

MAA INTERNATIONAL

ADVOCACY POLICY



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1 INTRODUCTION

1.1 PURPOSE

MAA International, an Australian-based international aid organisation, recognises the vital role of advocacy in achieving its mission. This comprehensive Advocacy Policy integrates our approach to tackling systemic and structural causes of poverty, disadvantage, and global humanitarian crises. It adheres to ACNC guidelines, the ACFID Code of Conduct, DFAT requirements, and fundamental humanitarian principles.

This policy defines and guides MAA's advocacy activities, ensuring they align with our core mission, comply with legal and ethical standards, and effectively contribute to global efforts in addressing poverty, disadvantage, and humanitarian crises. By outlining clear objectives, principles, and operational guidelines, this policy serves as a roadmap for MAA's staff and volunteers, ensuring consistency and impact in our advocacy work.

1.2 POLICY SCOPE

This policy applies to all advocacy activities undertaken by MAA, including campaigns, public statements, lobbying efforts, and partnerships with other organisations.

1.3 ROLES AND RESPONSIBILITIES

1. **Board of Directors:** Oversee and approve the advocacy policy, ensuring alignment with MAA's mission and strategic goals.
2. **Executive Team:** Develop and implement the advocacy strategy, ensuring compliance with legal and ethical standards.
3. **Advocacy Manager:** Coordinate all advocacy activities, manage risk assessments, and lead monitoring and evaluation efforts.
4. **Staff and Volunteers:** Participate in advocacy activities aligned with this policy, represent MAA's values, and provide feedback for improvements.
5. **Partners and Stakeholders:** Collaborate in advocacy initiatives, share expertise, and contribute to policy reviews.

1.4 DEFINITIONS

The following terms are used in this policy document and are defined as follows:

- **ACNC:** Australian Charities and Not-for-Profits Commission
- **ACFID:** Australian Council for International Development
- **DFAT:** Department of Foreign Affairs and Trade

- **Stakeholders:** Individuals or groups interested in MAA’s advocacy activities, including beneficiaries, partners, donors, and government bodies.
- **Risk Assessment:** Identifying, analysing, and mitigating potential risks associated with advocacy activities.
- **Monitoring and Evaluation (M&E):** The systematic process of collecting, analysing, and using information to track the progress and effectiveness of advocacy initiatives.
- **Advocacy:** Activities aimed at influencing policies, laws, and practices to align with MAA’s mission.
- **Charity activities:** are the activities that a charity undertakes in support of its overarching purpose. This may include direct work with beneficiaries (for example, providing temporary accommodation to homeless people or providing education services) or more indirect work (for example, selling goods to raise funds for a homeless shelter or holding a conference to educate people about research into a disease).
- A **charitable purpose** is what a charity has been set up to achieve. It is the overarching object or goal of the charity – some people may refer to it as a ‘mission’. There are 12 charitable purposes listed in the Charities Act 2013 (Cth), and charities may have more than one charitable purpose. Charities cannot have a non-charitable purpose, unless that purpose is incidental to or in aid of a charitable purpose. The Charities Act 2013 (Cth) lists twelve charitable purposes:
 - advancing health
 - advancing education
 - advancing social or public welfare
 - advancing religion
 - advancing culture
 - promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia
 - promoting or protecting human rights
 - advancing the security or safety of Australia or the Australian public
 - preventing or relieving the suffering of animals
 - advancing the natural environment
 - other similar purposes ‘beneficial to the general public’, and
 - promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a state, a territory or another country (where that change furthers or opposes one or more of the purposes above)

2 POLICY & PROCEDURES

2.1 GUIDING PRINCIPLES

Our advocacy is grounded in inclusivity, diversity, and ethical practices, committed to representing a broad range of voices, particularly those marginalised. Transparency, accountability, and adherence to legal standards are paramount. Our advocacy policy ensures:

