



ECONOMICS AND GOVERNANCE COMMITTEE

Members present:

Mr LP Power MP (Chair)
Ms NA Boyd MP (via teleconference)
Mr ST O'Connor MP
Mr DG Purdie MP (via teleconference)
Ms KE Richards MP (via teleconference)
Mr DC Janetzki MP

Staff present:

Ms L Manderson (Acting Committee Secretary)

PUBLIC BRIEFING—INQUIRY INTO THE ELECTORAL AND OTHER LEGISLATION (ACCOUNTABILITY, INTEGRITY AND OTHER MATTERS) AMENDMENT BILL 2019

TRANSCRIPT OF PROCEEDINGS

MONDAY, 16 DECEMBER 2019

Brisbane

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The committee met at 9.15 am.

CHAIR: Good morning. I declare open this public briefing of the Economics and Governance Committee for its examination of the Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019. I would like to acknowledge the traditional owners of the land on which we meet and pay my respects to elders past and present. My name is Linus Power. I am the member for Logan and chair of the committee. With me here today are David Janetzki MP, the member for Toowoomba South, who is participating as a substitute member for Ray Stevens MP, the member for Mermaid Beach and the deputy chair; and Sam O'Connor MP, the member for Bonney. Joining us today via teleconference are Nikki Boyd MP, the member for Pine Rivers; Dan Purdie MP, the member for Ninderry; and Kim Richards MP, the member for Redlands.

On 28 November 2019 the Attorney-General and Minister for Justice, the Hon. Yvette D'Ath MP, introduced the Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019 into the Legislative Assembly. The bill was referred to this committee for examination, with a reporting date of 7 February 2020. On the introduction of the bill, the Legislative Assembly also agreed to a motion that the committee, when examining the bill, also consider recommendation 1 from the Crime and Corruption Commission's Operation Belcarra report regarding the feasibility of introducing expenditure caps for Queensland local government elections with a view to the model commencing after the 2020 local government elections.

The purpose of this morning's briefing is to assist the committee with its examination of the bill and related inquiry into the feasibility of introducing expenditure caps for Queensland local government elections, including considerations identified in the Crime and Corruption Commission's recommendation 1. The briefing is a proceeding of the Queensland parliament and is subject to the standing rules and orders of the parliament. The briefing is being recorded and broadcast live on the parliament's website. Media may be present and will be subject to my direction. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. I ask everyone present to turn mobile phones off or switch them to silent.

I remind committee members that officers appearing today are here to provide factual or technical information. Any questions about government or opposition policy should be directed to the responsible minister or shadow minister or left to debate on the floor of the House.

BLAGOEV, Ms Bronwyn, Executive Director, Strategy and Service Delivery, Department of Local Government, Racing and Multicultural Affairs

BRADLEY, Ms Imelda, Director, Strategic Policy and Legal Services, Department of Justice and Attorney-General

KAY, Ms Sarah, Director, Strategic Policy and Legal Services, Department of Justice and Attorney-General

ROBERTSON, Mrs Leanne, Assistant Director-General, Strategic Policy and Legal Services, Department of Justice and Attorney-General

TUBOLEC, Ms Melinda, Senior Legal Officer, Strategic Policy and Legal Services, Department of Justice and Attorney-General

CHAIR: Good morning. I invite you to make an opening statement to the bill and after that committee members will have some questions for you.

Mrs Robertson: Thank you, Chair. I thank the committee for the opportunity to brief you on the Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019. The bill contains five chapters, with chapters 2 to 5 containing the substantive policy measures.

Chapter 2 of the bill contains amendments relating to funding and expenditure for state elections. The key policy objective of this chapter is to improve the actual and perceived integrity and public accountability of state elections and ensure public confidence in state electoral and political processes. The bill contains amendments to cap the giving and acceptance of political donations to registered political parties and their associated entities, candidates and third parties involved in electoral campaigning.

