptation, increasing the likelihood of being found out are various ways of doing it.

That is the general principle. I might pause there before going on to make some comments about campaign donations.

THE CHAIR: You have highlighted three mechanisms there in relation to temptation, opportunity and discoverability. I would like to lead you on to what mechanisms you would see would underpin those three principles. What sorts of things, in your

experience, limit the opportunity for temptation or the opportunity for benefit, or what do you do to increase the level of transparency?

Prof Sampford: I would like to go on to that in a moment, but having a macro analysis of issues of campaign donations, which may be incredibly familiar, in which case I apologise, might be a useful way of looking at it. I have talked about the tension between markets and democracies. I think there is a real problem when it comes to campaign donations from corporations in particular because many executives claim that under the corporate governance principles they can only expend funds to benefit their shareholders and cannot spend them on anything else. Some corporations push this line very strongly if asked to do anything about the environment, the welfare of foreign workers or the aggressive minimisation of tax.

I think this view of corporate governance is simplistic and overstated. However, some certainly believe it and some of those donate to political parties. We should raise our antennae enormously because we have got people who believe very strongly, or claim to believe, that corporate governance requires them to only do that which benefits their shareholders. So you naturally say, “What benefit are their shareholders getting?”

THE CHAIR: What is the benefit; yes.

Prof Sampford: I have to say that, luckily for the health of democracy, most are not quite so rigorous in adopting such simplistic corporate governance principles. You could say that if, in fact, they genuinely follow the principles they outline then every time they are giving money to campaign donations they are actually engaging in corruption. I would not draw that conclusion because I think what they tend to do is to think, “Well, it’s generally good for the community if the party that I like gets into power and has the policies that I like.” Therefore, they are not actually engaging in corruption. On the other hand, there is obviously a weight in their favour.

On the other hand, the position of unions is somewhat different and complicated because of the relationship they have with the Australian Labor Party. No-one could say it is against the corporate governance principles of unions to give money to the ALP. However, on the other hand, they are supposed to be acting in the interests of their members. Clearly they have fiduciary duties towards them. Again, there is a potential problem of converting dollars into votes by funding parties with policies they prefer, which is an issue for both.

I think there are a couple of responses to this. Firstly, in a sense it says it does not matter if the contributions balance each other. There is a lot to that argument, although I think there are better ways that one can do it, because I think of the risks inherent in it. The second—and I would really like to make an important point about this—is that it is often said that it is their right to provide such funding as a matter of free speech. I am not sure if you have dealt with this, but—

THE CHAIR: It is one of the issues that we have to grapple with.

Prof Sampford: There is a simple philosophical response to that which, I think, can be converted into a legal response, luckily because the jurisprudence and the High

Court have not gone that far. The point is that money is not speech. Money may make speech more effective, but money is not speech. Indeed, given that distribution of dollars is uneven, as it always will be in a market economy, money will privilege some speech over other speech. Accordingly, those who seek to provide campaign finance cannot claim that they are exercising a human right. They are actually exercising a privilege. A right is something that everybody has. A privilege is something that only a small number of people have. The capacity to give significant donations to political campaigns to fund some speech over other speech is fundamentally not a right but a privilege. Other people may have said that in various forms, but I have always had that in a very emphatic form.

On the other hand, there are rights involved—the rights of the citizens in a democracy presented with alternative principles and programs by those who seek their votes. The actual provision of alternatives to voters is absolutely essential to democracy. It is essential to their rights. If there is the right of the citizens to have alternative proposals from the government over the following period then the voters have got certain human rights. The political parties have actually got a duty to present those alternative principles and programs. Incidentally, they have a duty to do it honestly, but the point is that they have a very strong duty to put out an alternative message so that people can democratically decide.

If the political parties have got a duty to express their ideas and communicate them and if the only source of that funding is those who are duty bound to push their political interests then there is a temptation for both sides to exchange dollars for principles. If the programs advocated by one or both parties reflect the interests of those who fund it—and this is the huge temptation—it involves, I would say, an enormous corruption risk. It is a corruption risk that has materialised in some countries. I do not know if this risk has materialised in Australia. I have got no reason to think that it has materialised significantly or often.

