

4 October 2018

South Australian Electoral Commission
Level 6, 60 Light Square
Adelaide SA 5000

Notice of Inability to Complete Return – Donor Personal Details

Dear Commission

At Greenpeace Australia Pacific (GPAP) we take our obligations under South Australian electoral law seriously and we encourage transparency within the electoral system to ensure large corporations and foreign donors are not having undue influence on Australia's political system.

We do not accept any donations from corporations, political parties or governments. Our independence is paramount to ensure that we can pursue our charitable purpose of advancing the natural environment without fear or favour. Every cent of our electoral expenditure is spent on non-partisan issues-based advocacy. This advocacy is not undertaken to promote or oppose any particular political party or candidate, but rather to promote policies among all political parties which advance the natural environment to the benefit of the general public.

As a registered charitable organisation, this issues-based advocacy is only a small portion of our activities which also include investigating, exposing, and confronting environmental abuse and championing environmentally responsible solutions. The funds for our electoral expenditure are taken from a general pool of funds which exists to service all of these activities. The vast majority of people who donate to this general fund make their donation without intending to engage in the political process, and as such could not possibly intend to have undue influence on the political process. Our business processes do not allow us to isolate donors who may have intended to make a donation towards the South Australian election. Disclosing the personal information of donors who made a donation over the \$5,191 threshold to our general pool during the relevant period would mean betraying the confidentiality of donors who never intended to make any electoral expenditure.

Our Privacy Policy is drafted based on the Australian Privacy Principles contained in schedule 3 of the *Privacy Act 1988* (Cth). In order to comply with Australian Privacy Principle 2 we give individuals 'the option of not identifying themselves, or of using a pseudonym.' The disclosure of personal donor information, which you would then make publicly available, would deny anonymity to donors who had requested it pursuant to the protections they are entitled to under Australian Privacy Principle 2.

In consideration of the above, we submit that it is not appropriate to breach the privacy of these individuals by giving the personal donor information of donors who donated above the threshold to the general pool of funds. We have internally conducted an audit of the 8 donors who made a donation above \$5,191 to the general pool during the relevant period and can confirm that all 8 donors are Australian residents, except one which is a family trust with an Australian Business Number.¹ In our Third Party Returns we have disclosed the donation amounts contributed by

¹ Please note that 1 of these donors made 2 donations over the threshold, which is why there are 9 'over threshold' amounts disclosed in our Third Party Returns.

these donors however we have excluded the personal information of these donors. These donations amount to \$615,081 - a sum much greater than the \$20,223 of electoral expenditure which GPAP made in relation to the SA election.

The overriding purpose of the *Electoral Act 1985* (SA) is to regulate the conduct of parliamentary elections. This purpose is not achieved by requiring the disclosure of personal information from donors who did not know they were contributing to political expenditure.

We appreciate your leniency in relation this Notice of Inability to Complete Return and we look forward to working with you in the future to ensure compliance.

Kind regards



Terry O'Donnell
Chief Operating Officer
Greenpeace Australia Pacific