



SURF LIFE SAVING  
NEW SOUTH WALES

## Political support and fundraising guidelines - Frequently asked questions

***Should a charity donate money to a particular candidate or political party during an election campaign?***

No, because the charity will run the risk of being found to have a purpose of supporting a particular candidate or party.

***Can a charity accept donations or money from a particular candidate or political party during the election campaign?***

Yes, but it should not accept a donation which requires the charity to promote the political candidate or party.

***Can a charity provide accommodation space or other non-financial support to a particular candidate or political party?***

It depends. If the support is outside of the charity's ordinary provision of services, the charity runs the risk of being found to have a purpose of supporting a political candidate or party.

For example:

- If a charity provided its office space and equipment to assist a particular candidate's campaign, it runs the risk of being found to have a disqualifying political purpose.
- A charity that owns a hall which it regularly allows organisations or individuals to hire for events may provide the same service on the same conditions to a particular candidate as long as the arrangement does not amount to having a purpose of explicitly supporting the candidate's party or campaign.

***Should a charity attend events organised by a political party?***

A charity's representatives should think carefully before deciding to attend an event organised by a political party.

There are a number of questions that charity representatives should ask themselves when considering this:

- What is the charity's purpose for attending the event? Would attending the event further the charity's charitable purposes?
- Are the charity's representatives attending in their own personal capacity or as representatives of the charity? If the charity is funding the attendance fee, the latter will be assumed.
- How will attendance be perceived by the public? By attending, the public may infer that the charity is partisan and that it has a purpose of promoting a particular party or candidate.
- For the charity's Responsible Persons, is allowing attendance at such events in the best interests of the charity?
- Is the event raising funds for the political party or a candidate for office? If this is not clear, the charity should make enquiries about the nature of event.

***Should a charity attend fundraising events for a political party or candidate for office?***

Is the event a fundraiser for a political party or candidate? If so, the charity runs the risk of being found to have a purpose of promoting a political party or candidate.

Has the attendance fee been priced to include a surplus for political fundraising purposes? If so, the charity runs the risk of being found to have a purpose of promoting a political party or candidate.

If these matters are not clear, the charity should inquire about the nature of event.

***Do things change when an election has been called?***

Once an election has been called, charities should take extra care to ensure that their activities do not indicate disqualifying political purposes.

***Can a charity advocate a change to government policy directly to elected representatives and public officials?***

Yes, provided the advocacy is to promote the charitable purpose of the charity, or the interests of its beneficiaries.

For example:

- A charity that also has the charitable purpose of advancing social or public welfare and delivers services to victims of violence can promote a change to the law which would increase criminal penalties for perpetrators of family violence.

It can do this in a variety of ways – such as meeting with elected representatives or officials or making written submissions. In doing so, the charity should remain neutral on any party views. If board members are open and transparent about such engagement, this can help ensure public perceptions of neutrality.

***Can a charity carry out activities which advocate a change in government policy or law?***

Yes, as long as the activities are carried out to promote the charitable purpose of the charity. However, if the activities explicitly support or endorse a particular political party or candidate, the charity runs the risk of being found to have a disqualifying political purpose.

For example:

- A charity with the purpose of advancing education should take care when producing and distributing flyers. A flyer that states 'Vote (named party) first to support local schools' may be perceived as explicitly supporting a particular party which may indicate a disqualifying political purpose.
- A charity with the purpose of advancing education can produce and distribute a flyer that states a party's policies in relation to education and allows readers to draw their own conclusions.

***Can a charity make a submission to a public consultation or enquiry where legislative changes are being considered?***

Yes. A charity can make a submission to a public enquiry into an issue that aligns with its charitable purpose or affects its beneficiaries.

For example:

- A charity with the purpose of advancing social or public welfare that provides services for homeless people can make submissions in relation to existing or proposed laws, government policies or practices dealing with housing and homelessness.