Political donation caps of \$4,000 from a single donor for a parliamentary term will apply to registered political parties and third parties. Political donation caps of \$6,000 per parliamentary term will apply to each candidate or candidates endorsed by the same registered political party. Donors will not be permitted to make donations to more than six third-party campaigners. The donations cap will be indexed after each general election.

Electoral expenditure caps will apply to registered political parties, their associated entities, candidates and third parties involved in electoral campaigning. The expenditure caps will apply to specific kinds of expenditure with a purpose of influencing voting at an election. The expenditure caps will apply in the 12 months prior to an ordinary general election. However, in the case of the 2020 general election the expenditure caps will apply from 30 March 2020 to the end of polling.

The electoral expenditure caps for registered political parties will be \$92,000 multiplied by the number of electoral districts for which they have endorsed a candidate plus a per district cap of \$92,000. Endorsed candidates will be subject to a cap of \$58,000 shared equally between the number of candidates endorsed by the same party for the district, and Independent candidates will be subject to a cap of \$87,000. Registered third parties will be subject to a general expenditure cap of \$1 million, with a per district cap of \$87,000. The expenditure caps will be indexed after each general election.

Registered political parties, candidates and registered third parties will be required to maintain dedicated campaign accounts with specific amounts being permitted to be paid in, political donations for state electoral purposes being required to be paid in, and electoral expenditure being required to be paid out of those accounts. Registration requirements will be introduced for third parties that incur electoral expenditure of \$1,000 or more within the capped expenditure period.

Public election funding will be increased from the current rate of \$3.14 to \$6 per formal first preference for registered political parties and from \$1.57 to \$3 for candidates, which will continue to be indexed. The policy development funding pool will be increased from \$3 million to \$6 million per annum.

Independent members will be entitled to receive policy development payments. The distribution of policy development payments will be modified. The entitlement to policy development payments will be based on the most recent general election at the time of making the payment. Other amendments that we have made to the funding and disclosure arrangements in part 11 of the Electoral Act 1992 include clarification of the definition of 'gift', the treatment of loans and the accountabilities of agents and electoral participants and minor amendments to disclosure arrangements.

Chapter 3 of the bill introduces new offences for signage at state elections. The display of unpermitted signage within 100 metres of the entry to a pre-poll voting office or the grounds and 100 metres within any designated entrance will be prohibited. A candidate or endorsed registered political party will be permitted to display up to two signs of up to the specified size per entrance. The display of election signs or the setting up of items in the areas around ordinary polling booths will also be prohibited until after 6 am on polling day. These measures are aimed at ensuring that the areas around pre-poll voting offices and ordinary polling booths are not crowded with signage while allowing those seeking election reasonable opportunities to communicate and ensure that the ordinary use of premises is not interfered with by the set-up of election material before 6 am on polling day.

Chapter 4 will introduce new offences applicable to cabinet ministers who behave dishonestly and with an intention to obtain a benefit for themselves or others or cause a detriment to others. The new offences seek to address areas of improvement to ensure that conflicts of interest are declared and to reduce the risks of intentional misconduct as identified by the Crime and Corruption Commission in recommendations 3 and 4 of its media release dated 6 September 2019.

The bill amends the Integrity Act 2009, creating a criminal offence that will capture a minister who knowingly fails to disclose a conflict of interest with the intent to dishonestly gain a benefit for themselves or another or cause a detriment to another person. The bill also amends the Parliament of Queensland Act 2001, creating a new offence that will apply where a minister intentionally fails to comply with section 69B(1), (2), or (4) of that act with a dishonest intent to obtain a benefit for themselves or another or cause a detriment to another person. Each of the new offences carries a

maximum penalty of two years imprisonment, or 200 penalty units. To ensure transparency and consistency in the decision to prosecute, each charge cannot be laid without the consent of the Director of Public Prosecutions. The purpose of the two new offences is to ensure that conflicts of interest are declared and to ensure that there are consequences for ministers who dishonestly and intentionally fail to comply with their current obligations with respect to the register of interests.

