

Tuesday, 10 April 2018

## Recommendations to electoral funding bill a vast improvement, although still more issues to consider

The Law Council today commended the bipartisan [committee recommendations](#) to improve the Government's electoral funding and disclosure reform bill, noting that a number of the recommendations address concerns raised by the peak legal body.

However, the Law Council added that there were still further issues to consider including; clarification of the definition of 'political expenditure' and addressing the possibility of having overlapping 'Transparency Registers' under two different schemes.

President of the Law Council of Australia, Morry Bailes, said he was particularly supportive of recommendations that [align with Law Council concerns](#), such as:

- Activities within charitable purposes, as permitted by the *Charities Act 2013* (Cth) and regulated by the Australian Charities and Not-for-profits Commission, should not be included in the proposed electoral funding, disclosure and transparency reforms; and
- The definition of 'political purpose' should reflect the purpose of the activity (rather than the activity) so as to exclude charities carrying out their charitable purposes.

"We believe it is appropriate for the Australian Parliament to protect the electoral process from malevolent foreign influence, but we must not restrict legitimate advocacy by Australian charities for well-defined charitable purposes," Mr Bailes said.

"While the Committee did not go so far as to recommend a blanket exemption for registered charities, the report does contain a range of recommendations aimed at ensuring that the regulatory and compliance burden on the charitable sector is minimised.

"Increasing the regulatory burden on the charitable sector takes away from the time and funds they have to pursue their stated purposes," Mr Bailes said.

Mr Bailes did however note that there were matters that needed to be considered further.

"A key issue is that 'political expenditure' has still not been defined and so it remains to be seen the extent to which charities and NGOs will be captured.

"A further matter is the recommendation to create of a 'Transparency Register' and the lack of clarification on how this register will operate in conjunction with the proposed Foreign Influence Transparency Scheme Bill 2018 (FITS Bill).

"Having overlapping registers under two different schemes has the potential to unnecessarily increase the regulatory burden of those affected.

"The Law Council is willing to engage with Parliament to ensure an appropriate definition of political expenditure is reached and that there is a harmonisation of any registers created under this Bill and the FITS Bill," Mr Bailes said.

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