




Speech By
Stephen Andrew

MEMBER FOR MIRANI

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

 **Mr ANDREW** (Mirani—PHON) (4.43 pm): I rise to speak on the Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Bill 2022. According to the bill's explanatory notes accompanying the bill, there is a concern for potential inclusion of costs for office accommodation and paid campaign staff which have not been included in the legislation. I noted in the OSCAR submission that there have been incidences where, for example, a landowner or landlord supplies commercial office space to a candidate but does not charge commercial rent. This should be declared. Similarly, if candidates have campaign staff in said offices, they should also declare any payment to them. In local government elections it would be fair to say that very few candidates would have election offices. Where either a mayoral or a councillor candidate has office space during an election this should be declared, as it is either being funded by the candidate's election funds or is being provided as a gift in terms of part or full rent for the term of the election. An example of such is where a shopping or theatre or office centre owned by a developer allowed a candidate office space for more than 12 months leading into the election. Under the ban on developer donations, such approval would now probably be given by centre management, avoiding the developer ban. The amount of rent paid, if any, was never disclosed to the electors. It is evident that this expense should be included in the cap for electoral expenditure.

Similarly, most candidates in local government elections have volunteer staff. Where paid staff are used, that should also be declared. An alternative may be to allow any candidate to have undeclared office accommodation and/or staff for the period from when the election is called until election day. By not including accommodation in the election expenditure cap immediately, the candidate availing themselves of such opportunity has a clear advantage over the candidate operating from their home. A similar advantage applies to the use of paid staff. It could be seen that the bill is encouraging more party political and groups of candidates nominating for elections as opposed to genuine community Independent candidates.

The individual mayoral cap amounts for larger councils and the timing of the application of expenditure caps is another issue that needs to be addressed. The Department of Local Government, Racing and Multicultural Affairs proposed a maximum figure of \$100,000 for mayoral candidates while the LGAQ proposed a figure of \$200,000 for mayoral candidates. These amounts make it unaffordable for most potential candidates and will result in only wealthy and very well-funded candidates contesting mayoral elections with any expectation of being successful. For the majority of candidates, election spending for the 2020 local government election was significantly lower than the caps currently proposed. Again, OSCAR's submission highlights an unintended consequence where more party aligned candidates standing for mayoral positions can take advantage of financial support from their political party. Local government should be free of party endorsed and funded candidates. In addition, Brisbane Residents United's submission shines a light on the lack of regulation for industry associations and incorporations. These are the biggest players in Queensland elections. A closer examination into ways in which corporate income is used on electoral expenditure could be restricted or, at the very least, disclosed transparently.

I have serious concerns over third parties that could embark on media campaigns to further their cause or to run a negative campaign against a particular candidate or group of candidates. There is no legislation to address the revolving door between industry and government which leads to inside relationships without due regard being given to the public interest. As outlined in the Queensland Law Society submission, the concern is that the current bill will have a chilling effect on the participation of not-for-profit and charity organisations in the debate and the development of social policy. The amended drafting reflected in this bill introduces a number of additional uncertainties about the scope of the third-party registration framework due to the following concepts: proposed sections 109A(5) and (6) to the LGEA could be left to the court's interpretation to decide when the purpose of a third party's expenditure is indeed electoral expenditure; and the insertion of proposed new section 109B(1)(c) into the LGEA suggests that a third party's expenditure could be considered expenditure for a campaign purpose even if there is no mention of a particular political party or candidate in the material produced. QLS is correct in that—

... this legislation will inhibit the legitimate and valuable voice of charities and not for profit organisations in modern Australian political discourse and debate, because of an organisation's fear of inadvertently advocating in a way which is perceived 'to otherwise influence voting at an election'. This risk is heightened when under this bill, it does not matter if the material in question does not even mention a particular party, candidate or group when the position is expressed.

Community groups are well placed to identify issues of concern and should be encouraged to create community conversations to make change on matters that affect them—that is, rates, land valuations, costs of living, social issues like domestic violence, health and many other issues that we go through during these elections.

The bill should be renamed the 'non-local government bill' as its one purpose is to eliminate independent councillors and replace them with party members. The way the allowances and wages are set up, only party groups would be capable of organising their way into council, which is a damn shame. Independents have always been the way local government operates. They are local and because of that they know more about our local issues and the solutions to fix them. Party tickets, as favoured in this bill, just do not get the same results and they cost more, especially when the elected mayor is in conflict with the majority of elected councillors.

I bring to the attention of the House the situation with committees and the amendments introduced this morning. In the past I have often said that a crossbench member should have the casting vote as the chair. It would make it a fairer and more democratic process. That will always be a difference of opinion. At the moment it is heavily weighted. In my opinion, it would be nice to go the other way and give crossbench members the opportunity to be the chair of the committee.

Mr DEPUTY SPEAKER (Mr Hart): Member for Mirani, I draw you back to the bill, please.

Mr ANDREW: Thank you very much, Mr Deputy Speaker.