- **Alignment with Mission:** Advocacy supports MAA’s objectives of supporting & assisting the world’s poorest & most needy communities regardless of race, religion, or nationality.
- **Legal Compliance:** Adheres to laws and regulations, maintaining political neutrality.
- **Transparency and Accountability:**
 - We maintain transparency in our advocacy activities, clearly communicating our objectives, strategies, and funding sources.
 - We hold ourselves accountable for our advocacy's effectiveness and regularly evaluate our initiatives' impact.
 - We welcome stakeholder feedback and criticism and adapt our approaches to enhance ethical and responsible advocacy.
- **Community-Driven:**
 - We actively involve affected communities in shaping our advocacy agendas and priorities. We ensure their voices are heard and represented authentically in our advocacy materials and actions.
 - We build capacity within communities to participate in advocacy efforts and hold decision-makers accountable.
 - We prioritise partnerships with local organisations and civil society networks to amplify our collective impact.
- **Respect and Inclusivity:** Advocacy respects diverse perspectives, prioritising marginalised voices.
- **Evidence-Based:**
 - We base our advocacy messages on rigorous research, data analysis, and expert opinion. We strive for factual accuracy and transparency in our communications.
 - We encourage informed debate and actively engage with diverse perspectives and evidence while advocating for our positions.
 - We remain open to adapting our advocacy based on new evidence and evolving contexts.

- **Do No Harm:**
 - We recognise the potential risks associated with advocacy, particularly for vulnerable populations. Our advocacy initiatives undergo rigorous risk assessments to minimise potential harm and unintended consequences.
 - We continuously dialogue with affected communities to identify and address their concerns throughout the advocacy process.
 - We prioritise advocacy approaches that empower and strengthen local communities, upholding their right to self-determination.

2.2 ADVOCACY ACTIVITIES

- **Policy Influence:** Influence laws, policies, and practices.
- **Public Campaigns:** Engage in awareness campaigns.
- **Collaboration:** Work with organisations and networks for amplified impact.
- **Capacity Building:** Train staff and volunteers in advocacy.

2.3 GLOBAL HUMANITARIAN FOCUS

- **Advocate for Global Humanitarian Assistance:** Focus on areas with the highest needs, such as food insecurity, economic sanctions, conflict-affected areas, and disaster-prone areas inflicted by climate change.
- **Address Protracted Crises:** Prioritise long-standing crises around the world.
- **Inclusivity in Humanitarian Action:** Protect and empower marginalised groups, especially women and girls.

2.4 GUIDELINES FOR CONDUCT

- **Lawful Conduct:** Ensure all advocacy is conducted lawfully, respecting the legal frameworks within which MAA operates.
- **Representation:** All individuals representing MAA must adhere to this policy, embodying the organisation's values in their advocacy work.
- **Conflict of Interest:** Staff and volunteers must disclose any personal or professional conflicts of interest that may influence their advocacy work.

2.5 RISK ASSESSMENT & PROCEDURES

- **Comprehensive Risk Assessment:** Each advocacy initiative will undergo a detailed risk assessment, focusing on potential legal, social, political, and environmental impacts.

- **Mitigation Strategies:** Develop and implement strategies to mitigate identified risks, ensuring that advocacy efforts do not inadvertently harm the communities we aim to assist.
- **Documentation and Review:** Maintain thorough documentation of all risk assessments and mitigation measures, with periodic reviews to update and refine risk management strategies.

2.6 MONITORING AND EVALUATION

- **Defined Metrics:** Establish clear, measurable objectives for each advocacy campaign to assess progress and impact.
- **Regular Reporting:** Implement a regular reporting system to track advocacy activities, outcomes, and stakeholder feedback.
- **Adaptive Approach:** Use the insights from monitoring and evaluation to adapt and improve ongoing and future advocacy initiatives.

2.7 POLICY REVIEW AND AMENDMENT

- **Biennial Reviews:** Conduct comprehensive reviews every two years or as required by changes in legislation, organisational strategy, or the global advocacy landscape.
- **Stakeholder Involvement:** Include feedback from stakeholders, including international partners and local communities, in the review process.
- **Dynamic Adaptation:** Ensure that the policy remains responsive to emerging challenges, opportunities, and best practices in advocacy.

2.7.1 Compliance with ACNC, ACFID, and DFAT

- Advocacy is support for a particular cause or policy. A charity may undertake activities of advocacy when working towards achieving its charitable purpose.
- A charity can promote or oppose a change to any matter of law, policy or practice, as long as this advocacy furthers or aids another charitable purpose. However, a charity must not have a 'disqualifying purpose', such as promoting or opposing a political party or candidate for political office.
- **Ethical Advocacy:** Commit to non-partisan advocacy and align with MAA's charitable status and mission.
- **Regulatory Compliance:** Adhere to the standards set by ACNC, ACFID, and DFAT, ensuring that our advocacy aligns with national and international guidelines.
- The following points from 2.7.2 to 2.7.3 are adopted from the ACNC charity advocacy.

