

# Australian Council of Social Service

29 January 2021

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

[em@aph.gov.au](mailto:em@aph.gov.au)

Dear Committee Secretary,

## **Review of the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Act 2018**

The Australian Council of Social Service (ACOSS) is a national voice in support of people affected by poverty, disadvantage and inequality and the peak body for the community services and civil society sector. ACOSS consists of a network of approximately 4000 organisations and individuals across Australia in metro, regional and remote areas. Our vision is an end to poverty in all its forms; economies that are fair, sustainable and resilient; and communities that are just, peaceful and inclusive.

ACOSS welcomes the opportunity to provide input into the review of the *Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Act 2018*. We also note the committee's interest in the impacts of amendments to the original bill that are relevant to charitable issue-based advocacy.

ACOSS is a member of the Hands Off Our Charities alliance, and supports the joint submission of the alliance in relation to this review. ACOSS, and the Hands Off Our Charities alliance made submissions to this committee when the EFDR Bill was originally being considered, and maintain our concern that in proposing amendments to the Act, that voices representing people experiencing poverty, disadvantage and marginalisation are not silenced in our public debate.

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. Advocacy is also a key way in which many charities achieve their charitable purpose.

ACOSS broadly supports the *Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Act 2018* in its current form. We consider that the Act strikes the right balance between the need to appropriately regulate the conduct of organisations engaged in election-based advocacy in Australia, and ensuring that that regulation does not stifle public debate or prevent community sector organisations from speaking out on issues that affect the most disadvantaged people in our community.

**Recommendation 1:** That the committee not recommend any major changes to the EFDR Act at this time, including the definition of electoral matter, the compliance regime for third parties and political campaigners, and the threshold for political campaigners.

**Recommendation 2:** In the case that the committee intends to recommend major changes, that it first undertake a comprehensive consultation process that includes the community sector.

ACOSS (and the Hands Off Our Charities alliance) proposes one minor change to the Act – renaming the “Political Campaigner” category as a “Large Third Party Campaigner”. By naming non-political party organisations that participate in elections as “political campaigners”, the Act posits that organisations (including charities) are inherently political organisations, when they are in fact not. By renaming it, the Act will more accurately reflect the role of these participants in election campaigns and ensure that organisations are not dissuaded from participating in this type of advocacy during elections. ACOSS does not propose other changes to the Act to reduce the regulation of this category of participant in election campaigns.

**Recommendation 3:** The Committee recommend that the category of “political campaigner” be renamed “large third party” to maintain consistency in terminology and more accurately reflect the types of participants in elections.

Should the Committee wish to seek further information from ACOSS please contact Dr John Mikelsons, Senior Advisor (Community Services and Health) on 02 9310 6212 or [john@acoss.org.au](mailto:john@acoss.org.au)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Edwina MacDonald'.

Edwina MacDonald  
Deputy CEO