

Committee Secretary
Joint Standing Committee on Electoral Matters
PO Box 6021
Parliament House
Canberra ACT 2600
By email: em@aph.gov.au

27 September 2018

Dear Committee Secretary:

Submission to the Inquiry into the proposed amendments to the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017

The National Association of Community Legal Centres (NACLC) provides this submission in relation to the current Inquiry being conducted by the Joint Standing Committee on Electoral Matters into the proposed amendments to the *Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017*.

NACLC is the national peak body for the community legal sector. Our members are the eight State and Territory Community Legal Centre Associations of community legal centres that represent around 200 centres in various metropolitan, regional, rural and remote locations across Australia. NACLC is a registered charity and undertakes a wide range of activities in support of the community legal sector, including policy and advocacy work in relation to access to justice-related issues.

Community legal centres are independent, not for profit community based organisations. They provide free legal help – including information, referral, legal education, advice, casework and representation services – to hundreds of thousands of people across Australia every year, at times when they most need it.

We welcome the amendments to the Bill which we consider significantly improve the Bill and are in a range of ways consistent with the submission we made in relation to the Bill as initially drafted earlier this year.¹ However, we remain concerned about a number of elements of the Bill.

We draw the Committee's attention to the submission made by the Hands off our Charities (HOOC) coalition which we broadly support and which outlines some of these concerns. NACLC is one of the organisations that has endorsed the 'Red Line Principles' referred to in that submission.

We endorse the HOOC submission, but build upon one of the recommendations with respect to the definition of 'Electoral Expenditure' in particular. The HOOC submission recommends that in order for the amendments to pass and meet the red line principles, guidance for charities should be provided via Section 4AA(4) by including an additional point that clarifies that a matter is not an 'Electoral Matter' if it: "Is by an organisation in pursuit of a purpose that is charitable (as defined by the *Charities Act 2013*)".

¹ See: <http://www.naclc.org.au/resources/180206%20SubmissionElectoralFundingBillFinal.pdf>

While if implemented this recommendation would address some of our concerns related to ensuring issues-based advocacy is not misconstrued as electoral expenditure, it is linked to status as a charity. While some CLCs are registered charities, not all are charities (though they are all not-for-profit organisations).

As a result, we recommend further consideration be given to ways to ensure that the definition of 'electoral matter' does not inadvertently capture vital issues based advocacy undertaken by our sector by CLCs that are NFP and/or charities. For example, we draw the Committee's attention to the submission made by ACOSS which suggests that the definition of 'Electoral Matter' be amended to clarify that non-partisan material produced by third parties (ie that does not support or oppose a candidate for election) is not an 'Electoral Matter'.

We thank the Committee for the opportunity to provide information in relation to this Bill. Please contact me at amanda.alford@naclc.org.au or 0421 028 745 should you require any further information.

Kind regards

Amanda Alford
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National Association of Community Legal Centres