However, such ignorance is no reason for complacency. The cost of election campaigns is increasing and therefore the risk is increasing. So I think it is incumbent on all parliaments to recognise the risk and to do something about it. In fact, I put it quite seriously that it is the responsibility of all parliaments to recognise this risk and to try to deal with it.

We come to the question of how you deal with it. Certainly, in the Queensland accountability roundtable, we discussed this a good deal. The Premier has said publicly that she is concerned about escalating competition to spend money. It is quite natural that you would have that competition. In fact, you might say that the parties are exercising their duty to communicate to the public. Of course, this does involve an increasing risk. I think the view was that it would be extraordinarily difficult to deal with this in any one jurisdiction. Therefore, it is necessary to try to collaborate on rules and it is better to have a set of rules that more or less address the problem rather than a perfect set of rules that just cannot be made effective in one jurisdiction.

The conclusion in Queensland was that the Queensland government would try to be part of a process for dealing with this nationally, but if there was not a national agreement then they would just have to act and do the best they could locally, while recognising how extraordinarily difficult that would be.

THE CHAIR: That would be an imperfect solution?

Prof Sampford: Yes. I think “imperfect” is probably too weak an adjective. The risks of total failure, the risk of it being totally circumvented, would be absolutely huge, for the reason that parties are national as well as state and so forth. Also, if you are going to tackle this “money is speech” business, I think this needs to be stated in a highly principled way. I am aware of the two cases involved.

My own view is that the jurisprudence is by no means finalised and that if, in fact, parliaments are very clear on the principles on which they are operating, the court would actually be convinced. It is not as if they have gone so far down a particular line, as probably the US courts have—although it is only in the last few months that they have finally come down with this foolish notion that money is speech, or rather with decisions that amount to money being speech.

I am actually relatively hopeful that the High Court would not be an ultimate barrier to sensible regulations. And there were plenty of dicta in ACTV that, whereas they thought that the arrangements were flawed. Other arrangements could pass their test. Also, that was close to the high point of implied rights. So I do not think that ultimately a well-designed set of propositions, clearly argued, based upon strong principles of democracy and human rights, would not actually get through.

What are the means? I am a great fan of getting rid of the escalation and having very little room for donations and virtually no room for large donations. The idea has been around for a very long time, although one does have to take into account the highly innovative nature of modern campaigning. Having said that, the big costs are still in media advertising. I think the idea is that, firstly, providing time for political parties should be a condition of a broadcasting licence. That, of course, is something that can only be done by the federal government. That is the first thing.

The second thing is that I am utterly convinced by the arguments that these free advertisements should be of a minimum length, so that you avoid the sound bite. People may find them more boring, but bad luck. Any other advertising should be either banned or funded by the government. I think the idea of having some capitation rate is very sensible, based on votes.

There are issues about new parties, but I think these can be allowed. On the whole, it is the large parties that spend more per vote than the small parties. Although this system I am suggesting may induce some entry as parties—you might have a start-up party having an amount that they could spend on advertising, on their campaigning—in a sense, they and their supporters would be taking a risk that they would not be reimbursed and that they would be permitted to do that. I suspect that the total effect on the election campaign would be quite small.

On the whole, with advertisements by supporters groups, they would have to identify themselves as supporting a particular party and having the party agree that that is part of their total authorised spend or else they say that they cannot actually do it. I think they have to identify who they are supporting. On the whole, there are lots of different ways in which funds can go to political parties, and people are always trying to get

around rules. There is a very simple answer to that—that is, there should be a limited number of ways in which funds can go to political parties and campaigns and that those are the only ways in which you can fund it, and any others are simply void and the funds provided are forfeited. Basically, you say there are a number of ways in which you can fund a political party: A, B, C—memberships, donations up to a certain level and so forth, and if they do not fall within those categories then they are simply illegal.