Chapter 5 of the bill contains amendments relating to the dishonest conduct of councillors and other local government matters. The bill inserts new provisions into the City of Brisbane Act 2010 and the Local Government Act 2009 to provide for a new process for managing councillor conflicts of interest and includes new obligations for councillors in relation to registers of interest. These provisions are largely the same as those that were introduced in May this year as part of the Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019 and omitted during consideration in detail. Key changes to the provisions under the bill include the introduction of new offences for the dishonest conduct of councillors. Similar to the new offences in chapter 4 applying to cabinet ministers, these offences apply if a councillor contravenes particular requirements about conflicts of interest or registers of interest with intent to dishonestly obtain a benefit to themselves or someone else or to cause a detriment to someone else. A maximum of 200 penalty units, or two years imprisonment, will apply and the offences will be prescribed as serious integrity offences. Failure to comply with the requirements will also be misconduct and could result in disciplinary action being taken against the councillor.

The bill also provides for the appointment of councillor advisers to assist councillors in performing their responsibilities under the City of Brisbane Act 2010 and the Local Government Act 2009. Councillor advisers may carry out functions such as coordinating media activities, policy development or event management for councillors. Only the Brisbane City Council or another local government prescribed by regulation may, by resolution, allow a councillor to appoint appropriately qualified councillor advisers. Councillor advisers will be required to comply with a code of conduct to be made by the minister and will be subject to the same register of interest obligations that are to apply to councillors, including the dishonest conduct offence for dishonestly contravening these obligations.

In conclusion, I again thank you for the opportunity to provide this opening statement. Of course, we are happy to take questions from the committee.

CHAIR: Thank you very much, Mrs Robertson. I now turn to questions. I note that, in the absence of the deputy chair, the member for Toowoomba South has a question.

Mr JANETZKI: I want to turn to questions about signage and get some clarification on the draft bill. Can you confirm if third parties will be excluded from displaying any form of signage within the exclusion zone? That particular signage may also relate to support of a candidate or other related messages.

CHAIR: Are you are talking about polling day?

Mr JANETZKI: Correct, at pre-poll or polling day.

CHAIR: One hundred metres from the—

Mr JANETZKI: In the exclusion zone, yes.

Ms Tubolec: I can confirm that in the restricted signage area at pre-poll and on polling day only candidates and political parties can display permitted signs, but any signs that are displayed by the party will offset against the number that the candidates can display so there is parity between endorsed and unendorsed candidates. Third parties are not allowed to display any signs in the restricted zone. Anywhere outside of 100 metres from the designated entrances is where third parties can display their signs.

CHAIR: With regard to the 100 metres from the designated zone, the act specifies six metres from the entrance. When it comes to schools, it is often better, in the process of moving people through, that they find the six metres to conveniently line up with the outside gate of a school. We do not get our tape measures out, but it often works in a much better—

Mr JANETZKI: Some do.

CHAIR: They play it harder in Toowoomba South. It often works better that the entrance is maintained at that mark. Others take six metres from the entrance of the actual building housing the voting. Will that change or has that been noted as part of the process, especially in the context of the 100 metres?

Ms Tubolec: We are not amending the canvassing offences in the bill. The six-metre restriction remains for canvassing from the entrance to the building in which the voting compartments are situated. That is not affected by the signage restrictions. Canvassing is more about communicating directly person to person and harassing somebody as they are going through, whereas these are more about the display of physical signs that people can see visually.

CHAIR: That being said, the act of putting up a sign was also restricted under that six-metre canvassing rule because within that it was seen as canvassing to have a sign or something from the candidate.

Ms Tubolec: That is right, yes. There cannot be any election matter in that and inside the voting compartments themselves. All of those provisions remain. We are not affecting those; we are just adding this restricted signage area.

Mr JANETZKI: Are there any changes to the number of people who may be able to hand out how-to-vote cards? You just mentioned that those provisions are not being changed. That is as it stands?

