

Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Bill 2022

Submission No: 6
Submitted by: Darren Grimwade
Publication: Making the submission and your name public
Attachments: See attachment
Submitter Comments:

Dear Mr Whiting MP and Parliamentary Committee,

Thank you for the opportunity to make a submission on the Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Bill 2022.

I am a current sitting Councillor in the Moreton Bay Regional Council.

As you would be aware the next Quadrennial Council Election is scheduled for March 2024. My submission relates to a technicality that I have come across that whilst not specifically regarding this current bill, I feel needs to be addressed in the 'other legislation' section of the bill due to the timeframes between now and the next election.

Whilst undertaking some research in regards to the requirements to conduct a lawful fundraising raffle, I have discovered that independent candidates are unable to lawfully hold a raffle with their supporters unless they are an 'eligible organisation' as defined in the Charitable and Non-Profit Gaming Act 1999.

The Act refers to eligible organisations that may conduct raffles with varying requirements for permits and disclosure based on the level of funds intended to be raised. It is noted that political parties are an eligible organisation and therefore candidates who have been endorsed by a political party can lawfully operate a fundraising raffle, however independent candidates cannot.

I note that quite a few of the ECQ fact sheets and training documents refer to 'raffles' as being a fundraising activity for Council candidates, however, noting that only one of the 77 Councils in Queensland (Brisbane City Council) have political affiliations, this would seem inconsistent with the intent.

Whilst I understand that it is widely known and accepted that many independent candidates have undertaken raffles to raise funds for their campaigns in the past, I feel that this needs to be clarified and the legislation amended to make it clear that raffles are able to be lawfully conducted by independent Councillor candidates ahead of the 2024 election.

Amongst my research I have found a document released by the Queensland Labor Party in response to the electoral reforms' discussion paper in January 2013 where it states:

'Small grassroots community fundraising should be encouraged as it increases the participatory function within political parties and broadens the base for democratic involvement by others outside political parties'

My recommendation would be either of the following:

1. Amend the Charitable and Non-Profit Gaming Act 1999 to allow eligible organisations, as well as local government political candidates to undertake Category 1 & 2 games (low risk raffles that don't require permits)
2. Insert a new law into the current Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Bill 2022 that makes it lawful for **'declared'** candidates at Local Government Elections to conduct Category 1 & 2 games as specified in the Charitable and Non-Profit Gaming Act 1999.

You will note that I have purposely highlighted the words 'declared' in the previous recommendation 2. This will ensure accountability and transparency regarding the raffle and funds generated from it. As you are no doubt aware, once a candidate declares their candidacy in a Local Government Election, they must open a dedicated bank account and notify the ECQ. All funds and expenditure must pass through this account.

Therefore, an independent candidate could conduct a lawful raffle to raise funds for their campaign once they have declared their candidacy, with all funds being deposited into the dedicated bank account and disclosed under the existing electoral laws and provisions.

In the event that the candidate chooses not to nominate for the election or a sitting Councillor decides not to contest the election, the electoral act requires all funds in the dedicated account to be provided to a charity. This provision I believe would safe guard any attempt to misappropriate the fundraising activity.

As you can appreciate, time is at the essence in regards to this matter with the next Council Election only 14 months away. I feel that this issue must be addressed in the current bill before the Parliament.

I would be more than happy to attend the public hearing scheduled for the 31st January 2023 to further elaborate on my submission or answer any questions the committee may have.

Thank you once again for the opportunity to make a submission.