



Good Shepherd

Australia New Zealand

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Committee Secretary
Joint Standing Committee on Electoral Matters
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Inquiry into the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill, 2017

Good Shepherd Australia and New Zealand (GSANZ) welcomes the opportunity to provide comments to the Committee regarding the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill, 2017 (the Bill).

About Good Shepherd Australia New Zealand

GSANZ is a community services organisation that has been delivering on its mission to disrupt the intergenerational cycle of disadvantage and enable fullness of life, with a focus on women and girls, since 1863 in Australia and 1886 in New Zealand. We achieve this by challenging disadvantage and gender inequality through services, research, advocacy and social policy development.

A central part of our mission is to challenge the systems that entrench poverty, disadvantage and gender inequality.

Our specific expertise is in:

- **Safety and resilience** - supporting women to be resilient provides a buffer between an individual and adversity, allowing them to achieve improved outcomes in spite of difficulties.
- **Financial security** - supporting women to ensure they have access to sufficient economic resources to meet their material needs so that they can live with dignity.
- **Educational pathways** - assisting women and girls to overcome the obstacles in their life that hinder them from achieving their educational/vocational capacity.
- **Outcomes and evaluations** - developing evidence-based program designs across all Good Shepherd Australia New Zealand programs and services.
- **Research, social policy and advocacy** - needs-based research into emerging issues, identifying effective change interventions for program design, policy analysis and systemic advocacy.

Disrupting the intergenerational cycle of disadvantage for women and girls.

Relevant Subsections for Comment

GSANZ provide comments to the Committee in reference to the following sections of the Bill:

1. Part 1 (24) (b)
2. Division 1A—Section 287 F (1)
3. Part 3—Division 3A, 302 (D), 302 (F)

The above proposed amendments provide that organisations registered under the *Australian Charities and Not-for-Profits Commission Act 2012*, that engage in public advocacy particularly advocacy with members of the Australian Government with expenditure over \$100,000 in the previous 3 years, are required to:

- register as a political campaigner;
- nominate a financial controller, who will become liable for the organisations financial disclosures in relation to donors, and disclosure of senior staff’s political affiliations;
- appoint a financial controller who maintains a record to show whether donations of more than \$250 were from ‘allowable donors’ or ‘non-allowable donors’; and
- eliminate use of donations exceeding \$250 from ‘non-allowable’ donors for political expenditure (i.e. public advocacy).

Good Shepherd Australia New Zealand response

GSANZ’s work is undertaken in a non-partisan manner. The requirement to register as a political campaigner discounts the non-partisan nature of non-government and/or civil society organisations’ advocacy.

GSANZ is concerned about the implications of the proposed changes, particularly on the health of our democracy. We echo comments from St Vincent de Paul that the extension of these provisions onto charity and/or civil society organisations, ‘*erodes systems of accountability and undermines informed public debate...*’¹ Addressing social injustices requires both the provision of direct services and advocating for improved systems to alleviate the root causes of many of our community’s challenges. Failure to engage in these activities in parallel results in ongoing cycles of disadvantage and the inefficient and ineffective use of public and private resources.

While the Explanatory Memorandum to the Bill asserts that the human rights implications as outlined in the International Covenant on Civil and Political Rights (ICCPR) have been accounted for,² GSANZ disagrees. As conceived, the Bill will restrict rights under *Article 19: The right to freedom of opinion and expression*. As an organisation whose mission is to disrupt the intergenerational cycle of disadvantage for women and girls, we challenge the systems that entrench poverty, disadvantage and gender equality through public commentary and analysis. A key tool to achieve this is, systemic and public advocacy, directly and freely with members of government. It also involves public submission writing, offering a media opinion or making policy recommendations on a website, all of which would be restricted under the Bill’s definition of ‘public expression’. Members of government often only know about the experiences of marginalised Australians when charity and/or civil society organisations are afforded the opportunity to share such experiences.

The proposed changes will inevitably limit our capacity to engage in these activities, ultimately restricting our ability to elevate the voices of women and girls impacted by structural disadvantage and gender inequality in order to effect change. The changes would also create unnecessary and costly administrative requirements that will result in a diversion of resources away from frontline services and advocacy.

GSANZ believes that the Bill conflates advocacy activities of independent, non-partisan civil society groups and electioneering of political parties.

GSANZ joins with *Hands Off Our Charities*, a coalition of not-for-profit organisations, in strongly opposing the application of this Bill to our operations and those of other not-for-profit organisations. We further endorse the submission made to the Committee by the Australia Council of Social Services, of which GSANZ is a member.

The High Court upheld the right of charities to advocate and campaign on issues of public concern in the *Aid/Watch Case*³, finding advocacy activities to be essential to Australia's constitutional system of parliamentary democracy. Accordingly, GSANZ maintains that any new regulations must be consistent with existing charities law and legal precedent.

GSANZ cannot support the Bill in its current form. The Bill would ban foreign donations to charities undertaking advocacy, and also imposes new and burdensome reporting requirements as part of the introduction of the 'Third Party Campaigner' and 'Political Campaigner' categories. Because of the way the Bill is drafted, it would be very difficult to exempt charities from these requirements. Whilst we support the need for a transparent and effective framework for regulating third parties in the electoral process, **we believe that the Bill should not be progressed in its current form.** Instead, further consultation should be undertaken with charities, and a detailed regulatory impact statement should be completed. The full impact and compliance costs of any changes should be properly assessed and considered; and charities/not-for-profit organisations should be excluded from any amendments which should not apply to them.

Of particular interest to GSANZ is a democratic system that ensures Australia is a place where women and girls enjoy the full freedom of their human rights. **Without a complete re-consideration of the Bill, perspectives of Australians on the margins will be silenced, and this important cornerstone of a robust and civil society will be diminished.**

We appreciate your consideration of our comments. For questions and enquiries, please contact:

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Yours Sincerely



Natalie Savin
Acting Chief Executive Officer

¹ St Vincent de Paul Society (2017), Fact Sheets and Policy Briefings, Electoral Funding and Disclosure Reform Bill, Accessed at:
https://www.vinnies.org.au/page/Publications/National/Factsheets_and_policy_briefings/Electoral_Funding_and_Disclosure_Reform_Bill/.

² The Parliament of the Commonwealth of Australia (2017-2018), Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill, 2017, Explanatory Memorandum, p. 5 Accessed at:
https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=s1117 .

³ AID/WATCH Incorporated v Commissioner of Taxation [2010] HCA 42 (High Court of Australia, 1 December 2010).