Ms Tubolec: No, there are no amendments in the bill for how-to-vote cards.

Mr JANETZKI: Is there intended to be any limitation on the size of signs, for example corflutes? If there is a limit of two, is there an intention to limit the size?

Ms Tubolec: Yes. The signage restrictions in the bill confine the size to be 600 millimetres by 900 millimetres for each side of the sign. It does have a carve-out for A-frame signs to say that a double-sided A-frame is deemed to be one sign, effectively.

Mr JANETZKI: How about a three-sided corflute, like a triangle corflute?

Ms Tubolec: We do not have any specific carve-out for that. A standard A-frame double-sided teepee arrangement is one sign. If there is anything more creative than that then that would be two signs, essentially. It is about the area. You can have a 600 x 900 surface area times two.

Mr O'CONNOR: It mentions items that are excluded. The explanatory notes talk about clothing, and I think there is a mention of stickers or balloons. Can we have some more clarity on the sorts of items? If you had a vehicle parked within the exclusion zone that had signage on it, would that fall under the signage restrictions? What sort of things? Is it only fixed signage that we are talking about within the exclusion zone?

Ms Tubolec: We are not just talking about fixed. We have to look specifically at the provisions. If it was fixed to something such as a vehicle, it says that it cannot be fixed to a permanent structure. That covers a wall—for example, the side of the school hall. It is going to cover the fences of the school as well, because we are covering the boundary of the school. It would come down to interpretation as to whether a moving vehicle is a fixed structure and whether it falls within that exemption.

Mr O'CONNOR: In terms of the other items that are restricted, it talks about clothing, balloons or stickers. Can you provide any more clarity on that?

Ms Tubolec: They are just to cover the small, movable items. You will see there is also an exclusion for shading and tent structures so that those sort of safety precautions can still apply.

Mr O'CONNOR: You can still have branded-up gazebos?

Ms Tubolec: Yes. Obviously, there will still be pens and so on which may have party logos and candidates' names on them. They are movable and fixed and are not going to be loud and in voters' faces, so those sorts of smaller items individually are exempt from the requirements. You will see that the wording is quite particular. There is not really any way you could get around that by stringing T-shirts together over the sides of them and creating—

Mr O'CONNOR: I cannot have someone with an S-A-M sort of—

Ms Tubolec: No. That is why it specifically says T-shirts when worn as well. We are talking about small, movable items that everybody is going to be using and that are not in your face.

Mr O'CONNOR: You could theoretically park a vehicle in a car park within the zone.

Mrs Robertson: I do not think we can speculate. It is going to be a matter of interpretation. We really cannot take that much further this morning.

Mr JANETZKI: Just to be crystal clear, things like shirts and balloons, because they are movable and not fixed, will be permissible within an exclusion zone?

Ms Bradley: I do not think balloons are mentioned in the exclusions.

Mr JANETZKI: I saw that a sticker is defined as not being an election sign, so within exclusion zones stickers would be permissible. Is there a size limit to them, or would it be similar to the 900 x 600?

Ms Tubolec: That is right. The intention is to cover small items that are less than 900 x 600. It would be a little nonsensical if we allowed people to stick signs on the side of a building to get around the 900 x 600, but that is still a fixed or permanent structure anyway. Fixing covers all sorts of things, whether you use bolts or cable ties, and I would say that glue would arguably be fixing as well.

CHAIR: I assumed that the sticker exemption was relative to people who might attend the polling booth with a bumper sticker or something of that description. It is not uncommon for people to have 600 x 900 stickers re-using corflute as a design, but your suggestion seems to be that a sticker less than 600 x 900 could be repeatedly put up.

Ms Tubolec: Smaller items, yes. You are asking to what extent a sticker becomes a sign that exceeds the 900 x 600 permitted limit. The intention is to carve out the smaller, movable items. It can be small stickers that might be on T-shirts, a mobile and those sorts of things but not the sorts of things that are attached to fixed structures and so on.

