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Economics and Governance Committee Parliament House  
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## **Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019**

The Social Responsibilities Committee  
Anglican Church Southern Queensland (Diocese of Brisbane)



13th January 2020

Dear Members,

This submission is made on behalf of the Social Responsibilities Committee (SRC) of the Anglican Church Southern Queensland (Diocese of Brisbane) (ACSQ). I am the chair of the Committee.

We are grateful to the members of the Economics and Governance Committee (Committee) for the opportunity to comment on the Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019 (The Bill). We also appreciate the gift of the extra time you gave us to prepare this submission.

In doing so, we do note the problematic nature of the inquiry process. The Bill contains significant changes that deserve thorough consideration. It is our view that holding the enquiry and requiring submissions to be prepared during what in Australia is a holiday time has made this difficult and inadequate. Our submission is therefore, of necessity, brief and touches only lightly on some of the issues this Bill raises. We would appreciate the opportunity to explore the issue more fully.

### **We recommend that the Committee extends the period for comment.**

We have long held concerns over the way the electoral process can be manipulated. This concern is not limited to, but includes, the way people, businesses and organisations with significant amounts of money at their disposal can unduly influence and even corrupt the process.

We therefore applaud the stated intention of this Bill, which is to make elections fairer. However, we believe that, rather than limiting the influence of those who can spend lots of money during election campaigns, the effect of the Bill will be to disrupt the soft and transparent advocacy efforts of churches, small community groups and charities.

We refer to this type of advocacy as soft because it is community-focused, transparent and seeks to enable people to better participate in the democratic process. We believe that such a disruption would reduce the quality of democratic participation and therefore make elections less fair.

The worldwide Anglican Church defines its purpose through The Five Marks of Mission (5 Marks):

*The mission of the Church is the mission of Christ*

1. *To proclaim the Good News of the Kingdom*
2. *To teach, baptise and nurture new believers*
3. *To respond to human need by loving service*
4. *To transform unjust structures of society, to challenge violence of every kind and pursue peace and reconciliation*
5. *To strive to safeguard the integrity of creation, and sustain and renew the life of the earth*

Together these 5 Marks are aimed at creating a better world through ensuring that we have a sustainable planet, a just distribution of resources, bringing an end to violence and exploitation and through the development of a world in which people can flourish.

The achievement of these aims requires that the members of the ACSQ be active participants in social and political discourse. We do this as concerned citizens seeking to enhance the quality of community participation in the democratic process, while not seeking to manipulate the process to further partisan interests. The ACSQ does not endorse any political parties but encourages its membership to assess the policies of all parties through the lens of the 5 Marks, and invites them to advocate for all political parties to adopt policies that honour the 5 Marks.

In order to create the world the Five Marks envisage, we have been involved in advocating for a more humane treatment of refugees and asylum seekers, better regulation of poker machines to reduce the effects of problem gambling, the recognition of Aboriginal and Torres Strait Islander peoples in the Constitution of the Commonwealth, the need to address Climate Change while providing support for communities affected and a just transition for affected workers, and the adoption of evidence-based policies for dealing with juvenile offenders.

The Synod (parliament) of ACSQ often discusses these issues in a non-partisan way and parish-based groups and schools deal with them in ways that are intended to explore the complexities of these issues and encourage debate and participation.

The Bill applies a broad definition of electoral expenditure, encompassing expenditure on public communications for the dominant purpose of directly or indirectly influencing voting at an election, including where there is no promotion or opposition of a particular political party or candidate. Such a broad definition might capture the regular expenditure of ACSQ used towards participation in public policy debate, research, and public communications on contested policy questions in the lead up to an election.

It is our view that communication to members of ACSQ and the general public on issues of concern in non-partisan ways should not be considered electoral expenditure. For example the ACSQ produces an online news publication called *Focus* through which we encourage participation and debate and the SRC regularly provides information through websites, emails about issues, gatherings and meetings that seek to address and explore social and ecological issues of concern in non-partisan ways.

