




Speech By  
**Sandy Bolton**

**MEMBER FOR NOOSA**

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

 **Ms BOLTON** (Noosa—Ind) (4.05 pm): The Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Bill 2022 was introduced to implement the expenditure caps for local government elections recommended by the Economics and Governance Committee during the 56th parliament. To do this, the bill amends the Local Government Act, the City of Brisbane Act and the Local Government Electoral Act. As we have heard, these caps will apply to councillor and mayoral candidates, groups of candidates, political parties and any third parties that incur electoral expenditure, such as associated entities, not-for-profits and unions. The caps will vary according to electorate size. Therefore, the Electoral Commission of Queensland will publish enrolled numbers and relevant caps.

Furthermore, the bill also aligns this scheme to the state electoral scheme of capped expenditure periods, indexation systems and definitions. The period for which the expenditure cap applies is approximately seven months, as it has been aligned with the state scheme. It should be noted that it is only approximately seven months because the start of the period is set as the first business day after the last Saturday in August in the year before an election year. Therefore, like Easter, the start dates can move around varying the time frame somewhat.

There was mixed feedback on the cap length, and we have heard a lot in the chamber on that already. The Local Government Association of Queensland maintain that the capped expenditure period must be for the whole four-year period of the local government term to absolutely ensure a level playing field. They gave the example of a Townsville election where outside donations from a mining company meant one candidate had election expenditure four times that of another. The Queensland Council for Civil Liberties put forward the opposite—that the length should be cut down to four months before the election based on a review in the UK that voters are unlikely to be influenced outside that time period. The department kind of went between the two differing viewpoints, aligning with the state election capped seven-month period as the best option. They also said that the bill addresses the potential stockpiling of electoral material by counting money spent at any time on electoral material that is used during the seven-month capped period. It would be interesting to see how that is monitored.

Regarding third parties' electoral expenditure caps, the Queensland Law Society raised concerns that some of the terminology—such as 'otherwise influence voting'—is open to interpretation and the provisions could drive away third party not-for-profits from participating in elections, even when it is legal, due to uncertainty in interpreting the legislation. For those of us who have been through multiple elections, we have lived through the interpretation of the legislation and some of the interesting outcomes of those. In response, the department said that these terms were aligned with the terminology for state elections and that any legal interpretation can be brought to the terms of this bill, and they will work with the Electoral Commission to provide clarity on enforcement of the scheme. The committee highlighted that comprehensive and accessible training on the operation of the act will be necessary for candidates and councillors to meet their obligations and recommended as such, and that was a good recommendation.

There was a statement of reservation that focused on the needs of rural local government areas. As it pointed out, 70 per cent of local government is undivided, with councillors representing often large geographical expanses—and we heard the member for Condamine mention this—containing multiple media regions which should be reflected in the caps. This should be addressed. The committee recommended that the operation of the bill be reviewed after 12 months, and the disparities that have been outlined should be considered as part of that review.

An issue raised in a submission was that independent candidates cannot lawfully hold a raffle to raise funds for their campaign as they are not an eligible organisation according to the definition included in the Charitable and Non-Profit Gaming Act 1999. Again, this must be addressed, if it has not been already, to ensure a level playing field at all levels of government. I found it interesting as an independent in the last state election that the rules around raffles basically meant that we would need the full name and address of any person who bought a \$1 raffle ticket. That makes it very difficult.

Overall, the introduction of local government electoral caps will be of benefit to our democracy in Queensland. However, from my experience, the expenditure cap is still too high for the smaller shires, and, as a previous councillor, I know that \$30,000 is a lot of money for everyday Queenslanders, especially those who are not the incumbents who want to represent their community by running as a local councillor. The price of a new car might be fine for a career politician or those aligned to parties, or to third parties, however not for our grassroots candidates. Really, we should be looking at this. We need our local governments to be community focused, represented by genuine independents and not party-driven. This does not make for good collaborations.

Ensuring the integrity of our elections and democracy is vitally important, as is our committee process, which I have spoken on numerous times, and I am not going to go there, as well as the needed transparency in relation to voting processes, which I am going to go there. The ability to cast your vote via post has increased as a result of the pandemic with a form of hoodwinking that is unacceptable where political parties offer applications for postal voting utilising their own reply paid envelopes. Queenslanders assume the reply paid address is the Electoral Commission when it is not. Who knows what information is harvested before these are sent on to the commission? This is what the Australian Electoral Commissioner said last year before the federal election about this practice—

It's legal but it is potentially misleading and we're concerned.

Also—

People have a right to know what they're doing with their personal data. The AEC takes privacy seriously and operates under the Privacy Act, political parties don't have to.

And—

Political parties send postal vote applications to residents every election but the increased variation of channels and wording this election, combined with the environment, is of concern.

The government should act right now to address this issue. In approaches to the Attorney-General, who stated that it is a matter for individual electors how they choose to apply for postal votes, and our approach to the Queensland Electoral Commissioner, who said that there was no need for legislative changes, we have not been able to resolve this. Why requests to simply insert the name of where these applications are going is not agreed to is unfathomable, and I really do not understand it. It does not cost anyone, including government, any money. It is just one line on an envelope above the reply paid number—not hard at all—and provides total transparency. Is that not what we are trying to get to?

Regarding last-minute amendments to this bill which are unrelated and around rentals, it should have gone through the proper process. Given the housing crisis, any efforts are welcomed, however to assess what unintended consequences could arise in just a couple of hours—and that is all I had—is not possible. It is almost like shutting the gate after the horse has bolted. Everyone has known for years of this crisis, yet here we are at the last minute looking at an amendment. We need much more.

In closing, I would like to thank the good work of the committee which reviewed this legislation and particularly all Queenslanders who took the time to share their views with the committee and, through them, with this parliament. May we see fewer party aligned candidates in local government elections, further decreasing in expenditure and campaign materials as annually supported in the Noosa Community Survey. Every year the vast majority want to see a decrease and much more transparency in all levels of government. There is nothing for us to lose and so much to gain.