

Submission Relating to the Joint Standing Committee on Electoral Matters Regarding the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017

Submitted by: Janet Scott, Lawyer in private practice in New South Wales, on her own behalf.

Summary:

It is my submission that the Committee must reject this Bill which seeks to single out and regulate entities such charities, religious and activist groups exercising their rights to free speech and association, with punitive penalties for non-compliance, in a manner that is contrary to the democratic system of representative government in Australia.

Reasoning:

1. Australians have exercised their democratic right to express their opinions on issues of public interest in forms varying from giving speeches in the Domain to making submissions to enquiries since Federation.
2. The current Bill targets and aims to bring within its ambit groups that are troublesome to the current government and seeks to restrict their activities by unwarranted regulation and punitive measures.
3. The classification of a group as an 'associated entity' relies on a subjective assessment which is open to manipulation by the government of the time.
4. The Bill conflates mere coincidence of viewpoint between a group and a political party with association with that political party.
5. The Bill seeks to muzzle opposition to a political party by imposing its regulatory framework and punitive measures on groups whose views are to the detriment to that political party.
6. The net effect of those regulations and punitive measures is to restrict free speech and impinge of the right of association between likeminded individuals.
7. The compliance costs of the regulatory framework would impact on the cashflow of small and not for profit groups to an unmerited extent.
8. The potential penalties imposed are disproportionate and designed to place small and not for profit groups in positions of insolvency causing them to disband.

Recommendation:

That the Bill is unable to be amended or redrafted in a manner consistent with Australian democracy and, as such, should be rejected in its entirety.