

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

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19 January 2023

Committee Secretary
State Development and Regional Industries Committee
Parliament House
George Street
BRISBANE QLD 4000

By email: SDRIC@parliament.qld.gov.au

Dear Secretary

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

The Peregian Beach Community Association Inc (PBCA) is a not-for-profit community organisation whose primary function is to assist the local community in protecting its natural and built environment and to ensure the liveability of the local area. As part of its modus operandi, it liaises with, makes submissions to, and generally monitors, local government within the Noosa Shire, particularly on issues that impact, or affect, Peregian Beach and Marcus Beach.

The effective operation of local government within the Noosa Shire LGA is of paramount importance to the PBCA and the residents it represents. We see a transparent, open, and fair and equitable system of local government elections as a fundamental component of our democratic system.

PBCA supports the Queensland Government's rolling local government reform agenda to strengthen the transparency, accountability and integrity measures contained in the Bill. Elections should be fair and free from undue influence. We believe the provisions in the Bill supports this principle.

The influence of third parties – on elections at all levels – is particularly pervasive and has led to considerable community concern over this increasing trend. Candidates, sitting or prospective, should not be able to influence voters by virtue of an uneven playing field particularly when it comes to the funding of election campaigns. We are concerned that increasingly, only the wealthy or those supported by special interest groups are the ones that most benefit from unrestricted campaign spending.

Third parties and associated entities should not be major conduits for political donations and expenditures and should not serve as proxies for candidates.

We believe the provisions of the Bill will go some way to ensure greater transparency and accountability at local government elections and provide a more level playing field for election participants.

PBCA supports the provisions of the Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Bill 2022. We note that the purpose of the Bill is to implement an electoral expenditure caps scheme for Queensland local governments with key features of the scheme to include local government electoral expenditure caps for councillor and mayoral candidates, groups of candidates, registered political parties that endorse a candidate in an election, and third parties.

We note that the Bill also enables the Electoral Commission of Queensland to decide and publish enrolment numbers for local government areas and divisions and the corresponding caps.

The Bill largely reflects the findings and recommendations of previous reports and the Queensland Government's response to the recommendations and as such the PBCA is supportive of the provisions of the legislation. The Bill reflects the feedback received from the community.

The PBCA is particularly supportive of the provisions in the Bill that relate to third parties and associated entities. Third parties should not exert a disproportionate influence through their election spending. Like many in the community, we have been concerned at the growing influence during local government elections of third parties and associated entities. The regulation of third parties and associated entities is a welcome advance towards ongoing electoral reform.

We strongly support the provisions in the Bill that deal with the definition, registration, and cap amounts of third parties. Electoral expenditure caps for registered third parties of an amount equal to an individual candidate's expenditure cap, is particularly welcomed.

We do note that there is one change to the initial proposals put forward and that change prevents third party expenditure caps from being pooled across local government areas and are to be 100 per cent of the mayoral cap. This is a sensible change and reflects one of the key reforms; namely that an electoral system should be fair and equitable and that undue third-party influence on electoral outcomes be prevented.

We believe, however, that there may be some ambiguity when it comes to understanding the treatment as to how electoral expenditure incurred by a third party may be considered. We understand that the electoral expenditure cap of an unregistered third party is \$6000 and that the electoral expenditure cap for a registered third party is equal to the expenditure cap for a mayoral candidate at the election.

We also understand that caps on electoral expenditure apply separately to each third party.

Separate third parties may each incur electoral expenditure up to each of their separate capped amounts. We have been advised that it is important to differentiate between electoral expenditure incurred by a third party and the concept of “gifted” electoral expenditure. “Gifted” electoral expenditure from a third party to a candidate is taken to be incurred by the candidate. This means that if the expenditure benefits a candidate and the expenditure is incurred with the authority or consent of the candidate, or if the candidate accepts material resulting from the expenditure, the expenditure is captured under the candidate’s own cap and not the third party’s cap. This clarification is welcome and the intent supported.

There remains, however, some ambiguity concerning the treatment of expenditure caps by unregistered third parties. While highly unlikely there remains the possibility that multiple third parties (e.g. a number of unrelated, individual local residents) could incur expenditure within the \$6000 cap but which in total could, theoretically, exceed the cap of a mayoral candidate or councillor candidate. It would be well outside the intent of the legislation to allow for such collective expenditure.

Given the potential for some confusion on this issue we welcome the commitment that stakeholder education material will be developed together with the Electoral Commission of Queensland to ensure clarity for election participants and the broader community to obviate any concerns about possible breaches of the expenditure cap provisions.

In recent years associated entities have become major conduits for political donations and expenditure and can effectively serve as proxies for election participants. A shared expenditure cap provides the strongest option for regulating expenditure of associated entities and eliminates any advantage separate caps could provide.

We are also supportive of the requirement that electoral expenditure incurred by an associated entity for Queensland local government elections be treated as though it was incurred by the electoral participant with which the entity is associated.

Provisions in the Bill ensure that any associated entities of candidates, groups of candidates and political parties will be captured and will be subject to the expenditure cap of the relevant election candidate.

Yours sincerely



Barry Cotterell
President

On behalf of the management committee, Peregrine Beach Community Association

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