



Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017
Joint Standing Committee on Electoral Matters
January 2018

Volunteering Australia Contacts

Ms Adrienne Picone, Chief Executive Officer
ceo@volunteeringaustralia.org (02) 6251 4060

Ms Lavanya Kala, Policy Manager
lavanya@volunteeringaustralia.org (02) 6251 4060

VOLUNTEERING *and* CONTACT ACT  the centre for
volunteering



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

About Volunteering Australia

Volunteering Australia is the national peak body for volunteering. We work to advance volunteering in the Australian community.

Volunteering Australia's vision is to promote strong, connected communities through volunteering. Our mission is to lead, strengthen, promote and celebrate volunteering in Australia.

We work collectively with the seven State and Territory volunteering peak bodies to deliver national, state/territory and local volunteering programs and initiatives in accordance with the Government's priorities.

Introduction

Volunteering Australia welcomes the opportunity to provide a submission to the Joint Standing Committee on Electoral Matters on the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017.

Volunteering is at the centre of Australia's national identity, with 5.8 million Australians or 31 per cent of the population engaging in volunteering, making an estimated annual economic and social contribution of \$290 billion.ⁱⁱⁱ

From the arts, education, emergency services, sports, environment, health, aged care, disability, and community welfare; volunteering has woven itself into the fabric of everyday life, and Australian society is increasingly dependent on volunteering activities and programs.

Volunteering is also critical to the delivery of the Australian Government's priorities of building strong and resilient communities, by encouraging economic participation, mitigating isolation and loneliness, and increasing social inclusion, community resilience, participation and social cohesion.

The volunteering sector has experienced a number of changes over the past decade, with the responsibility previously falling within the purview of the Department of Prime Minister and Cabinet, however, more recently being located in the Department of Social Services. The shift in the prioritisation in volunteering, as well as the changes in funding structures have deeply impacted the sector and resulted in an unpredictable period for the sector, and the need for advocacy activities to ensure the long-term sustainability and viability of this critical sector to the Australian community.

Volunteering Australia emphasises that civil society faces a perilous period with the attacks on issues-based advocacy. The ability of charities to tackle injustice and social, economic and environmental inequalities is crucial in keeping Governments to account and to maintaining our democracy. The amendments proposed in this Bill will have significant impact on the ability of charities to advocate effectively for their constituents, grouping the nonpartisan activities of charities with partisan political activities.

In this submission Volunteering Australia outline the impact the Bill will have on the volunteering sector and the reason why it is necessary for charities to have the ability to advocate on behalf of their constituents.

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

Volunteering Australia Response

Volunteering Australia have identified many issues with this Bill, with the proposed amendments placing an excessive burden on charities by attempting to silence those who work with some of our most vulnerable communities.

Political expenditure is defined very broadly under the Bill and includes “The public expression of any 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).”ⁱⁱⁱ The proposed amendments deem that a “person or entity register as a political campaigner if their political expenditure during the current, or in any of the previous three, financial years was \$100,000 or more”.^{iv} Further, under the proposed amended legislation, all charities will need to keep records of any donations of \$250 or more and must articulate whether they are “allowable donors”^{*} or “non-allowable donors”. This will add an additional regulatory burden for many organisations, increasing administrative costs and red tape for many charities.

For many charities, most donations will be from “allowable donors”. However, some may come from “non-allowable donors”. If this is the case, charities will need to register as a “political campaigner”. Charities would also be required to obtain a statutory declaration from donors who give more than \$250 – something generally reserved for legal procedures. If charities are in breach of the legislation, they could face a fine of over \$50,000.^v

The potential effect of this legislation is detrimental and has the propensity to force many charities to divert resources away from frontline services, advocacy, and volunteers, and could dissuade many organisations from advocating on behalf of their organisations for fear of falling foul of the legislation.

The Bill also doesn’t clearly articulate whether participating in lobbying, parliamentary inquiries, writing submissions, or engaging in a non-partisan advocacy campaigns on a particular issue would constitute as political advocacy, and therefore would require a charity or not-for-profit to register as a political campaigner.

