



A•S•U
Australian Services Union

ASU Submission

Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017

Joint Standing Committee on Electoral Matters

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1. The ASU

The Australian Services Union (ASU) is one of Australia's largest unions representing approximately 135,000 members across a diverse range of industries. We are the union for non-government community and disability sector workers. These members work hard every day supporting people experiencing or at risk of experiencing crisis, disadvantage, social dislocation or marginalisation.

ASU community sector members work in services like: youth and family services; homelessness services, including youth refuges and women's refuges; domestic violence support services; disability services; community mental health services; community legal centres; employment services; Aboriginal services; community or neighbourhood centres; home and community care services; disability services; child protection and migrant and settlement services. ASU community sector members also work in aid and/or advocacy organisations such as foreign aid organisations and environmental NGOs.

2. The inquiry

The ASU welcomes the opportunity to contribute to the Joint Standing Committee's inquiry into the *Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017 (the Bill)*.

The ASU supports the submission of the ACTU in relation to the Bill. Accordingly, we do not propose to traverse all of the matters that arise in the Bill, and instead intend to limit our submission to the effect that this Bill would have on not-for-profit community organisations that our members work in.

3. The impact of this Bill on advocacy by not-for-profit organisations

The Bill casts the definition of "political purpose" very widely, such that "political expenditure" will include any expenditure that is incurred for "the public expression by any means of views on an issue that is, or is likely to be, before electors in an election".

This definition likely captures the legitimate and important work undertaken by community services and aid and advocacy organisations advocating in relation to their particular fields of expertise, including, for example:

- An organisation that provides direct service provision to people experiencing homelessness advocating for particular homelessness policies;
- A domestic violence support service advocating in relation to government approaches to reducing domestic violence;
- An environmental organisation advocating for particular environmental regulations or policies; and
- A foreign aid organisation advocating in relation to global poverty issues or Australia's foreign aid budget.

The impact of this Bill on these activities is twofold:

1. The Bill places a perverse incentive on community services to refrain from engaging in any public commentary or discussion of issues or policies that affect their clients and their communities. The extensive administrative burden that will be placed on already under-resourced and under-funded community organisations who engage in advocacy (regardless of their funding sources) will act as a significant deterrent for engaging in advocacy activities and represents an effective gag on advocacy; and
2. The banning of engaging in advocacy using international funding is a direct and unacceptable gag on advocacy.

We oppose the gagging of community services. Advocacy is at the heart of what non-government community services do. This is why the community sector has traditionally been funded to do the vital

work it does – so that services independent of Government can speak out about broader social problems facing their clients and put solutions on the table to support vulnerable Australians. Service providers should be recognised and championed for the systemic advocacy they do on behalf of their communities and the people they support. Engaging in this work should not result in a community organisation being required to undertake extensive administrative work.

Moreover, community services are already under significant resource strains following government funding cuts and freezes over many years. Adding further and extensive administrative burdens on them will divert resources from the substantive work of service delivery.

We also oppose the ban on organisations undertaking advocacy with international funding. There are many legitimate sources of funds that environmental charities, advocacy organisations and foreign aid organisations rely on that would be banned by this Bill. Many Australian based organisations are in fact branches of global organisations, advocating in relation to global problems like poverty, climate change, the protection of children, and war and global conflict. The work these organisations do is critical to a civil society and thriving democracy. The very nature of these organisations means that some of their funding is derived from international sources. Organisations would be banned from supporting their advocacy with these funds (even outside of election periods). These organisations ordinarily have a particular focus that is quite separate from Australian party-politics or electoral-politics, instead raising systemic issues of interest to Australians as global citizens. Limiting this important advocacy and aid work would have the perverse effect of weakening our democracy, rather than strengthening it.

We are also gravely concerned by the very harsh penalties (including imprisonment) that can be applied to organisations and individuals under the Bill, even where the non-compliance is unintended.

Further – this policy approach will cause job losses. If organisations are either encouraged or forced to abandon their advocacy work the significant number of advocacy jobs that currently exist will no longer be needed and the employees who perform that work will become unemployed.

Community services are at the frontline of many social problems. Their voices are the ones we need to hear in order to understand how government policies are affecting people in our communities. Generating public debate on issues of local and global significance is of benefit to our community and enhances our democracy. Any attempt to limit advocacy by community services, advocacy organisations and aid organisations should be rejected.

4. Our recommendations

On the basis of the concerns we have outlined above, we make the following recommendations:

1. The Bill should be rejected in its current form.
2. Community organisations and their employees should not be subject to the restrictions and administrative requirements in relation to donations that are proposed in the Bill.
3. The creation of new registries for “political campaigner” and “third party campaigner” organisations should be opposed.
4. Community organisations should not be banned from receiving international funding and donations.