**We recommend that such communications be exempted from the definition of electoral expenditure.**

All of the above is done without seeking to exert influence on political parties through the use of donations. The ACSQ does not make donations to political parties either directly or indirectly. In fact, as the ACSQ is required to be registered with the Australian Charities and Not-for-profits Commission (ACNC) we are also prevented by law from exerting influence in that way.

The ACNC through the *Charities Act 2013 (CA)*, requires the ACSQ to work in the public interest, and prevents the ACSQ from promoting or opposing political parties. That is, ACSQ is prevented by law from engaging in partisan work or acting as a conduit for political donations. To that end, if someone came to believe that ACSQ through its advocacy was in breach of the requirements of CA, they could complain to the ACNC which is empowered and resourced to investigate. If ACSQ was found by the ACNC to be in breach, ACSQ could be deregistered.

As we see it, the CA provides sufficient safeguards to ensure that ACSQ and other churches do not exert undue influence over the election process. **We therefore recommend that Churches and charities registered with ACNC be exempted from the requirements of the Bill.**

Should the Committee conclude that Churches and charities registered with the ACNC be included in the scope of the Bill, **we recommend that the Committee advocates for the insertion of the following subsection to proposed Section 199 of the Bill, which defines electoral expenditure:**

*(6) Expenditure incurred by a third party registered under the Australian Charities and Not-for-profits Commission Act 2012 or with an annual income of less than \$50,000, is only electoral expenditure if material that is published, aired or otherwise disseminated refers to—*

*(d) a candidate or a political party; and*

*(e) how a person should vote at an election.*

Further, **we recommend that the Committee advocates the Bill be amended (section 263) to state clearly that donations that are not used for electoral expenditure are not required to be disclosed to the Queensland Electoral Commission.** This is because the Bill limits philanthropic donations that can be used for public interest advocacy work that meets the definition of political expenditure to \$4,000 per donor, over a four year period. However, donations that are not related to or used for electoral expenditure are not excluded from disclosure requirements. Given that the majority of income for Churches and charities is from donations, it will be difficult to track and comply with the reporting requirements. Further, the broad nature of the definition of electoral expenditure and the ambiguity

regarding how that will be interpreted creates significant risks that Churches and charities, together with their donors, will either mistakenly not comply, or will have to place significant constraints on community and advocacy work undertaken, especially in an election year.

Given the protection already afforded by the requirements of ACNC registration, we feel that the above amendments would be sufficient to ensure that the intention of the Bill is realised, while protecting the ability of churches and charities to pursue the type of social issues advocacy that builds community but does not affect or lead to unfair election outcomes without the need for burdensome administrative requirements that the Bill would otherwise impose on organisations like the ACSQ.

**Recommendations:**

The SRC recommends that:

1. The Committee extend the period of the Inquiry to allow greater participation in the process and a thorough exploration of the effects of The Bill.
2. Churches and charities registered with ACNC be exempted from the requirements of the Bill.
3. If Churches and charities registered with ACNC are not exempted from the requirements of the Bill, that expenditure by Churches and charities on non-partisan communications and publications which are intended to increase public awareness and participation be exempted.
4. If Churches and charities registered with ACNC are not exempted from the requirements of the Bill, that the following be inserted to Section 199 of the Bill:
  - (6) *Expenditure incurred by a third party registered under the Australian Charities and Not-for-profits Commission Act 2012 or with an annual income of less than \$50,000, is only electoral expenditure if material that is published, aired or otherwise disseminated refers to—*
    - (d) *a candidate or a political party; and*
    - (e) *how a person should vote at an election.*
5. If Churches and charities registered with ACNC are not exempted from the requirements of the Bill, that the Bill be amended (section 263) to state clearly that donations that are not used for electoral expenditure are not required to be disclosed to the Queensland Electoral Commission.

Members of the SRC are willing to appear before the Committee to further explore the issues raised by the significant Bill.

Kind regards,



The Very Rev'd Dr Peter Catt  
Dean of Brisbane,  
Chair, Diocesan Social Responsibilities Committee