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The Hon. Michael Kirby AC CMG

12 February 2021

Committee Secretary  
Joint Standing Committee on Electoral Matters  
PO Box 6021  
Parliament House  
Canberra ACT 260

By email: [em@aph.gov.au](mailto:em@aph.gov.au)

Dear Committee members

***Review of the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Act 2018 (Cth)***

Thank you for the opportunity to comment on the review of the above Act (**the Act**). We note that we provided a detailed submission, in conjunction with other Australian councils for civil liberties, in relation to the Bill in 2018. A copy of that submission is enclosed.

This submission will primarily consider paragraph (d) of the Committee's terms of reference, being any impacts from the amendments that are relevant to issue-based advocacy.

**About Liberty Victoria**

Liberty Victoria is a civil liberties organisation in Australia that has worked to defend and extend human rights and freedoms in Victoria since 1936. For more than eighty years we have advocated for civil liberties and human rights. These are spelled out in the United Nations international human rights treaties, agreed to by Australia. We speak out when such rights and freedoms are threatened by governments or other organisations.

## **Addressing foreign interference**

The integrity of the electoral system is fundamental to the health of Australia's democracy, and addressing potential harm to Australia's national interests that could arise from increased foreign interference in Australian elections.

## **Protecting the right of charities and non-government advocacy bodies to contribute to political debate**

However, as stated in our 2018 submission, the 2018 reforms appear to be part of the Government's long-term attempts to deter major charities from public – and inextricably political – advocacy. The right to freedom of expression is fundamental to a liberal democratic society and charities and non-government advocacy bodies play a vital role in advocating for groups of people who traditionally have little power and limited voices in the halls of power.

The ability of charity groups and non-government advocacy bodies to freely speak on political issues is therefore a key component of a healthy democracy. Impinging upon the capacity of such groups to participate in political debate may also be an infringement upon the implied freedom of political communication.

To be consistent with democratic and human rights principles, the Act should accordingly take a nuanced approach to preventing foreign interference in elections while also preserving the right of citizens – including those grouped under charities – to engage in political discourse and criticise the Government.

We note that the Committee's report on the 2019 election (**2019 election report**) recommended that the threshold for political campaigners be reduced from the current \$500,000 threshold to \$100,000 (recommendation 18).

It is our view that this change would act to increase the number of charities and non-government advocacy bodies who would be unjustifiably caught up in the Act. Accordingly, the Committee should not endorse the above recommendation.

## **Further matters**

While the other recommendations in 2019 election report are unlikely to be covered by the scope of the terms of reference of this inquiry, Liberty Victoria was particularly concerned to see recommendations to:

1. Abolish compulsory preferential voting (recommendation 2);
2. Stop non-party campaigners from standing within 100 metres of a polling booth entrance (recommendation 19); and
3. Introduce voter identification laws (recommendation 21).

The above matters have the potential to significantly degrade Australian democracy.

We hope that these comments will be of assistance to the Committee.

Yours faithfully

Julia Kretzenbacher  
President  
Liberty Victoria