

Submission to the Joint Standing Committee on Electoral Matters:

**Inquiry into the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017**

*25 January 2018*

The Western Australian Council of Social Service Inc. (WACOSS) welcomes the opportunity to comment on the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017.

WACOSS is the peak body of community service organisations and individuals in Western Australia. WACOSS stands for an inclusive, just and equitable society. We advocate for social change to improve the wellbeing of West Australians and to strengthen the community service sector that supports them. WACOSS is part of a national network consisting of ACOSS and the State and Territory Councils of Social Service, who assist low income and disadvantaged people Australia wide.

**Redefining advocacy**

WACOSS is deeply concerned that the Bill will have a profoundly negative impact on the vital advocacy work undertaken by charities and the not-for-profit sector.

Raising awareness of the complex and difficult situations experienced by the community, including many who do not have an avenue to highlight those experiences themselves, is an essential component of the work that is done by not-for-profit organisations in the community services sector.

This work has enabled action be taken to address both causes and consequences of disadvantage, including efforts to tackle family and domestic violence, alcohol and other drug use, mental ill-health, and to close the gap for Aboriginal health outcomes.

Though this work is non-partisan, the definition of political purpose proposed in the Bill, whereby it is defined as “the public expression by any means of views on an issue that is, or is likely to be, before electors in an election (whether or not a writ has been issued for the election),” would easily capture this crucial activity. In fact, that definition is so broad, that the public expression of any view on a social or economic issue would fall under it.

With all expenditure for ‘political purpose’ classed as ‘political expenditure’, any charity or not-for-profit engaged in any substantial advocacy will likely find itself required to be registered as a ‘political campaigner’ or ‘third party campaigner’ under ss287F and 287G.

This is despite the fact that Division 3 s 11(b) of the *Charities Act 2013* already prevents registered charities from “promoting or opposing a political party or a candidate for political office,” effectively requiring them to take a non-partisan approach to advocacy.

With their non-partisan nature therefore already established in legislation, the extra regulation and requirements imposed on charities by the Bill, including the requirement to nominate a 'financial controller', does little other than make it significantly more onerous for charities to engage in advocacy work.

### **International funding**

These proposed requirements are even more burdensome for registered charities receiving donations from international sources. Any funding obtained from an international donor is explicitly not allowed to be received or used for political purposes, with a separate bank account having to be established in order to receive donations from international sources.

This is a significant imposition on any organisation who would otherwise benefit from international philanthropy.

The penalties proposed for the contravening of these requirements, which could include 10 years' imprisonment, creates a further strong disincentive for charities to engage in advocacy for fear that they could be found in breach.

With the non-partisan nature of these charities clearly established already, as mentioned previously, there can be no possibility that this funding will be used to promote or oppose any political party or candidate, thus not putting at risk the integrity and fairness of Australia's electoral system.

Instead, this Bill will simply silence charities and not-for-profit organisations that would otherwise raise concerns or provide information regarding hardship and disadvantage being experienced by those in the community in public spaces – be it through media, campaigns, submissions or letter-writing. This is not an acceptable outcome in any kind of fair and just society.

If you would like to discuss this submission further, please feel free to contact the WACOSS Research and Policy Development Leader Chris Twomey at [chris@wacoss.org.au](mailto:chris@wacoss.org.au) or 9420 7222.

Yours sincerely,



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