



Science & Technology AUSTRALIA

**Inquiry into the Electoral
Legislation Amendment (Electoral
Funding and Disclosure Reform)
Bill 2017**

7 March 2018

To the Joint Standing Committee on Electoral Matters,

Thank you for the opportunity to respond to the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017.

Science & Technology Australia (STA) is a peak representative body for over 70,000+ scientists and technologists in Australia. One of our core goals is to enhance the role of evidence in the creation of public policy. We do this by providing opportunities for scientists and technologists to build relationships with policy-makers and parliamentarians.

Science & Technology Australia acknowledges the importance of strong legislation that maintains the integrity of the electoral process in Australia but has some grave concerns about the proposed Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017. The proposed amendments to the Commonwealth Electoral Act 1918 may have negative effects on organisations such as STA and on the scientists and technologists that STA represents.

STA recommends:

1. The legislation is delayed until a thorough consultation process can be undertaken;
2. The definitions of '*political purpose*' and '*political expenditure*' be amended to ensure legislative consistency and maintain academic freedom; and
3. The legislation be amended to provide an exemption for organisations that already fall under the Australian Charities and Not-for-Profit Commission.

If the bill were to go ahead in its current form STA is concerned that it will prevent researchers from advocating for evidence-informed policy based on their findings; and hamper the ability of 'for-purpose' organisations to undertake their work.

STA urges the Government to delay this legislation until a more thorough consultation process has been undertaken. Preventing researchers and organisations like STA from providing expertise or evidence to inform policy this risks the proven collaborative approach that achieves Australia's most effective and longstanding public policies.

Please find our specific feedback below: thank you for considering our submission.



Kylie Walker
CEO
Science & Technology Australia



Professor Emma Johnston
President
Science & Technology Australia

Introduction

Science & Technology Australia supports the aims of the Electoral Legislation Amendment (Electoral and Disclosure Reform) Bill 2017¹ based on the outline presented in the explanatory memorandum². The integrity of the Australian electoral system is essential in a representative and accessible democracy. STA is concerned however, that in its current form, the legislation will have consequences that do not align with the aims stated in the explanatory memorandum.

A combination of broad definitions and unnecessary additional regulation of not-for-profit and charitable organisations will have negative impacts. These will result in fewer contributions to policy formation from both community and representative organisations, and researchers whose work can, and has, greatly enhanced and informed policy.

It is STA's opinion that this legislation requires a more thorough consultation process before proceeding, in order to avoid adverse consequences. We envisage this would involve a comprehensive Issues Paper that covers the details regarding the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017, the Foreign Influence Transparency Scheme Bill 2017, and the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017, and their collective impact.

1. **Recommendation:** The legislation is delayed until a thorough consultation process can be undertaken.

Broad definitions

One concern that STA has regarding the bill is the use of broad definitions. The all-encompassing ways in which the terms '*political purpose*' and '*political expenditure*' are used are of particular concern.

'Political purpose'

As outlined in Schedule 1, Item 7 of the bill the definition of '*political purpose*' includes:

(b) the public expression by any means of views on an issue that is, or is likely to be, before electors in an election (whether or not a writ has been issued for the election);

This broad definition could silence or discourage researchers who have an obligation to ensure that research findings are considered in the development of policy where appropriate. It could also burden researchers, who will have to take additional care in the communication of their findings.

¹ [Electoral Legislation Amendment \(Electoral Funding and Disclosure Reform\) Bill 2017 – First Reading](#), Parliament of Australia 2017

² [Electoral Legislation Amendment \(Electoral Funding and Disclosure Reform\) Bill 2017 – Explanatory Memorandum](#), Parliament of Australia 2017

This vitally important work to engage the community and decision makers in the latest scientific and technological discoveries being made in Australia should not be discouraged, and STA believes this type of work never has, and never will result in threats or damage to the electoral process. It is STA's belief that sharing evidence and findings by STEM professionals in Australia, will in fact strengthen this process.

'Political expenditure'

The proposed amendment also changes the definition of '*political expenditure*' and creates inconsistencies with the current legislation (The Commonwealth Electoral Act 1918³). '*Political expenditure*' is defined as any expenditure that is incurred while undertaking a '*political purpose*'. This has been broadened to include areas such as administration, travel, and possibly research, elements that were not previously considered '*political expenditure*', and that may lead to researchers incurring '*political expenditure*' unintentionally and without knowing it.

To ensure that only true '*political expenditure*' is considered in reporting of political activities, STA recommends that the definition of '*political expenditure*' be amended to align with the previous legislation.

Example: A scientist undertaking research into the cancer-causing properties of cigarette smoke finds that cigarette smoke causes more harm to those aged under 18 than previously thought. Under the new impact and engagement requirements⁴ the scientist produced a set of new recommendations, informed by their research, to distribute to the Department of Health and to medical associations, which was followed by a television interview.