2.7.2 Relevant Rules Related to MAA's Advocacy

A registered charity must, among other things:

- have charitable purposes that are for the public benefit, or purposes that are 'incidental or ancillary to, and in furtherance or in aid of' those charitable purposes
- not have 'disqualifying purposes', and
- not be an individual, political party or government entity.
- The law requires all of your organisation's purposes to be charitable, except for those purposes that are 'incidental or ancillary to' your organisation's charitable purposes.

Your charity may have more than one organisational purpose – and many activities – and still be a charity, just as long as these purposes and activities all further your charitable purpose.

Advocacy Charities Can Undertake

A charity's advocacy work may include:

- making submissions or giving evidence in relation to existing or proposed laws, government policies or practices
- generating public debate about or seeking explanation of current or proposed laws, government policies or practices
- distributing information on, analysing, or comparing party policies as they relate to a charity's purposes
- publishing research on current or proposed laws, government policies or practices
- directly promoting the charity's purpose, or the interests of their beneficiaries, to elected representatives and public officials
- hosting, promoting or participating in public debates on law or policy matters.

Advocacy and Disqualifying Purposes

Some charities conduct public advocacy when working towards achieving their charitable purposes. However, a charity must not have a 'disqualifying purpose'.

Purposes that will disqualify an organisation from being a registered charity are:

- engaging in, or promoting, activities that are unlawful
- engaging in, or promoting, activities that are contrary to public policy, or
- promoting or opposing a political party or candidate for political office.

There may be situations where certain actions are unlikely to be considered unlawful, contrary to public policy, or as having political purposes. See our examples for more information about when charities may have a disqualifying purpose.

Unlawful purposes

As previously outlined, a charity cannot have a purpose of 'engaging in, or promoting, activities that are unlawful'.

In order to determine the 'purpose' of a charity, the ACNC will look at the charity's governing document, its activities, any material published by the charity, and any other relevant matter. A 'one-off' activity is unlikely to demonstrate a purpose of promoting or engaging in that activity.

The fact that people associated with an organisation are involved in unlawful activities does not necessarily mean that the organisation has a disqualifying purpose.

If an organisation shows a pattern of unlawful activities undertaken on a regular basis, it is likely to show a purpose of engaging in unlawful activities.

The nature of the unlawful activities may also be important in determining whether there is a disqualifying purpose.

Unlikely to be unlawful purposes

- A charity's employee steals money from the charity. It is unlikely to mean that the charity itself is either engaging in unlawful activities or has a purpose of promoting or engaging in these activities.
- A charity whose charitable purpose is advancing social or public welfare, through the provision of services to and advocacy on behalf of victims of domestic or family violence, participates in a rally on this issue. During the rally, some volunteer members of the charity are arrested for public order offences. It is unlikely that the charity has a purpose of promoting or engaging in public order offences. It is therefore unlikely that the charity has an unlawful purpose.

Likely to be unlawful purposes

- A charity misleads the public about the type of services it offers so that it can attract more donations. This charity is likely to have a purpose of engaging in unlawful activities.
 - However, if the charity inadvertently misleads the public about its services on a few occasions, but immediately changes its approach when it realises it has done so, is unlikely to have a purpose of engaging in unlawful activities.
- A charity that has a charitable purpose of advancing social or public welfare by providing aged care and accommodation routinely refuses to provide these services to same-sex couples. Such a refusal amounts to unlawful discrimination, and a regular pattern of this behaviour or activity may disclose a purpose of engaging in unlawful activities.

Contrary to public policy

A charity cannot have a purpose of engaging in or promoting activity that is contrary to public policy. 'Public policy' includes things such as the rule of law, the constitutional system of government, the safety of the general public and national security.

Undertaking activities that are contrary to government policy will not necessarily be contrary to public policy or show a disqualifying purpose.

An organisation that shows a pattern of engaging in or promoting activities that are contrary to public policy may demonstrate an unlawful purpose.

Unlikely to be contrary to public policy

A charity with a charitable purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia has a long-running campaign promoting a Bill of Rights as a way of achieving this purpose. This is contrary to government policy, but upholds public policy such as the rule of law and a constitutional system of government. Therefore, it is not an activity that demonstrates a disqualifying purpose.

