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**Crime and Corruption
Commission**
QUEENSLAND

Our Reference: CO-15-0021 / 17/026208
Contact Officer: PXB

21 February 2017

The Honourable Jim Pearce MP
Chair
Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Pearce

RE: ANSWER TO QUESTION ON NOTICE

I refer to a question on notice from the Honourable Ann Leahy MP at the Committee's hearing into the Local Government Electoral (Transparency and Accountability and Local Government) and Other Legislation Amendment Bill 2016 regarding whether relevant Queensland legislation¹ ensures compliance by donations made from overseas or through the Internet via fund-raising methods like "Go Fund Me".

The Crime and Corruption Commission (CCC) notes that neither Commonwealth nor Queensland laws prohibit overseas (or interstate) funding of candidates contesting local government elections in Queensland. However, the *Local Government Electoral Act 2011* (LGE Act) regulates these issues by placing obligations on both the donor and the candidate during the disclosure period for the relevant election. Any donations made by a donor, and received by a candidate in an election, above the reportable threshold, are required to be disclosed in accordance with the LGE Act.

In circumstances where the donor is not present in Queensland there is still an obligation on the candidate to record the gift/donation and keep relevant particulars. The most relevant controls in this regard are the candidate's obligation to record the name and address of the person making the donation² and the prohibition on accepting anonymous donations.³

A candidate at a local government election must not receive a gift valued at \$200 or more unless the name of the person or business is known.⁴ If the candidate does receive such a gift, the candidate must place the gift (if received in monetary form) into the dedicated account in accordance with LGE Act.⁵ Where a person receives a gift in

¹ *Local Government Electoral Act 2011; Associations Incorporation Act 1981*

² Sections 109, 117 and 195 of the LGE Act.

³ Section 119 of the LGE Act

⁴ Sections 109 and 119 of the LGE Act

⁵ Section 126 of the LGE Act

contravention of s 119 of the LGE Act the person is liable to repay the monies to the State.⁶

In addition, s 131 of the LGE Act provides for a candidate to disclose to the Electoral Commission that their disclosure return is incomplete, and identify the reasons why the return does not contain the particulars of the donor's identity.⁷ It is a matter for the Electoral Commission as to what action it takes.

While it may be impracticable to enforce obligations on entities or individuals operating outside of Queensland, the LGE Act regulates what, and how, gifts and donations are received and disclosed by candidates.

Yours sincerely

A handwritten signature in black ink, appearing to read "Anne M. Lee". The signature is fluid and cursive, with the first name "Anne" written in a larger, more prominent script than the last name "Lee".

Executive Director, Corruption

⁶ Section 119 (3)(a) of the LGE Act

⁷ Section 131 of the LGE Act