

**Submission
No 16**

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

Organisation: Asbestos Diseases Foundation of Australia Inc.
Name: Mr Barry Robson
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seminars and programmes, social functions and political lobbying on behalf of asbestos victims, their families and the community.

ADFA is apolitical. It has no ties with any political party. ADFA has not made and does not intend to make donations to any political party. Rather ADFA lobbies all political parties in relation to issues that affect its and members and the community at large, that is issues about asbestos including asbestos containing materials in the environment, medical research into asbestos diseases and compensation for asbestos sufferers and their families. "In respect of what ADFA does", reports its website "unless we can influence the policy makers at all levels of Government, the fruits of our labour will be lost."

ADFA was central in the campaign to make James Hardie pay compensation to victims of asbestos disease when the company left the country leaving behind insufficient funds to pay asbestos claims. It was ADFA in conjunction with the trade unions that organised rallies, media events and appeared at the Special Commission of Inquiry. ADFA has campaigned with various unions for Australia to be asbestos free by the year 2030. As a result of ADFA's campaigning the Federal Government has established an Asbestos Management Review to report the Federal Government as to how to manage asbestos containing materials in the environment.

ADFA is concerned in relation to the possible impact the Bill will have on its ability to continue to act as an advocate for asbestos victims, their families and the community in relation to issues such as asbestos compensation, medical research and asbestos containing materials in the environment. .

Section 96D of the Proposed Bill makes it unlawful for a political donation to be made on behalf of a non individual to a third party. A third party campaigner means an entity

or other persons who incur electoral communication expenditure during a capped expenditure period exceeding \$2,000.00. Electoral communication expenditure is defined in section 87 of the *Election Funding Expenditure and Disclosures Act 1981*, (the Act) as expenditure for or in connection with promoting or opposing, directly or indirectly, a party or the election of a candidate or candidates for the purpose of influencing, directly or indirectly, the voting at election. It is conceivable that ADFA would be involved in such "electoral expenditure" if it produced literature including its own Newsletter which described a party or candidates view in relation to asbestos.

ADFA is concerned that the definition of political donation in section 85(1)(d) of the Act includes a gift made to or for the benefit of an entity or other person, the a whole or part of which was used or is intended to be used by the entity or person; to enable the entity or person to make, directly or indirectly, a political donation or to incur electoral expenditure. ADFA is concerned that the wording of section 85(1)(d) would encompass donations made by companies and unions during fundraising events which are subsequently used in whole or in part to finance a pamphlet, letter a newsletter discussing views of a political party or candidate.

It would be too great an administrative burden for ADFA to quarantine monies donated or raised from raffles, the Race Day and other fundraising events from companies, unions and other non individuals. As a result the wide reaching provisions as drafted would require ADFA, for the sake of caution, to not make any political comment during the capped expenditure period.

The potential far reaching effect of the Bill would constrain ADFA from participating in the political process. It could not for example approach each political party to ascertain their position on issues relating to asbestos and then advise its members of the

responses for fear that in doing so it will breach the Act in that it had unwittingly used money which has been given by companies or organisations during fund raising activities. It could not advise its members and the public in general, of concerns it had with any political party's stance on matters relating to asbestos. The end result would be that ADFA's members and the community at large would be unaware of various candidates or party's stance on issues relating to asbestos.

We do not believe the intention of the Bill was to prevent organisations such as ADFA informing its members and the community at large in relation to issues that affect them. However, as drawn, the definition of "political donation" encompasses monies previously donated through fund raising events such as a raffle by companies and organisations such as the unions. ADFA has no way of funding its activities without donations and fund raising events. ADFA will be left in a position where it either must remain outside the political process during the prescribed periods before an election or alternatively not receive any donations from companies or organisations such as trade unions to fund its activities including education and support for victims and their families.

While ADFA's campaigning does represent a special interest, it is not a private interest by any measure. The risk of exposure to asbestos and the traumatic experiences of those who contract an asbestos related disease and their families are not private interests. ADFA's campaigning in relation to asbestos issues and informing its members and the public of the views of political parties in relation to these issues does not manifestly disadvantage any political party. The amendments however would mean that an organisation such as ADFA, which represents the public interest would be rendered mute in the political process. Rather than levelling the playing field, the

amendments undermine grass root democracy in a way that is contrary to the meaningful engagement of the individual with the democratic process.

A handwritten signature in blue ink, appearing to read "Barry Robson", with a long horizontal stroke extending to the right.

Barry Robson, President of ADFA

10 January 2012