




Speech By  
**Charis Mullen**

**MEMBER FOR JORDAN**

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Record of Proceedings, 18 April 2023

**LOCAL GOVERNMENT ELECTORAL AND OTHER LEGISLATION  
(EXPENDITURE CAPS) AMENDMENT BILL**

 **Mrs MULLEN** (Jordan—ALP) (4.13 pm): I rise to speak in support of the Local Government Electoral and Other Legislation Amendment Bill 2022. In recent years the Queensland government has been delivering a rolling reform agenda across the local government sector to strengthen transparency, accountability and integrity in this very important level of government. As we know, we have seen a number of inquiries into local government, including the Crime and Corruption Commission's Operation Belcarra which identified a range of opportunities to strengthen the local government sector, including the need to have elections contested on a level playing field with equal participation available to all.

Local governments are responsible for the good governance of local and regional communities. In performing this role, local governments execute a range of functions, including planning and monitoring, service delivery, and lawmaking and enforcement. They also play an important advocacy role, representing the interests of their community in negotiations with state and federal governments and the non-government sector. They are a vital economic contributor to our state, with more than 42,000 people employed by Queensland's councils. It is imperative that those charged with the responsibility of leading councils—elected mayors and councillors—should have the confidence of the communities they serve, and this begins before they are elected.

Operation Belcarra was established as a result of the numerous complaints about the conduct of candidates for several councils in the 2016 local government elections. In general terms, allegations were made that some candidates, some of whom were elected or re-elected to council, had purported to be Independents, but were in fact part of an undeclared group of candidates that shared campaign resources and funding sources, had failed to properly declare donations they had received, had misled voters by publicly denying they had received funding from certain sources, and had real or perceived conflicts of interests because they had received donations from property developers with business interests subject to council consideration.

One of the key recommendations of the CCC was to consider the feasibility of introducing expenditure caps for Queensland local government elections. I am pleased to see this bill will ensure an expenditure capped scheme for Queensland local councils and councillors is introduced and appreciate it has broad support from stakeholders. This creates consistency for candidates, parties or entities that operate in both local and state elections and also ensures the Electoral Commission of Queensland is able to better monitor the scheme for both state and local government elections.

I believe the scheme that is being proposed and which is modelled on that applying to state elections is thoroughly workable, including offering a sliding scale of electoral expenditure caps for mayoral and councillor candidates, based on electoral numbers, in recognition of the different sizes of local governments in Queensland which would see a number of bands created based on the number of electors, with Brisbane City Council wards being afforded a greater councillor cap. The proposed local government scheme is intended to align with the state scheme where practical and appropriate.

However, unlike the state scheme, the proposed cap for mayors and council candidates does recognise, as I said, those differences in the elector numbers and the varied shapes and sizes of Queensland's 77 local governments.

The scheme also allows for: the ability for groups of candidates to pool their expenditure caps within a local government area and up to a certain capped amount; the ability for political parties and their endorsed candidates to pool their expenditure caps within a local government area and up to a certain capped amount; applying expenditure caps to associated entities and a registration system to monitor the electoral expenditure of those third parties; and aligning some of those key definitions such as 'electoral expenditure', 'campaign purpose', 'third parties' and 'associated entities' with the definitions provided similarly under the state scheme.

The length of the expenditure cap period was an interesting debate which the parliamentary committee considered with inquiry stakeholders giving mixed feedback, some calling for it to be extended, while others suggesting it should be shorter. The LGAQ's position that the capped expenditure period should apply for the full local government term, that is four years, was not supported; nor was the Queensland Council of Civil Liberties' proposal for a shorter capped expenditure period of four months based on a UK government review. I think the position settled on by the committee and by the government of seven months is appropriate, given it aligns with the length of the existing state scheme, is easier to operate and is not adding an additional burden to the Electoral Commission of Queensland in terms of those additional resources. As the ECQ noted—

A longer capped expenditure period would most definitely have a greater resourcing implication from our point of view from a real-time monitoring perspective, from a compliance response perspective and from a candidate support perspective.

I am also pleased to see clause 24, which provides definitions within the Local Government Electoral Act for electoral expenditure and campaign purpose to now align with the Electoral Act. This is an area of some conjecture and I think clear advice would ensure that there is no confusion on what can be included, especially for new candidates contesting elections for the first time. I also support the committee's comment that this training be ready by August 2023 to align with the calculation and publication of the expenditure caps for participants to ensure there is enough time to understand the requirements.

I noted the member for Scenic Rim talked about the need for review of the laws and he cited issues with our government's drafting of local government legislation. I was a little bit surprised that the member would raise this issue of flawed legislation because it is not hard to remember—and I remind him of the time in government—when the state's first law officer at the time, the member for Kawana—and I quote this from an article in the *Brisbane News* in 2014—saw that—

... one signature law struck down as "invalid", another quietly repealed before it suffered the same fate, and a third facing a massive High Court challenge...

The member for Kawana then tried to distance himself from the legislation by saying that he did not 'go around and personally draft legislation'. It sounds like he did not actually read his own draft legislation either. 'Pot kettle black' for the member for Scenic Rim to be indicating that there are issues with flawed legislation and that we need some kind of review of that.

I believe we have come a long way since the 2016 local government elections, which elicited grave concerns around the conduct of candidates and led to serious implications for a number of local governments across South-East Queensland. The new electoral expenditure cap scheme will be another significant milestone in ensuring confidence in the local government sector, promoting greater equity by levelling the playing field and providing a fair opportunity for all who wish to represent their community in the upcoming local government elections and beyond. I commend the bill to the House.