

Submission  
No 12

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

**Organisation:** Australian Medical Association (NSW)  
**Name:** Ms Fiona Davies  
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11 January 2012

The Director  
Select Committee on the Provisions of the Election Funding, Expenditure and  
Disclosures Amendment Bill 2011  
Parliament House  
Macquarie Street  
Sydney NSW 2000

**Submission to the Legislative Council Inquiry into the Provisions of the Election  
Funding, Expenditure and Disclosures Amendment Bill 2011**

The Australian Medical Association (NSW) is a not-for-profit professional association representing the interests of medical practitioners registered in NSW.

AMA (NSW) is not affiliated to any political party. We do not make donations to political parties, nor do we seek or accept funding from any level of government. Our activities are funded by member subscriptions, supplemented to a minor extent by sponsorships and other arrangements with our commercial partners.

Our interest in this matter relates to Term of Reference 1(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.”*

AMA (NSW) is by definition an organisation that engages in lobbying of political parties and politicians during and between election campaigns on behalf of our members. As part of this lobbying process we will, on occasion, work with other like-

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minded organisations on particular issues, e.g. in recent months we have worked with CanAssist to improve regional cancer services, the Cancer Council of NSW on anti-smoking issues and KidSafe NSW on child safety issues.

To take anti-smoking campaigns as an example, we have in the past encouraged our members to write to their local candidates to encourage them to support anti-smoking policy positions. We have also assessed the policy positions of the major political parties on anti-smoking issues and communicated that assessment to our members.

We believe that we potentially fall within the definition of a "third party campaigner" under the Act, i.e. "an entity or other person (not being a registered party, elected member, group or candidate) who incurs electoral communication expenditure during a capped expenditure period (as defined in Part 6) that exceeds \$2000 in total."

As we understand it, the proposed legislation (Section 96D1) prohibits political donations to third-party campaigners unless the donor is an individual registered voter.

The potential scenario that we are concerned about is:

- AMA (NSW) undertakes a lobbying campaign during a NSW State election in relation to (say) anti-smoking in conjunction with a number of like-minded not-for-profits and charities
- AMA (NSW) distributes campaign material (including comment on the policy positions of parties and/or candidates) to our members and the members of our partner organisations and incurs costs in excess of \$2000
- Our partners in the campaign make contributions to the expenses of running the campaign

Under this scenario, it is possible that AMA (NSW) would be classed as a third party campaigner, our expenditure would be classed as electoral communication expenditure and the contributions made by our partners to us would be prohibited political donations. All of this in relation to a public health campaign that we would vigorously argue is very much in the public interest.

We would hope that it is not the intention of the proposed legislation to prohibit public health campaigning such as the scenario described above and that suitable amendments can be made.

Thank you for considering these issues.

Fiona Davies

Chief Executive Officer

AMA (NSW)