When presenting these research findings at a conference, the costs of accommodation, travel, and conference registration for the researcher and their lab group totalled several thousand dollars, and they have multiple conferences planned. Should a member of the media choose to present a story on this conference and the researcher's findings, then the expenditure becomes '*political expenditure*' under this legislation.

In this example, the scientist has done everything that would be expected of a scientist: sharing their findings and contributing to the improving health, wealth and wellbeing of the Australian community. Should this legislation be implemented, this scientist would now have to assess whether a political candidate or political party would campaign on this issue before speaking, or if their expenses could be considered '*political expenditure*'. If, for instance, a political party decided to campaign for harsher penalties for people under the age of 18 caught smoking, this scientist could face the possibility of a heavy fine and jail time if they were not registered.

This is an example of the undue burden that will be placed on researchers by this new legislation, and that is likely to prevent STEM professionals from focusing

³ [Commonwealth Electoral Act 1918](#), Australian Government 2016

⁴ [Engagement and Impact Assessment](#), Australian Research Council 2015

on impact and engagement. It will also mean if their work should lead to policy change, that they are unable to highlight this. At present, there is an exception within the legislation:

(g) the expression of views, of the communication, broadcast or research, is solely for genuine, satirical, academic or artistic purpose

However, this exception is no longer sufficient to protect the academic freedoms of this researcher if their work has highlighted a need for policy change. The narrow definitions of “solely for academic purposes” as stated in the explanatory memorandum inhibit the ability for researchers to ensure their research is impactful and engaging:

“The satire, academic and artistic exemption is narrower, requiring that the sole purpose must be those activities. In the event that there are multiple purposes, then the communication cannot be solely for genuine satirical, academic or artistic purposes.” (Chapter 1 paragraph 39).

With the impact and engagement required of STEM professionals, it is important this work is expressly exempted.

These changes will result in policy that has less scientific and evidence-based approaches to inform its creation, and stakeholders in the STEM sector will be less able to make meaningful contributions to the policymaking process. Going back to the example above, this could mean a delayed or missed opportunity to make a tangible improvement to Australia’s health, wealth or wellbeing.

2. **Recommendation:** The definitions of ‘*political purpose*’ and ‘*political expenditure*’ be amended to ensure legislative consistency and maintain academic freedom

Cost Burden & Exemptions

STA is an organisation registered with the Australian Charities and Not-for-profit Commission (ACNC). The cost burden placed on organisations such as STA will be extensive under the proposed legislation, while it is not clearly shown how these changes will achieve the goals as outlined in the explanatory memorandum. As an organisation, STA is apolitical and not partisan, and while expert opinion on policy is provided by this organisation where it benefits Australia’s health, wealth and wellbeing, it is not aimed at supporting or antagonising political parties or candidates.

Science & Technology Australia runs a number of programs that receive funding support from industry partners. One of these, the Superstars of STEM program⁵, is not political in nature but provides training to scientists to help them speak about their research in the media and engage with parliamentarians and policy-makers. Under the proposed legislation this program could fall under ‘*political purpose*’ and STA may be required to register as a political campaigner. Such

⁵ [Superstars of STEM](#), Science & Technology Australia 2018

registration can have an effect on industry support or participation by STEM professionals in this program, as there may be concerns about the perceptions around supporting an organisation linked to political campaigning.

Many of STA member organisations – some of which are charities, not-for-profits, societies and associations – are run by voluntary board members who hold decision-making positions such as Secretary or Treasurer. It is an undue burden to expect volunteers to take on the risk of the extreme penalties that are associated with failing to, or improperly registering under this new legislation.

Time managing these changes and registrations would take time and resources away from what is important – the work these charities and not-for-profits organisations are doing to make the community better.

It should also be noted that bodies registered under the Australian Charities and Not-for-Profits Commission (ACNC), are already regulated and the Commission is tasked with preventing the partisan political activities that are outlined within this aim of this legislation⁶.

This legislation would mean there are two sets of regulation governing these organisations and would increase their regulatory burden. STA suggests that an exemption within this legislation should be made to organisations registered under ACNC.

3. **Recommendation:** The legislation be amended to provide an exemption for organisations that already fall under the Australian Charities and Not-for-Profit Commission.

Conclusion & Recommendations

While Science & Technology Australia supports the aims outlined in the explanatory memorandum associated with this legislation, we have grave concerns regarding the legislation itself. There are areas of the legislation that require re-examination to prevent unintended consequences which could risk the accessibility and effectiveness of the electoral process in Australia.

STA recommends:

1. The legislation is delayed until a thorough consultation process can be undertaken;
2. The definitions of '*political purpose*' and '*political expenditure*' be amended to ensure legislative consistency and maintain academic freedom; and
3. The legislation be amended to provide an exemption for organisations that already fall under the Australian Charities and Not-for-Profit Commission.

⁶ [Australian charities and not-for-profits commission](#), Australian Government 2018