



Join Standing Committee on Electoral Matters

21 September 2018

Dear Committee,

Thank you for the opportunity to consider the Exposure Draft Amendments to the Electoral Legislation Amendment (Electoral Funding and Disclosure).

AMPAG represents the major performing arts companies in Australia. Its objectives include working to strengthen the performing arts sector.

We welcome the proposed amendment to remove the term '*political purpose*' which was defined broadly with the term '*electoral matters*' in so far that it effectively addresses our concern that the Bill, in its previous form, had the potential to limit Charities' capacity to advocate for their charitable purpose.

We understand the proposed amendments will ensure Charities will be able to continue to be active in '*promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a State, a Territory or another country, in furtherance or protection of one or more of the above purposes (being its charitable purpose)*' as set out in the Charities Act (2013).

AMPAG's submission also raised significant concern regarding the exemption for artistic purpose. The draft bill use of the terms '*solely*' and '*genuine*', when applied to artistic activities, was too narrow and inflicted a higher test for the exemption of the arts compared to news services.

AMPAG welcomes the proposed amendment to the exemptions under the definition of '*electoral matters*' from:

- 'the expression of the views, or the communication, broadcast or research, is **solely for genuine** satirical, academic or artistic purposes.'

to

- '5(b) is or would be by a person for a **dominant purpose** that is a satirical, academic, educative or artistic purpose, taking into account any relevant consideration including the dominant purpose of any other communication of matter by the person;'

Finally, AMPAG also raised concerned that draft legislation specifies that an entity should register as a third-party campaigner if expenditure on activities with a *political purpose* rose above the *disclosure threshold* of \$13,500.

We welcome the narrowing of entities required to register, and the increase in expenditure thresholds from a relatively modest \$13,000 to a material \$100,000 a year, where such expenditure was equivalent to two-thirds or more of revenue of the entity in the previous year or where total electoral expenditure was over \$500,000 in a three years period.

We thank the committee for engaging in the legislative issues affecting the arts sector, which if left unaddressed, could have had a profound negative impact on artistic freedom of expression and inhibit the capacity for the charitable sector to advance their purpose. We appreciate the bipartisan approach to developing what we believe are effective amendments.

Yours faithfully

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Executive Director  
AMPAG