



RESULTS International (Australia)

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To: **Committee Secretary**
Joint Standing Committee on Electoral Matters
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From: **Maree Nutt**
CEO, RESULTS International (Australia)

SUBMISSION TO THE INQUIRY BY THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS INTO THE PROPOSED AMENDMENTS TO THE ELECTORAL LEGISLATION AMENDMENT (ELECTORAL FUNDING AND DISCLOSURE REFORM) BILL 2017

Introduction

RESULTS International (Australia) - hereafter referred to as 'RESULTS' - thanks the Joint Standing Committee on Electoral Matters for the opportunity to engage in its *Inquiry into the proposed amendments to the Electoral Legislation Amendment (Electoral Funding the Disclosure Reform) Bill 2017*.

The purpose of this submission is to seek the removal from the proposed amendments to the Electoral Act, elements that continue to lack clarity and/or restrain charities and non-government organisations such as RESULTS from pursuing their charitable purpose.

The principal object of RESULTS is to generate the public and political will to end global poverty through the prevention and control of diseases in human beings and equitable access to health. This purpose is often demonstrated as advocating for improvements in the quality and quantity of aspects of Australian aid.

The level, delivery and policy relating to Australia's Overseas Development Assistance (ODA) which totals almost \$4 billion per year continues to be matter of public interest and importance and should therefore have adequate scrutiny via public commentary and debate. The investment of Australian taxpayers' funds in overseas aid is improved when parliamentarians are knowledgeable and have an active engagement with their constituents as well as charities and not for profit organisations on these issues.

In making these recommendations, we acknowledge that significant amendments and clarifications have been made to the original Bill put to the Senate by the Government in 2017.

In addition, the very short time frame for submitting submissions into this inquiry has been insufficient for RESULTS to secure the necessary legal advice and we reserve the right to provide supplementary information to our submission if of significant relevance.

About RESULTS

RESULTS is part of an international, non-partisan and non-profit network that has been working in Australia for 30 years through a combination of staff-led and grassroots-driven advocacy. RESULTS works throughout the year and electoral cycle and across political parties. It does not support any one political party or promote any political candidates. RESULTS organisations exist in the UK, USA, Canada, Korea and Japan all of whom work closely across political parties to pursue its aid objectives.

In Australia, RESULTS is also an active member of the Australian NGO peak body, the Australian Council for International Development (ACFID), and complies fully with its Code of Conduct. RESULTS is also a registered charity with the Australian Charities and Not-for-profit Commission (ACNC).

RESULTS and the Hands Off Our Charities (HOOC) alliance

RESULTS is a member of the Hands Off Our Charities (HOOC) alliance. This is an alliance of charity and not-for-profit organisations formed to respond to presentation to Parliament of the present Bill, the *Foreign Interference Transparency Bill 2018*, and the *National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2018* during the past year.

The members of HOOC together represent millions of Australians concerned with a wide range of subjects related to social welfare, human rights, the environment, health, disabilities, philanthropy and other fields of public interest.

RESULTS recommendations regarding proposed amendments to the Electoral Legislation Amendment (Electoral Funding the Disclosure Reform) Bill (“the Bill”)

RESULTS has also endorsed the submission made by HOOC on 27 September 2018 regarding the Bill.

Specifically, RESULTS recommends the following in order for the amendments to pass:

- a) The replacement of the definition of 'political expenditure' in the original Bill with the definition of 'electoral expenditure' in the amendments is an improvement however grey areas remain. These grey areas include where expenditure on issues-based advocacy could still be misconstrued as electoral expenditure and where electoral expenditure can be incorrectly assigned to indirect communication (e.g. encouraging electors to consider a particular issue prior to voting) versus direct communication (e.g. the promotion or oppose a single party or candidate.) Both issues could be resolved by Section 4AA(4) including a clarification that it is not an electoral matter if it "Is by an organisation in pursuit of a purpose that is charitable (as defined by the Charities Act 2013)". This would provide certainty to charitable organisations and will ensure that issues-based advocacy is not misconstrued as electoral expenditure.
- b) The Electoral Commission and the Australian Charities and Not-for-profits Commission should be appropriately resourced to implement the new laws, including by providing information and services to assist charities with any compliance obligations.
- c) The burden of checking if a donor is foreign rests with the AEC rather than with the recipient organisation. This will allow for donor privacy to be maintained and reduce the compliance burden on charities and NFPs.
- d) The Bill explicitly excludes staff time and assets (such as rent and premises) from the category of electoral expenditure.
- e) The Bill should allow that no staff members of civil society organisation should have to report their political affiliations. RESULTS specifically recommends the removal of the requirement for senior staff from organisations classified as political campaigners to register their own political affiliations.

Should the Committee wish to seek further information from RESULTS or invite representatives to appear at hearings, the contact point is:

Maree Nutt

CEO, RESULTS International (Australia)