Advocacy is fundamental to our role as the national peak body for volunteering in Australia. Influencing public policy and highlighting its impact on Australia’s (almost) 6 million active formal and informal volunteers, and the organisations to which they offer their time.

Our mandate calls for the encouragement and facilitation of public interest and participation in volunteering. All of Volunteering Australia’s work is representative of the views of the volunteer movement, by ensuring advocacy for volunteer rights, and support for innovative, meaningful and best practice volunteer management. However, Volunteering Australia cannot do this without regular consultation, collaboration and advocacy activities on behalf of the sector.

The proposed amendments in the Bill will have a significant impact on the ability of Volunteering Australia to effectively advocate for our constituents, as well as for many other charities and not-for-profits to advocate on nonpartisan activities.

Public policy plays a vital role in creating and supporting volunteering initiatives. Volunteering can also be adversely affected by public policy that is indifferent to the concerns of volunteers and Volunteer Involving Organisations.

For example, while nationally there continues to be a growing demand for volunteers, there has been a decrease in formal volunteer participation across the country. As a sector, this presents a growing challenge

* An “allowable donor” in this context constitutes an Australian citizen or Permanent Resident (unless otherwise determined by the Minister).

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

for many organisations, requiring an increase in the advocacy activities. Hence, Volunteering Australia is active in a number of policy and advocacy initiatives, including contributing to submissions and reports, speaking at inquiries, lobbying and actively campaigning for the sector.

Supporting and ensuring safe and effective volunteering requires considerable leadership. Critical to our role in supporting volunteers, Volunteer Involving Organisations and Volunteering Support Services, is the ability to effectively communicate, consult and collaborate with the wider volunteering sector. The sector is also experiencing many challenges including funding uncertainty due to short-term funding and competitive grant programs, that puts significant strain on the sector. In addition, many organisations are being asked to increase their operational output, with a critical lack of funding and resources. For these organisations, it is pivotal that they can advocate effectively for their position without falling foul of this legislation.

Volunteering Australia is concerned that the nature of this Bill is to inhibit the voices of many individuals and smaller organisations who, through civil society actors, would like to engage in public discourse, but may not necessarily have the resources. We are strongly opposed to the Bill and recommend that it is not passed in its current form.

Recommendations

- The Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017 is not passed in its current form given the inhibitive and restrictive effect on charities to advocate on nonpartisan political activities, and the additional regulatory burden it will place on charities.

Conclusion

Volunteering Australia thanks the Joint Standing Committee on Electoral Matters for the opportunity to provide a response on this Bill.

Volunteering Australia's advocacy activities are critical to growing a culture of giving in Australia. We are gravely concerned about this Bill's proclivity to restrict our policy and advocacy activities, which is so crucial for the long-term viability of the volunteering sector.

Volunteering Australia would welcome further opportunity to consult or expand on any of our recommendations raised in this submission.

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

Authorisation

This submission has been authorised by the Chief Executive Officer of Volunteering Australia.



Ms Adrienne Picone

Chief Executive Officer

Endorsements

This submission has been endorsed by the seven State and Territory volunteering peak bodies.

Glossary

- VA** Volunteering Australia is the national peak body for volunteering in Australia. It works collectively with the peaks to deliver national, state and local volunteering programs and initiatives.
- VIO** Volunteer Involving Organisations are organisations that engage volunteers as part of their workforce.
- VSS** Volunteering Support Services (also known as Volunteer Resource Centres or Volunteer Support Organisations) provide place-based volunteer support services to volunteers and VIOs in their locality.

ⁱ Flinders University (31 October 2014) 'Volunteering worth \$290 billion a year', <https://indaily.com.au/news/2014/10/31/volunteering-worth-290-billion-year/>.

ⁱⁱ Australian Bureau of Statistics (2015) 'General Social Survey: Summary Results, Australia, 2014', available online at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4159.0>.

ⁱⁱⁱ Explanatory Memorandum.

^{iv} Explanatory Memorandum.

^v Explanatory Memorandum.