



MEDIA RELEASE

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Vinnies suggests simple first step in solving third party confusion in elections

The St Vincent de Paul Society National Council in a [submission](#) to the Senate Select Committee into the Political Influence of Donations has suggested Parliament remove section 314AEB(1)(a)(ii) entirely from the Commonwealth Electoral Act.

Section 314AEB(1)(a)(ii) was identified by the Australian Electoral Commission (AEC) as being problematic in 2011 and the Joint Standing Committee on Electoral Matters recommended that the section be deleted.

Instead in September 2017, the section was not deleted but greatly expanded so that it now reads:

“the public expression 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) by any means.”

As a result, the definition of what constitutes political expenditure was greatly expanded and has resulted in the St Vincent de Paul Society (and perhaps another 1,000 charities) being defined as third parties in an election. This change in legislation was slipped through the Parliament at the time because the official explanatory memorandum was misleading and did not fully explain the implications of the change.

Then in December, the Electoral Funding and Disclosure Bill was introduced with a definition of political expenditure for political campaigners and third party campaigners based on the revised section 314AEB(1)(a)(ii). It was at this point that charities began to realise the far-reaching implications of the change of definition, which made issue advocacy identical with political campaigning and electioneering.

Dr John Falzon, CEO of the St Vincent de Paul National Council, called on the Government to quickly revoke Section 314AEB(1)(a)(ii) so as to avoid massive confusion before November 17 when third parties are obligated to make official returns of political expenditure.

“This amendment is simply inept. There may not even be an election called by November. Yet charities will have to guess what issues that they have commented on that will be an election issue, and hence which issue advocacy costs will be classed as being political expenditure,” Dr Falzon said.

“There is a simple first step to solving this mess. Get rid of Section 314AEB(1)(a)(ii) and start again,” he said.

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