

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

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

Dear Committee Secretary,

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

Thank you for the opportunity to provide feedback on the Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Bill 2022 (the Bill). I am making this submission to express four recommendations based on my experience as a local government candidate and councillor in Queensland. This document, representations and recommendations are made by myself and are not on behalf of any council.

The definition of distribution under section 109A(2)(a) should be clarified.

Section 109A(2)(a) of the Bill states that electoral expenditure can include expenses for 'broadcasting or publishing material for an election.' Two examples of distribution expenses are email and SMS delivery expenses.

During the 2020 local government elections, many candidates deployed election signs erected on posts. In the Bill, it is unclear whether the cost of the post that an election sign is attached to would be considered as an electoral expense.

Candidates also deployed election signs attached to a vehicle. It is unclear whether the cost of the vehicle would be considered an electoral expense. If the use of a vehicle to display an election sign is considered an electoral expense, clarification should be provided in regard to calculating the electoral expense of a vehicle used.

The *Local Government Act 2009* (Qld) and the Bill should be aligned.

Section 197A(5)(a) of the *Local Government Act 2009* (Qld) states that a 'councillor advisor's functions and responsibilities cannot include carrying out or assisting in an activity relating to a councillor's campaign for re-election.' The *Local Government Act 2009* (Qld) does not provide a definition as to what constitutes 'an activity relating to a councillor's campaign for re-election.'

A 'campaign purpose' is defined in section 109B of the Bill with more detail than 'an activity relating to a councillor's campaign for re-election.'

Amending section 197A(5)(a) of the *Local Government Act 2009* (Qld) to replace 'activity relating to a councillor's campaign for re-election' with 'activity with a campaign purpose' provides an alignment between the Act and the Bill as well as greater clarity.

The definition of promoting a candidate and influencing voting under section 109B(1) should be clarified.

Section 109B(1)(b) states that expenditure is incurred for a campaign purpose if the expense is incurred to 'promote... the election of a candidate.' The threshold for if material is promoting a candidate is unclear. It can be assumed that a sign expressing 'vote one for candidate XY' constitutes as promoting the election of that candidate. It is unclear whether a sign that says 'candidate XY' and excludes words relating to a vote or policy would be considered as promoting the election of the candidate. Greater clarification as to what constitutes the promotion of the election of a candidate should be provided in the Bill.

Section 109B(1)(c) states that expenditure is incurred for a campaign purpose if the expense is incurred to 'otherwise influence voting at an election.' It is unclear what would constitute as influencing voting at an election. Greater clarity in regard to what is considered as influencing voting at an election should be included in the Bill.

The expense of reusing election material from previous elections should be clarified.

Candidates may seek to reuse election material from previous elections in future elections. The Bill does not provide clarity as to whether the initial, depreciated or indexed value of the reused election material is expensed.

Recommendations:

1. The definition of distribution under section 109A(2)(a) should be clarified.
2. The *Local Government Act 2009* (Qld) and the Bill should be aligned to share a common definition in regard to councillor advisors campaigning.
3. The definition of promoting a candidate and influencing voting under section 109B(1) should be clarified.
4. The expense of reusing election material from previous elections should be clarified.

Kind regards,



Jacob Heremaia