THE CHAIR: On that subject, if I could interpose there, you have given a couple of examples—small donations, membership fees. What about with larger political parties which may have commercial arms of some sort? They may own property and obtain income from property. In the ACT the Labor Party receives income from gaming machines through licensed clubs. How do you see that commercial arm of a political party interacting and do you see this as a valid means of raising funds?

Prof Sampford: This is a really interesting one. Is it true that the Labor Party has tended to have made more investments of this type across the country than the conservative parties? I am not sure if that is true or not.

THE CHAIR: I am not sure whether that is true. I think that both of the parties have—

Prof Sampford: Certainly, the prominent examples seem to be on the Labor Party side. The suggestion, of course, is that it is a slightly ironic thing, that the party that has traditionally not been a party of capital has actually accumulated more capital. I can understand that. On the other hand, an absolute requirement is that the whole point of this is to ensure that there is a level playing field and where money does not actually duly influence results by one party having a lot more resources than the other. Of course, some of these investments were probably done very specifically to ensure that the Labor Party has had similar campaign funds to those that were supported by business when there was a much stronger ideological and class divide between the two parties. So in many ways that was being built up as a counterweight to those who were thought to be able to raise much more money for campaigns.

I think in one sense we need to respect that principle, but it may need to be done in a different way. You cannot give one party a permanent benefit over the other because they happen to have raised more capital and have more capital. I have given this to the ALP ministers who very sincerely say, “Surely our good management and investment practices should allow us to benefit.” I say, “What if the conservative parties had various sheep stations that had been donated to them?” If the conservative parties had 20 times as many assets as the ALP, what would they think about that?

I think the basic principle is that in order to operate a democracy there must be a balance between the two campaigns. Where it is actually controlled by the unions it is not so much of a problem. Where it is actually controlled by the parties you say, “Are they allowed to use their investments?” With the unions, I think it is quite easy because one of the results of this public funding is that the funds that are used by the assets and the income of unions can be used directly for the benefit of their members in a wide range of other ways. I think their view would be that often the best way to support their members is to provide all the campaign funding.

I think that the absolute requirement systemically is to ensure that there is a level playing field between the two parties. On the whole, this is a problem. I am not quite sure what you would do with the parties. There is also a general risk, of course, that if the casino licences or gaming licences, which are, of course, given by government, become a major source of income for particular parties, this might induce a future corruption risk.

THE CHAIR: You have got an inbuilt conflict of interest.

Prof Sampford: I am not saying in any sense that this has ever occurred in Australia, but certainly in other countries some parties have massive assets. One of the things in getting rid of communism in the USSR was actually taking away—the Communist Party of the USSR had huge assets and that would have had a fundamental effect on future elections. Overall, I think that the guiding principle has to be that you would want to produce a level playing field and that large assets of one party over another cannot be allowed to fundamentally change it.

If, on the other hand, the thing just has an effect of 10 per cent or something like that, one has got to say, “You are moving from this system to changing the system to a new one and it is broad equality. If one party ends up traditionally with 10 or 20 per cent more campaign funds per vote it is extremely unlikely to affect the outcome.” It is where one party might have 50 per cent or more, even double, the campaign dollars per vote. That is the mischief that one is trying to avoid and, of course, the mischief that in seeking those funds there will be a temptation to make compromises on policy and principle.

THE CHAIR: One of the things that struck me was that if there is not a limitation on the amount of money that can be spent on campaigns it becomes more the job of the elected representative to raise the funds rather than to do the job that they were elected to do, to represent their constituencies, to oversee the passage of laws for the benefit of the constituency. Do you see that as an issue?

Prof Sampford: Yes, that is a really important one. This goes to lobbying but also to fundraising generally. I would say that probably the scarcest resource in politics is a minister’s time. This is also true partly of backbenchers. The point you are making would go to ministers or backbenchers. I would say the most extremely constrained resource is a minister’s time, for very good reason. There is no way that that time should ever be bought. The minister may well want to consult with various industry and community groups and unions and whatever, but his or her decisions about who he or she sees should be entirely determined by his or her role as a minister in formulating policy and generating legislation and so forth and should not be affected by the money-raising needs. That is probably putting your point in a slightly different way. This is a huge problem in some places, like the United States.