***Should a charity support (or oppose) a particular political party or candidate?***

No, because the charity will run the risk of being found to have a disqualifying political purpose, and therefore not being a registered charity. However, a charity can have a purpose of supporting (or opposing) a specific policy or law that is relevant to another charitable purpose.

For example:

- A charity that has the charitable purpose of advancing religion can't have a purpose of promoting a particular candidate because that candidate's views are consistent with the religious faith the charity promotes. If it promotes a particular candidate, it runs the risk of being found to have a disqualifying political purpose. But the charity can publish material advising of the candidate's views on issues that have implications for people of that faith.

***Should a charity distribute how-to-vote cards on election day for a particular candidate or party?***

No, because the charity will run the risk of being found to have a purpose of promoting or opposing a political party or candidate for political office, which is a disqualifying purpose.

***Should a charity produce material asking its members or supporters to vote for a particular candidate or party?***

No, because the charity runs the risk of being found to have a disqualifying purpose of promoting a political party or a candidate for political office.

***Can a charity produce material which compares and ranks the policies of political parties?***

Yes. Assessing, comparing or ranking the policies of political parties or candidates as part of carrying out a charitable purpose is acceptable, as long as the material is related to the charity's purpose. However, the charity cannot have a purpose of explicitly promoting or opposing a political party. If the material produced explicitly tells members or supporters which party to vote for based on this ranking, the charity runs the risk of being found to have a disqualifying political purpose.

Charities should also ensure that they comply with requirements in electoral legislation (e.g. sections 328, 328B, 329, 351 of the *Commonwealth Electoral Act 1918* (Cth)).

For example:

- A charity with the purpose of advancing social or public welfare can produce and distribute flyers that compare the key features of the paid parental leave policies of various political parties.
- The website of a charity with the purpose of advancing the natural environment can state its policy on the development of renewable energy and compare it to the current policies of several political parties.

***Can a responsible person of a charity such as a director or committee member support a particular outcome in an election?***

Yes – providing it is solely in a personal capacity and not on behalf of the charity. It would not be prudent for officers and employees of a charity to use their position in a way that would imply that the charity itself endorses a particular candidate. Extra care should be taken with social media to ensure that the individual does not give the impression that they are speaking on behalf of the charity. Otherwise the charity runs the risk of being found to have a disqualifying political purpose of supporting a political party.

***Can a charity spend money to publicly express its views on issues and policies of different political parties during an election?***

Yes, as long as the spending is clearly tied to the charity's purpose and would not be perceived as an independent purpose of explicitly promoting or opposing a particular party or candidate. The charity should also check that the spending is permitted by its governing rules.

Members of the charity's governing body should also take care to comply with Australian electoral laws and refer to the Australian Electoral Commission's guidance.

For example:

- A charity with the purpose of advancing culture can conduct an advertising campaign promoting the need for government to promote and support the work of artists in the community.

***Can a member of a political party or a candidate standing for election appear at an event a charity is running?***

Yes, provided that this would not amount to the charity having a purpose of promoting that candidate or party. It would be prudent for a charity to invite members of a range of political parties to attend the event to mitigate any risk of appearing to have a purpose of promoting a particular candidate or party. If members from a number of parties are invited or attending then the charity is unlikely to be found to have a purpose of promoting a particular party.

***Can a charity hold an event to debate a matter of law or policy during the election campaign?***

Yes, if the event is an open forum which promotes public debate on law or policy issues related to a particular charitable purpose.

For example:

- A charity with the purpose of advancing health by conducting research can host a public debate about government policies on major health initiatives. Inviting members and candidates representing a range of political parties and persuasions to the debate would mitigate any risk of the charity being found to have a purpose of promoting a particular political party or candidate.

***Can a charity publish research on current or proposed laws, government policies or practices related to its charitable purpose?***

Yes. However, if the charity explicitly tells its members or supporters which party to vote for

based on the findings of the research, it runs the risk of being found to have a disqualifying political purpose.

For example:

- A charity with the purpose of advancing the safety and security of the Australian public that provides advice and support to victims of crime can produce research on the effects of current or proposed government policy on law enforcement and publish this research.