

Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019.

Submission by Moreton Bay Regional Council

Council welcomes the opportunity to make a submission on the Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019.

The matters covered by the Bill are of considerable significance to local government in Queensland. Council generally supports the submissions to the Committee made by the Local Government Association of Queensland (LGAQ). In addition, Council makes its own submission on the following 2 matters listed below.

Council's trusts that the submission is of assistance to the Committee in its consideration of the Bill.

MATTERS OF SUBMISSION

- 1. Limited Declarations of Interests by Candidates**
- 2. Group Campaign Activity**

Limited Declarations of Interests by Candidates - Local Government Electoral Act

The Belcarra Recommendation No.3 is that all candidates, as part of their nomination, are to provide to the Electoral Commission Queensland (ECQ) a declaration of interests containing the same financial and non-financial particulars mentioned in Schedule 5 of the Local Government Regulation 2012. This was supported by the Government in their response to the Belcarra Report as it "will establish a level playing field".

Council is concerned that the proposed provisions in the Bill may not obligate candidates to provide the same level of detail that councillors are obligated to give under schedule 5 of the Local Government Regulation 2012. The proposed amendments to the Local Government Electoral Act do not clarify whether the public will be provided with the level of detail for a candidate that is equal to that which is available about a sitting councillor. Any disparity between candidates that are sitting councillors and those that are 'non-sitting' councillors will not provide electors with equal information on candidates or deliver upon the intent of the recommendation made by the Crime and Corruption Commission (CCC) and the Government's subsequent response to the Belcarra Report.

It is submitted that the Bill be amended to reflect the recommendation of the CCC by requiring candidates to provide the same level of detail as that required to be provided by sitting councillors.

Group Campaign Activity - Local Government Electoral Act

Council is concerned that the Bill will unintentionally capture localised and unplanned cooperation that occurs during election campaigns. The offence provisions are significant as they are prescribed to constitute an integrity offence. Any reasonable level of uncertainty around whether an action may constitute an integrity offence is undesirable.

For example, councillors that have during the term of their office in Council been jointly advocating for a future service or facility, would most likely continue to individually advocate for that service or facility during their respective election campaigns. Such an arrangement could give rise to concern that even though those councillors are not running on a joint election platform, they may fall within the new 'group candidate' provisions of the Bill because of their advocating for the same facility or service.

By way of further example, it is not uncommon to share a resource with another candidate. The most obvious example would be shared resources on polling booths or intermittent periods of handing out how to vote cards (as is common practice at elections of all levels of government) particularly at joint (overlapping) booths. The provisions are overly burdensome on candidates with what could be described as casual associations.

Yours sincerely,

Chief Executive Officer

Moreton Bay Regional Council