THE CHAIR: I suppose that is why I was thinking that where you have got elections recurring every two years and the huge cost of campaigns, basically, you get elected to raise funds for the next election.

Prof Sampford: It is a huge corruption risk. In Japan, specifically—it is a quite

different system—you need to have funds in order to give gifts to your constituents, at various weddings and so forth. I do not know the system particularly well but I know that there is a huge requirement for funding, which also has huge problems. It is actually a different set of problems but it is the same basic issue.

I think it is very important that they are not involved in fundraising. That was something that Menzies, I believe, insisted on when the Liberal Party was established. Obviously it is a principle that could not ultimately be kept, but he said, “The party does the fundraising. The politicians must know nothing about it.” If that divide could have been maintained by any party it would not have been a great solution but at least it would have done a lot to reduce the opportunity. That is very hard to do. The best thing to do is to avoid large campaign donations and ensure that it is either provided free or provided by government. As I say, it will still allow political parties to do the modern things that they do, which generally do not require huge amounts of money but they do require funding—a lot of time and some money.

THE CHAIR: Can I go back to some of the less modern things? You spoke about advertising on television which would be part of a broadcasting licence. There have been attempts at that at various stages in the past. Our broadcasting landscape has changed significantly over the years. How does that sit with, say, pay TV? Do you envisage that that would have to transfer to pay TV as well as free to air?

Prof Sampford: I have not thought about that, but I think that the principle would go through to that. If they did not have advertisements you might suggest that they might avoid it. Certainly, anybody who does provide it does provide advertising. They have a licence too. If they are using the spectrum, licences are involved. I have not thought about what would happen if you were looking at cable that goes directly to somebody’s home or a satellite. Even a satellite is using the licence spectrum. I think it needs to be part of the whole system.

THE CHAIR: They are the issues that require the commonwealth to come on board.

Prof Sampford: Of course. Again, overall, no integrity system will be perfect and there will have to be some hopefully not fundamental compromises. The key goal has got to be that there is a broad playing field, that recognising the right of voters to receive different value propositions, if you like, from the parties and that the process by which parties do that should not involve any significant corruption risks—or, even if not corruption risks, the risk that parties will be constrained to policies which are supported by powerful interest groups. There is a good reason why policies are constrained by powerful interest groups—because you want to have them on board and so forth. But when they are making those decisions there should be no financial issues involved. The fundamental point there—I have probably made too many points—is that one needs to address these things but, if it is not perfect, one should not let perfection be the enemy of the good.

MS HUNTER: Professor Sampford, I just want to pick up on that. You had talked earlier about being part of the Queensland roundtable discussing these issues. You have mentioned that obviously the best way forward is to involve all states, territories and the commonwealth and that there are some things that only the commonwealth can really drive. But I want to get back to Queensland and your experience there.

Have there been any particular initiatives or suggestions around changes to the electoral act up there that Queensland is looking at moving forward with that do not necessarily need commonwealth reform at this stage?

Prof Sampford: It is a little while since I looked at the final report. The basic view was that they should attempt collaboration. But, if I remember rightly, there were going to be clear limits to donations and relatively low limits. I will have to look at the report, and the Premier's statement following the report, to get those details, but basically they were looking at limits on campaign contributions.

MS HUNTER: Was there anything around improving disclosure?

Prof Sampford: I am sorry; I have forgotten the exact proposals. I think there is a general view of having no exceptions to disclosures. It is very hard to see justification for any exceptions to disclosures.

THE CHAIR: Even for small amounts of money?

Prof Sampford: I have forgotten that particular detail. I could check it up.

THE CHAIR: No. We can easily check that detail as well.

