



SolarCitizens

A community voice for solar



Committee Secretary
Economics and Governance Committee Parliament House
George Street
Brisbane Qld 4000

Submission on the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Bill 2019 (Bill)*.

9th January 2020

Dear Members,

Thank you for the opportunity to provide feedback on the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Bill 2019 (Bill)*.

In summary, Solar Citizens strongly supports the overall intention of this Bill. We believe that the Bill reflects community sentiment in Queensland that corporate and monied interests should be limited in their ability to influence our democracy. However, we believe that the Bill includes perverse outcomes - specifically that it disproportionately impacts charities that rely on donations, and under regulates the corporate interests that are the subject of community concern. This diminishes the power of the community voice.

In addition to providing this submission, we also support the submissions of the Australian Conservation Foundation and the Human Rights Law Centre who have engaged extensively on this issue, including seeking specialist legal advice on the implications for organisations such as ours.

About Solar Citizens

Solar Citizens is an independent, community-based organisation working to protect and grow renewable energy in Australia. We have over 100 000 supporters, and advocate for rooftop solar owners and all Australians who believe that we need to urgently transition to 100% renewable energy. We're independent, meaning that we don't support any one political party, company or organisation.

We run campaigns that aim to bring about a renewable future for all Australians: where the rights of solar owners are protected and everyone has access to cheap, clean energy. When we run campaigns we seek to engage solar owners, our membership more broadly, as well as the community as a whole. In an election period, nearly all of these people are voters.

Solar Citizens has three full time staff, two based in Queensland.

Solar Citizens is registered with the Australian Charities and Not for Profits Commission, and provides annual returns on our financial activity. The ACNC regulates our activities to ensure that they fit within our charitable purpose, and that we do not have a 'disqualifying political purpose,' which is explained by the ACNC as follows:

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.¹

We are also on the Register of Environmental Organisations who convey and regulate our deductible gift recipient status.



















While we do work directly with industry, and organise the occasional trade event, most of our work focuses on government renewable energy policy at both a Federal and State level. We believe that government policy has had the biggest impact on the uptake of rooftop solar and other renewable energy technologies, in both a negative and positive sense. This focus on government policy means that we do work in election periods.

Examples of our work in election periods






The overall intention of our election work is to inform people in the community about the different policies of the parties and how they impact renewable energy. To this end, we organise materials such as policy scorecards, community events and petitions.

¹ <https://www.acnc.gov.au/tools/guides/charities-elections-and-advocacy>

An example of a scorecard from the 2017 Queensland election:

	LABOR	LNP	GREENS	ONE NATION	KAP
 Commit to a strong renewable energy target					
 Build big solar not new coal power					
 Help more Queenslanders go solar					

KEY

-  Fully supports this policy
-  Support for significant parts of this policy
-  Supports some parts, opposes others
-  Has not expressed any support for this policy
-  Opposes or contradicts this policy

For further information on the kind of work that we have done in previous Queensland elections, please see

2015: <https://www.solarcitizens.org.au/qld-election-issues>

2017: https://www.solarcitizens.org.au/qld_election

We are concerned that the proposed electoral spending reforms will adversely impact our work in the following ways.

1. Definition of electoral expenditure

The broad definition of electoral expenditure will capture any of our policy and advocacy work that mentions the positions or activities of the government or political parties as this has the potential to ‘indirectly influence voters.’ This aspect of the definition of electoral expenditure, as well as the dominant purpose test, is subjective. As a small organisation we do not have the resources to engage lawyers to advise on whether particular pieces of communication about policy positions might be understood as trying to ‘indirectly influence voters.’

Our democratic system is structured around elections as the key moment of accountability by political parties to the broader community. This is reflected in the policy cycle in which parties develop and promote promises during election periods and then implement them when in office. While organisations such as ours can participate in policy development between election cycles, the major decisions are made as part of election periods. Elections necessarily refer to voters and in this context we’re concerned that any engagement in this policy process could be seen to have the purpose of ‘indirectly influencing voters.’

2. Compliance burden

Given the broad definition, it is likely that Solar Citizens will incur electoral expenditure and be subject to the registration, reporting and compliance arrangements under the Bill. We are a small

organisation and in light of the complexity of the reporting and accounting arrangements, we would consider not participating in Queensland elections in order to avoid falling foul of these proposed laws.

3. Donations cap

Solar Citizens receives donations of various sizes, some of less than \$50 but many that cumulatively would amount to \$4000 over four years. In order to fund our work during election periods, we would need to ask our donors to make 'political donations' and to be willing for their name and information to be published. Given the non partisan nature of our organisation, and the policy focussed nature of our advocacy, we believe that this could be detrimental to our relationship with those donors. Further, the \$4000 cap on donations would limit funds available for crucial work during election periods, in which we can potentially do the best work to fulfil our organisational mission.

Queensland households with rooftop solar own and operate the equivalent of the biggest power station in Queensland.² Solar Citizens exists to represent their interests and priorities. However, under the existing version of the Bill, we are limited in the donations that we can receive in order to do this crucial work in election periods.

By contrast, any of the corporate energy interests are subject only to the expenditure cap and not the regulation of their income. Industry peak bodies, such as the Queensland Resources Council, can levy members for special election funds without it being subject to caps or disclosure requirements. This is fundamentally inequitable.

Recommendations

To ameliorate these impacts, Solar Citizens supports the following amendments to the bill:

1. Amendment to the definition of electoral expenditure

Our organisation supports inserting the following subsection to proposed section 199 of the Bill, which defines electoral expenditure:

(6) Expenditure incurred by a third party registered under the Australian Charities and Not-for-profits Commission Act 2012 or with an annual income of less than \$50,000, is only electoral expenditure if material that is published, aired or otherwise disseminated refers to—

(a) a candidate or a political party; and

(b) how a person should vote at an election.

² 'Rooftop solar now Queensland's biggest power station', *Renew Economy*, 12 April 2017
<https://reneweconomy.com.au/rooftop-solar-now-queenslands-biggest-power-station-14848/>

We believe the above amendment is necessary in order to ensure that charitable and public interest advocacy work is not adversely affected by this Bill. Charities represent a low risk of being used to circumvent the donation cap because we are specifically regulated by the ACNC to not have a party political purpose.

We note that this proposed amendment reflects, in key aspects, the structure of the relevant Victorian Act. The Victorian parliament sought to protect the rights of third party campaigners, such as Solar Citizens, to participate in policy advocacy during election periods.

Threshold for registering as a third party campaigner should be raised

The current threshold at which organisations must register as a third party campaigner (\$1000) is too low. The administrative burdens imposed under this Bill are significant, such that some organisations may need to spend more money in trying to comply with the administrative requirements than in actual electoral expenditure around public interest advocacy on their issues. Such an impact is not only unreasonable, but likely to have a chilling effect whereby organisations decide not to participate in the election debate, rather than face the significant administrative requirements required for a registered third party campaigner.

The threshold for registering as a third party campaigner should be raised to \$6000 so as not to prohibit small community groups from participating in public interest advocacy activities around elections.

Donations that are not related to or used for electoral expenditure should not have to be disclosed to the Queensland Electoral Commission

An amendment to the Bill (section 263) is required to state clearly that donations that are not used for electoral expenditure are not required to be disclosed to the Queensland Electoral Commission.

Please contact me on [REDACTED] if you have any further questions.

Many thanks,



Ellen Roberts
National Director
Solar Citizens