CHAIR: That is the key. If there was a 600 x 900 sticker stuck to a school fence, it becomes attached to a fixed object.

Ms Tubolec: Yes.

CHAIR: But attached to movable corflutes?

Ms Tubolec: If a sticker is attached to a corflute, it is still going to come within the restriction. It is permitted and it cannot get any bigger than a 600 x 900 sign. That would just be one sign. The sticker is not one sign and then a piece of corflute another, because a corflute is presumably blank behind a sticker. It is not a sign as such; it is just a piece of material.

Ms Bradley: The relevant provision talks about it being a small thing such as a hat, a pen, a pencil, a badge or a sticker, so I think it is pretty clear what the intention is.

CHAIR: That answers my question. Larger stickers stuck to movable objects would not be exempt because they are not a small thing.

Ms Tubolec: Correct.

Mrs Robertson: The same section has another thing prescribed by regulation. The questions this morning have highlighted why that particular provision might be there as well—the regulation-making power.

CHAIR: It is difficult to regulate on election day, though.

Mrs Robertson: Yes.

Ms RICHARDS: With regard to the councillor conflict of interest—and I guess there have been across-the-board issues raised in terms of conflict of interest—I note there was consultation with the Local Government Association of Queensland and the Local Government Managers of Australia. Has there been any consultation with the Independent Assessor on the amendments, particularly as they relate to conflicts of interest, and what was their feedback?

Ms Blagoev: There has been quite a deal of consultation, as you said, with the LGAQ, the CEO reference group and the Independent Assessor as well. We walked the Independent Assessor through the proposed provision. I am not aware of any concerns regarding the provisions, but it is possible the Independent Assessor will make a submission to the committee in due course and will properly set out any views from the Office of the Independent Assessor. I would not surmise exactly what will come in as part of that submission, but I can confirm there has been consultation. A lot of the provisions that exist in the bill are similar to those that we introduced as part of Belcarra 2. The only real changes on that front are twofold (1) there have been some drafting changes that reflected the passage of time and feedback from stakeholders which are relatively minor; and (2) the real changes were in relation to offences to align with the proposed amendments for state members of parliament in terms of the offences.

Ms RICHARDS: The other one I checked with was the Integrity Commissioner, because I know that she deals with an awful lot of questions from councillors out in my area in terms of conflicts of interest and guidance. Will there be feedback coming from her?

Ms Blagoev: We have had some consultation with the Integrity Commissioner. We have certainly had more with the Independent Assessor. It is a matter for the Integrity Commissioner as to whether or not she will also provide a submission to the committee. I agree with the comment made: a lot of advice has been provided to councillors from the Integrity Commissioner.

Mr O'CONNOR: A lot of pre-poll booths are in industrial estates or short-term rentals that the ECQ takes out. I think you sort of clarify it in the explanatory notes, but does private property next to the booth count within the restricted zone?

Ms Tubolec: No. You will see that it excludes a private residence, somebody living in or near the area. It also excludes property that is lawfully occupied. In those cases it is to cover tenancies. If there is a butcher shop nearby and they need to display something in their window, they are lawfully able to put that in their window as part of their tenancy. They may not just be industrial estates but shopping centres and those sorts of things where, within the restricted zones, there are other shopfronts and so on. You will see there is also an exclusion in there. A candidate may happen to have an office—which does occasionally occur for pre-poll—and obviously if they have hired that for a legitimate purpose they are allowed to put signage up in their window, even if it is in the restricted zone.

CHAIR: Just to clarify, we had a pre-poll where there was a business in front of the pre-poll. That business would be able to put as many signs as they liked within 100 metres, if they so chose?

Ms Tubolec: Yes, in their shopfront. They cannot do it anywhere within that zone, but if it is in their shopfront that is in their window, as long as they have lawful right for occupation to do whatever they like—

CHAIR: My question is if that was within the 100-metre zone.