Prof Sampford: That is the principle: having very few. The other thing is that I have approached the way of reducing the temptation as the principal goal. If you are not going to do that, it is very important to deal with any contacts with anybody donating money. Party officials, and in particular parliamentarians, would need to have a record of the conversation as a way to ensure that the money that was passed was not generating any expectations of favourable policy decisions. That is something I said a few years ago, and people threw up their hands at it. But it is interesting that in the federal government I understand there is a general practice that there is a civil servant and not just a political staffer present when ministers meet outsiders. It is a really useful thing. Somebody has to take notes and if they are a civil servant there is a greater confidence in them taking notes accurately.

It is interesting that this has come along for other reasons. One would need to have a very strict policy that with anybody who is giving money what was passed would need to be recorded, and ultimately it becomes a bit like when it was decided that police interviews needed to be recorded—for different reasons, but in order to maintain integrity one needed that.

I am a little bit hesitant about going really strong on that but I think that, if one did not have serious caps on funding, one would need to go along that path in order to preserve the integrity of the process. So I am not advocating it but I am saying that it will be necessary if we do not have caps on campaign funding.

THE CHAIR: But I suppose that the interactions between donors and politicians are not just at the handing over of money.

Prof Sampford: No. I would say that, if you give money, in that case the risk is sufficient that in your interactions with politicians you would have to make absolutely

sure that, if they were ever put into question later on—this would be of interest to ministers—it could never be suggested that there was a quid pro quo. I put this forward not maliciously but intentionally. If that came about, of course no-one would want to give any money to political parties, in which case they would have to go for some other kind of funding. So I am not saying I am using it in terrorem, but that would be a logical consequence of what would be necessary if large donations continue to be permitted.

THE CHAIR: Yes, I understand. One of the things that is also a feature of the modern political landscape is that large organisations often donate to both sides, not necessarily equally. Do you see that as a way for parties to solve the problem? They can say that company XYZ donated to both parties so there cannot be any corruption involved.

Prof Sampford: There would not be any corruption but it could be that neither party feels it is in a position to enact policy that is contrary to the interests of those large mutual donors. So, although outright corruption is almost certainly going to be ruled out in that, there could be a possible distortion of the political process. Of course, if those dual donors—that is what we call them—were evenly distributed, that would not be a problem. In the past, say, the tobacco industry and the pharmaceutical industry have given huge donations to both sides of politics. It means that action against their interests has in the past been extraordinarily difficult and it has taken a very long time before action that was in the public interest and against the interests of those corporations was possible. So dual donations can have a distorting effect but it is a slightly different form of distorting effect.

THE CHAIR: Yes. I see your point.

Prof Sampford: It may be that both parties in, say, Virginia think that supporting the tobacco industry is a really good public policy idea, and that is fine. But that should be done on the basis of one person, one vote and their view of the interests of that particular jurisdiction, not because both sides are getting a lot of money from the same source.

THE CHAIR: Professor Sampford, I am conscious that you have other commitments. Are there other things that you would like to say before we go to other questions?

Prof Sampford: No, not particularly. If you have any questions, I am delighted to answer them. I can stay a bit longer if necessary, but if not I would just say “good luck”.

THE CHAIR: You have given us some food for thought. Perhaps with the review of the transcript there may be some other issues that arise that we may come back to you with, perhaps in writing. Hanna will provide you with a copy of the transcript in the course of the next few days and then there will be a process of you reviewing that to see whether what you have said or what you wanted to say is accurately reflected.

Prof Sampford: Last night I did some supplementary notes that I might send you, although basically everything in them I have covered today. But it might be useful for you to have it in writing.

THE CHAIR: Excellent. Thank you very much for that. That would be most welcome. Thank you for your time and I hope that we can do justice in our deliberations to the contribution you have made.

Prof Sampford: It was a pleasure. Thanks very much. I am going to be down on 18 March, if that is of any use. Given the way these things operate, I am not sure there is any particular need, but I am just letting you know.

THE CHAIR: Thank you.

The committee adjourned at 11.20 am.