

Committee Secretariat
Joint Standing Committee on Electoral Matters
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Parliament House
Canberra ACT 2600
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25 September 2018

Dear Committee members,

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

In 2011 we established a Private Ancillary Fund, the Madden Sainsbury Foundation, to participate in environmental philanthropy. Since then the Foundation has been an active supporter of a range of charities working through a variety of mechanisms to promote and protect the health of Australian land and marine environments and ecosystems. We are not experts in electoral legislation but we have been very concerned about the negative implications of the proposed Electoral Legislation Amendment Bill (and other recent proposed legislation) for both our own Foundation and the environmental organisations we support. Consequently we have supported calls for the legislation to be reconsidered.

Thank you for the opportunity to provide feedback on the amended bill. We are delighted that the Government has taken on board many of the concerns raised by not only environmental organisations but the whole charitable sector in the recrafting of the original bill. We are pleased that the vast majority of JSCEM recommendations have been adopted, resulting in, what we believe to be, a significantly improved bill.

We note that the amended bill has replaced the definition of 'political expenditure' with 'electoral expenditure', which is more narrowly defined and attempts to target activities which are electoral in nature. We believe that this provides greater clarity for philanthropic funders such as ourselves, thereby enabling us to support important advocacy activities with less concern that our funding approach could trigger the electoral laws.

Outside our Foundation, we are both active in organisations with a strong interest in the environment, some of which have previously produced summaries or checklists of the major parties' environmental policies in the lead up to elections. These have been based on the parties' own publicly available publications and websites and sometimes parties' responses to specific questions. The summaries or checklists have not made any recommendations regarding actual voting behaviour. We believe that such summaries help voters to understand the policies of each party and help them to decide for themselves how they wish to vote. We are unsure whether under the new definition the development of election policy assessments such as we have described by charities would be regarded as electoral expenditure, when the materials do not explicitly promote a particular candidate or party. We ask that this be clarified in the legislation and recommend that such checklists not be considered as 'electoral expenditure'.

Another concern for us regarding the original bill was the conflation of international philanthropic donations to Australian charities with the donations of foreign business or government interests to Australian politicians and political parties. We were very concerned about the potential for Australian environmental organisations, including ones we support, to lose an important source of funding. We believe that the amended bill's prohibition of third parties from financing electoral activities with foreign funding but not preventing a charity from using international philanthropy for all other issue-based policy advocacy activities is a significant improvement.

We understand that the Hands Off Our Charities alliance is analysing the bill with considerably greater expertise than us and we encourage the Committee to take note of their broader and more expert feedback.

We would appreciate your confirmation of receipt of our submission if possible.

Yours sincerely,

Peter and Lynne Sainsbury
Founders and Trustees, Madden Sainsbury Foundation