

29 January 2021

Senator the Hon James McGrath
Chair, Joint Standing Committee on Electoral Matters
PO Box 6021
Parliament House
Canberra ACT 2600

PO Box 4093
Ainslie ACT 2602
T (02) 6230 1775
F (02) 6230 1704
anglicare@anglicare.asn.au
www.anglicare.asn.au

Dear Senator McGrath,

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

Anglicare Australia is pleased to contribute to the Review of the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Act (the Act).

As an active participant in the debate surrounding the most recent amendments to the Act, and as a member of the Hands Off Our Charities alliance, Anglicare Australia believes that this Act must ensure:

- That charities can fund issues-based advocacy without restriction
- A clear distinction between issues-based advocacy and politically partisan electioneering
- That charities and not-for-profits don't face a greater compliance burden than they do presently, and are not subject to more limitations to participate in the political process than other third parties (such as businesses and industry associations)
- A clear and precise regime that is unambiguous. Charities and not-for-profits should not be left wondering what parts of a regime apply to them and when they apply.
- That charities and not-for-profits are free to cooperate on issues-based advocacy.

Anglicare Australia believes that the current Act is functioning properly in meeting these needs and regulating the election activities of charities and not-for-profits. In particular, the current definition of 'Electoral Matter' has struck the right balance between transparency and promoting participation in the political process. It is consistent with definitions outlined in the Charities Act 2013, which recognises that charities can advance their purpose by engaging in public debate about public policies. While campaigning for any party or candidate is rightly barred, charitable organisations are permitted to compare or rank the policies of both parties and candidates. These principles are consistent with precedents set by the High Court of Australia, which has found that charities could have a dominant purpose of influencing and engaging in public "agitation" for legislative and political changes." Anglicare Australia was active in developing a definition that is consistent with this framework, and we recommend retaining this definition.

Anglicare Australia does not support any amendments that would create new barriers to charity advocacy. We note the recent *Report on the conduct of the 2019 federal election and matters related thereto*, and the Committee's recommendation to lower the threshold for becoming a political campaigner from \$500,000, to \$100,000 in electoral expenditure. Anglicare Australia opposes this recommendation.

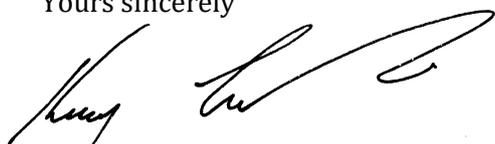
No evidence has been provided through the Committee's Inquiry into the Federal Election that advocacy activities undertaken by charities, community groups, or civil society organisations eroded debate at the last election. The Committee also provided no evidence that debate generated by civil society more broadly led to undue influence at the election. Indeed, the evidence that does explore community advocacy largely focuses on its social value.

The months leading up to elections are often the most crucial for responding to, and influencing, the policy agenda. Classifying charities, not-for-profits, and community groups as political campaigners will not only add a regulatory burden to their work, but will prevent many from participating in public debate for fear of attracting this label. Given the tendency of some Government ministers and parliamentarians to cast legitimate advocacy as electioneering, formally labelling charities as 'political campaigners' would be particularly harmful. For the same reason, Anglicare Australia supports the proposal from Hands Off Our Charities to rename this category 'large third party.'

Finally, Anglicare Australia notes that this Review is being conducted in the context of renewed attacks on charity advocacy and efforts to direct how charities spend their donations. Our hope is that the Committee will reject this approach, and focus instead on empowering citizens and community groups to use their knowledge and influence public policy. Political activity should be more inclusive, rather than being reserved for political parties, well-funded lobby groups, and industry advocates.

Anglicare Australia thanks the Committee for the opportunity to make this submission. We would welcome the opportunity to discuss these matters with the Committee, or to elaborate on the issues we've raised.

Yours sincerely



Kasy Chambers
Executive Director