



Australian Council of Social Service

27 September 2018

Committee Secretary
Joint Standing Committee on Electoral Matters
PO Box 6021
Parliament House
Canberra ACT 2600

em@aph.gov.au

Dear Committee Secretary,

Inquiry into the proposed amendments to the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017

The Australian Council of Social Service (ACOSS) is a national advocate for action to reduce poverty and inequality and the peak body for the community services sector in Australia. Our vision is for a fair, inclusive and sustainable Australia where all individuals and communities can participate in and benefit from social and economic life.

ACOSS broadly supports the submission of the Hands Off Our Charities (HOOC) alliance in relation to this Bill. We also recognise that the proposed amendments significantly improve the Bill. That said, like the HOOC alliance, ACOSS remains concerned about a number of aspects of the Bill. In this submission, we draw attention to two issues in particular – the definition of Electoral Expenditure and Electoral Matter, and the requirement for Political Campaigners to provide details of the political party membership of senior staff to the AEC in annual returns.

Political Expenditure/Electoral Expenditure

Advocacy is an essential aspect of charities and not-for-profits' ability to participate in public life and influence public policy and action. Advocacy is the act of having a voice in the public arena and is an essential element of a free society. Advocacy contributes to the development of better public policy.

Amendments to the current *Commonwealth Electoral Act 1918*, which came into effect in March 2018, have created a significant amount of uncertainty and concern for charities and not-for-profits engaged in advocacy on federal issues. These problematic amendments (to Section 314 AEB) provide that third parties must make returns to the Australian Electoral Commission where their "political expenditure" exceeds the threshold amount (currently \$13,800). The definition of political expenditure includes expenditure incurred for the purpose of "the public expression of views on an issue, that is, or is likely to be before electors in an election (whether or not a writ has been issued for the election) by any means".

The proposed amendments to the Bill, particularly the new definition of "Electoral Expenditure/Electoral Matter" (replacing "Political Expenditure"), offer greater clarity to third parties than section 314AEB as it stands. The amendments are designed so that most expenditure incurred for the purpose of purely issues based advocacy is not "Electoral Expenditure", and not captured by the Bill.



That said, ACOSS remains concerned by the definition of “Electoral Matter”. The definition as it stands could be interpreted to include material produced to encourage voters to consider an issue when they cast their ballot, or that provides commentary on a political party or candidate and their policies during an election campaign. These activities are examples of advocacy that charities and not-for-profits are and should be engaged in a thriving democracy. These activities should not be conflated with, and regulated in the same way, that campaigning for election to public office is.

Recommendation 1: Change the definition of “Electoral Matter” to clarify that non-partisan material produced by third parties (ie that does not support or oppose a candidate for election) is not “Electoral Matter”.

Political Affiliations of Senior Staff

The Bill requires that Political Campaigners include details of their senior staff’s membership of a political party in their annual return. This requirement will mean that staff members of charities may have to choose between continuing their membership of a political party, or risking the reputation of their employer. As ACOSS stated in our submission to the original Bill, this provision offends the principle of freedom of association, and is completely inappropriate.

Recommendation 2: Remove the requirement for Political Campaigners to include details of their senior staff’s membership of political parties in their annual return from the Bill.

Should the Committee wish to seek further information from ACOSS please contact John Mikelsons, Senior Policy and Advocacy Officer on 02 9310 6212 or john@acoss.org.au

Yours sincerely,

Dr Cassandra Goldie
ACOSS CEO