

Submission
No 30

**INQUIRY INTO PROVISIONS OF THE ELECTION
FUNDING, EXPENDITURE AND DISCLOSURES BILL
2011**

Organisation: Action on Smoking and Health Australia
Name: Ms Anne Jones OAM
Date received: 16/01/2012

To:

Upper House Select Committee
On Provisions of the Election Funding, Expenditure and Disclosures Amendment Bill 2011
Parliament House
Macquarie St
Sydney NSW 2000

Lodged online at
fundinginquiry@parliament.nsw.gov.au

From:

Action on Smoking and Health (ASH) Australia



www.ashaust.org.au

ASH Australia
153 Dowling St
Woolloomooloo NSW 2011

January 2012

ASH Australia

Action on Smoking and Health Australia is a Sydney-based non-government national health organisation committed to reducing deaths, disease and disabilities caused by tobacco products and the misleading and deceptive conduct of the tobacco industry. Founded in 1994, ASH is funded by the Cancer Council Australia and the Heart Foundation.

The ASH Board is chaired by Associate Professor Matthew Peters, a Thoracic Physician at Concord Hospital, and includes experts from the Cancer Council Australia, Heart Foundation, Sydney University and the Royal Australasian College of Physicians. Anne Jones, Chief Executive Officer since 1994, is a policy adviser on tobacco control in Australia, and in the Asia-Pacific region for the International Union on Tuberculosis and Lung Disease on behalf of the Bloomberg Initiative to reduce the tobacco epidemic worldwide.

Introduction

We appreciate the opportunity to make this submission to the Upper House Select Committee inquiry into Election Funding, Expenditure and Disclosures Amendment Bill 2011. We have previously made submissions to the NSW Parliament in 2008 and 2009 supporting several reforms to improve our democratic process including bans or caps on donations and measures to increase transparency and accountability.

As we are not legal or constitutional experts, our comments are brief and based on basic principles of fairness, equality and accountability.

Terms of Reference

That a select committee be appointed to inquire into and report on the provisions of the Election Funding, Expenditure and Disclosures Amendment Bill 2011, and in particular:

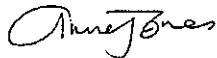
- (a) the constraints imposed by the bill on community and not-for-profit organisations, including unions, community groups, clubs and environment and social justice organisations and their ability to engage in the political process,
- (b) the impact of the bill on peak organisations, whose constituent entities are themselves membership-based,
- (c) the impact on community organisations, whose members are voters registered to vote,
- (d) the impact of the prohibition on the payment of affiliation fees for organisations affiliated to political parties,
- (e) the impact of donation caps on donations of registered voters and their organisations,
- (f) the impact of the aggregation of the electoral spending of affiliated organisations under the expenditure cap of the party to which they are affiliated,
- (g) any amendments necessary to address any adverse impact identified, and
- (h) the risks of a successful constitutional challenge.

Recommendations

1. While we support the closing of loopholes that may allow related third parties to make 'backdoor' and/or secret donations, we are concerned that the bill may restrict the operation of peak organizations or third party campaigners when they raise issues of concern outside of election periods.
2. We urge the Committee to carefully consider the bill's impact on peak bodies and not-for-profit groups as many of these groups need funds to engage in public interest campaigns. There are many examples of public interest campaigns to improve community health, access and well being – but they all need funds from members and may be greatly disadvantaged if unable to accept funds from constituents.

Conclusions

We agree that reform of our electoral funding system needs to be based on principles of fairness, equality and accountability. While we are pleased that NSW has moved ahead to reform its system of election funding and disclosure, we urge the Committee and the government to ensure that our state develops a best practice model that has the majority support of experts in electoral reform, the not-for-profit sector and the majority of the people of NSW.



Anne Jones
Chief Executive Officer, ASH Australia