Likely to be contrary to public policy

A charity with the charitable purpose of advancing culture encourages new and emerging writers. In doing so, the charity regularly publishes material by new writers advocating anarchy and the end of democratic government. Such a pattern of conduct may demonstrate a purpose of promoting activities that are contrary to public policy.

Political purposes

An organisation may have a disqualifying purpose if its purpose is to promote a particular political party or a candidate for public office.

Some things that may show whether or not an organisation has a disqualifying political purpose include:

- the extent to which the organisation's promotion or opposition of a political party or candidate aligns with the purposes of the organisation
- whether the organisation promotes or opposes a party or candidate generally or in relation to specific policies that are relevant to its purpose
- the extent to which the organisation's resources are directed at promoting or opposing the party or candidate for political office
- the links between the organisation and the party or candidate, including members in common, campaigns and publications, and
- the extent to which the organisation's expressed view of a party or candidate is based on reasoned policy argument or research.

A charity can assess, compare or rank the policies of political parties or candidates in carrying out its charitable purpose.

And a charity may distribute information or advance public debate about the policies of political parties or candidates for political office, if it is furthering or aiding one of the charitable purposes set out in the Charities Act. This may be done by assessing, critiquing, comparing or ranking those policies.

A charity can:

- spend money to publicly express views on the policies of different political parties relevant to its charitable purpose
- spend money to publicly express views on issues, including during an election
- spend money on broadcasting on 'political matters', or
- conduct research in order to critique the policies of different political parties.

If a charity undertakes any activities in relation to an election, it must comply with all electoral laws, including disclosure requirements.

Political parties cannot be registered charities. Broadly, a political party is defined under electoral laws in Australia as an organisation or body that has a purpose of promoting an endorsed candidate for election to public office.

If an organisation's affiliation with a political party is extensive, it runs the risk of being found to have a disqualifying purpose because its extensive affiliation may amount to having a purpose of promoting the party.

Unlikely to show political purposes

- A charity with the purpose of advancing social or public welfare produces and distributes flyers that compare the key features of the paid parental leave policies of various political parties. This activity would not amount to a disqualifying purpose.
- The website of a charity with the purpose of advancing the natural environment states its policy on the development of renewable energy and compares it to the current policies of several political parties. This activity would not amount to a disqualifying purpose.

Likely to show a political purpose

An organisation whose purpose is advancing culture regularly donates to a political party, and during a federal election publishes and distributes flyers urging support of a candidate from that political party as 'the only one with the education and breeding to properly support the arts'. The pattern of donations and the promotion of a particular candidate for political office is likely to demonstrate a disqualifying purpose of promoting a candidate for political office.

2.7.3 Advocacy and Campaigning

For an organisation to be a charity it must be established for charitable purposes which are for the public benefit. An organisation will not be charitable if it has disqualifying political purposes.

Advocacy and campaigning can be a legitimate and effective way of furthering the charitable purposes of a charity. However, it is important that charities do not cross the line into having a disqualifying political purpose and that they maintain independence from party politics.

A charity's policy position on a matter of concern may be similar to, or align with that of, a particular political party. In such a situation it is okay for the charity to continue to campaign on that issue, provided that this does not amount to the charity having a purpose of promoting or opposing a particular political party or candidate.

It would also be prudent for members of a charity's governing body to consider the independence of their charity and any potential effects of particular campaigning activities on the charity's reputation, including online activities through social media. Public perception is important, and a charity's Responsible People should be aware of the perception of any advocacy or campaigning.

In the lead-up to an election there are increased risks that, in the minds of the public, charity advocacy or campaigning can be associated with a particular political party.

What charities can and cannot do

It's okay for a charity to:

- have a purpose of advancing public debate – including promoting or opposing a change in law – where this furthers or aids another charitable purpose
- have a purpose to promote or oppose a change to a law, policy or practice in the Commonwealth, a state or territory or another country where this furthers or aids another charitable purpose.

It's not okay for a charity to:

- have a purpose to promote or oppose a political party or a candidate for political office
- have a purpose to engage in or promote activities that are unlawful
- have a purpose to engage in or promote activities that are contrary to public policy (which, in this context, includes the rule of law, our constitutional system, the safety of the public or national security).

Each of the three listed as being not okay are 'disqualifying political purposes'.

In practice, this means that a charity can campaign if it is satisfied that:

- what it is doing is advancing its charitable purpose

- its governing document (its constitution or rules) does not prevent the activity
- it does not have a purpose of advancing a particular political party or candidate or campaigning against a particular party or candidate
- it does not have a purpose of engaging in or promoting activities that are unlawful, and
- it does not have a purpose of engaging in or promoting activities that are contrary to public policy (i.e., the rule of law, our constitutional system, the safety of the public or national security).

2.8 WORKING WITH ADVOCACY PARTNERS

- **Strategic Partnerships:** Form alliances with organisations that share our values and objectives, enhancing the scope and impact of our advocacy efforts.
- **Collaborative Engagement:** Work closely with partners, ensuring alignment in strategy, messaging, and goals.

2.9 IMPLEMENTATION PROCEDURE

1. **Planning:** Advocacy campaigns will be systematically planned with clear objectives, strategies, timelines, and designated roles.
2. **Training:** Staff and volunteers will receive training on effective advocacy methods and ethical considerations.
3. **Compliance:** Ensure all advocacy activities comply with ACNC regulations and the ACFID Code of Conduct.
4. **Ethical Conduct:** Promote advocacy that does not endorse or oppose political parties or candidates.
5. **Stakeholder Engagement:** Engage stakeholders through consultations and partnerships, reflecting community needs and priorities.
6. **Monitoring and Evaluation:** Establish metrics to assess advocacy impact and implement feedback mechanisms for continual improvement.
7. **Risk Management:** Proactively identify and manage risks associated with advocacy activities, focusing on **minimising** potential harm.
8. **Transparency and Reporting:** Maintain high standards of transparency and accountability, providing regular reports on advocacy activities to stakeholders.
9. **Review and Revision:** Review and revise the policy to ensure it meets regulatory framework requirements and **reflects** best practices in advocacy.

3 APPENDIX

The following has been adopted from the ACNC Charity advocacy guideline.

Frequently asked questions

The following questions and answers give examples to assist a charity in making decisions about advocacy and political campaigning.

Does a charity need to be registered with a subtype of advancing public debate to carry out advocacy activities?

No. A charity may undertake advocacy activities without having a specific subtype of advancing public debate, as long as the advocacy is in line with its charitable purposes.

For example, a charity with the purpose of advancing education can advocate and campaign on education issues. However, if it engages in partisan advocacy, it runs the risk of being found to have a purpose of promoting or opposing a political party or candidate (see the example below).

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. 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.

Can a charity have a purpose to carry out activities which are illegal to advocate a change in government policy or law?

No. A charity cannot have a purpose to engage in or promote activity that is illegal.

For example, a charity with a purpose of advancing the natural environment cannot have a purpose of encouraging its members to engage in illegal methods such as intimidation, trespassing or assault to promote a change to the law regarding logging.

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 (for example, sections 329 and 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 document.

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.

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 People, 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.

Does a charity have to vote in an election?

Some local government jurisdictions require incorporated entities to vote. This would apply to some charities in those areas.

If compulsory voting rules require a charity to vote in an election, it must do so. Voting, in this situation, would not be considered 'promoting or opposing a political party or candidate for political office'.

However, if a charity seeks to convince or encourage other voters to vote a particular way, it runs the risk of being seen as promoting or opposing a political party or candidate for political office which could amount to a disqualifying purpose.

It is important for every charity to consider how a requirement to vote fits with its obligation to meet the ACNC Governance Standards. For example, a charity may need to ensure it has processes in place to ensure there is accountability to members and that Responsible People are acting properly in the best interests of the charity when considering the charity's vote.

It is up to a charity to decide, and record, how it meets the Governance Standards if it is required to vote in an election.

4 REVIEW AND REVISION OF POLICY

This policy will be reviewed every two years or as required by changes in legislation, organisational strategy, or the global advocacy landscape. The revised changes will be reflected in the Revision History of the Advocacy Policy.

5 REVISION HISTORY

Date of this release: 20 December 2023	Date of next revision: December 2024
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Revision Number	Revision Date	Summary of Changes	Changes Marked?
1.0	01 January 2019	Policy Written	N
2.0	01 January 2024	Policy updated with sections adopted from ACNC	Y