Ms Tubolec: Yes.

CHAIR: Yes, they could put up as many signs as they liked within the 100-metre zone?

Ms Tubolec: Yes. The area does not include those. The restricted area does not include private residences or other areas where people have a lawful right to occupy, which is intended to cover leased premises, usually commercially and so on.

Mr JANETZKI: I have a couple of technical questions in relation to the drafting. Clause 23 of the bill talks about replacing section 260A, but there does not appear to be a section 260A in the act. It may be a drafting error or I may have read it incorrectly. I am happy for you to take it on notice. The same applies for 260B, because there does not appear to be a 260B in the existing act.

Ms Tubolec: Those sections were inserted by the Electoral and Other Legislation Amendment Bill. If you look on the legislation website it does not show in the reprint; there is only an indicative reprint available. You would need to look at the indicative reprint to see those sections. There are a few provisions that have crossed over from that earlier electoral bill and this just moves it around.

Mr JANETZKI: It would also apply—do you have a list?—to sections 263(4) and (5). I am guessing the same has applied there—sections 263(4) and (5).

Ms Tubolec: For the EOLA?

Mr JANETZKI: Yes.

Ms Tubolec: I will have a look at the indicative reprint. The indicative reprint shows that there is a jump in the numbering currently in the act. There is nothing there. It goes from subsection (3) to subsection (5) directly.

Mr JANETZKI: I will check that again. I will turn for a minute to the integrity provisions. In terms of the drafting of the laws specifically, was the CCC engaged during the process of the drafting or was the CCC consulted once the drafting had been completed?

Ms Kay: The explanatory notes to the bill state that the Attorney-General consulted with the chairperson of the CCC.

Mr JANETZKI: Was that during the drafting process, or was it after the drafting of the bill had been completed?

Ms Kay: I cannot answer those questions, in accordance with schedule 8 of the standing orders.

Ms BOYD: I want to jump back to chapter 3, if I may, which contains the amendments relating to signage at state elections. I want to specifically ask about the exclusion zone of 100 metres. A lot of the polling booths throughout Queensland are at schools. Because they have large perimeters, I wonder what restrictions apply to candidates putting signage on spaces that are 100 metres outside the exclusion zone—for instance, on fences that sit outside of the exclusion zone or places that act as a polling booth.

CHAIR: Just to clarify, in some cases polling booths are several hundred metres inside a school. The entrance is generally determined to be six metres from the hall or building that they use, meaning that the outside of the school is outside the 100-metre zone—this is the question we are asking. The outside is physically more than 100 metres from the entrance of the school hall in use, presuming that the outside of the school fence—that is the question that the member for Pine Rivers is putting.

Ms Tubolec: It is a different concept in the bill at the moment to what is currently in the act. Currently in the act everything is done by reference to the building in which the polling booths are located. The restricted area is much larger than that. In relation to the schools, for example, the school grounds will include the oval and everything that is inside the school fence. It is not just going to be six metres from the door to the entrance of the building in which the polling booths are located. In terms of the 100-metre radius, think of the school fence: it would be everything inside the school fence including the building that is sitting in the middle and 100 metres from the designated entrances. That would be on the outside of the school fence as well. It is a much larger area.

CHAIR: Just to clarify, what is the designated entrance on the outside of the school in the act?

Ms Tubolec: In the bill? There is no designated entrance in the act at the moment. It is a new concept that is being introduced in section 185D of the bill, which is on page 122. Under that section the Electoral Commission staff will designate an entrance. In practice that will happen on polling day. They will look at the most common pathways that the electors will use to gain entrance to the building that has the voting compartments in it. That will be looking at the perimeter of the school and the different access ways that most electors will use to gain entrance to the school grounds. They will place a sign there and that will be then marked as the designated entrance, and that 100-metre radius will run from that point. It is not from the school hall where the voting compartments are; it is wider than that and goes 100 metres from the designated entrance. In most cases if it is situated in the grounds, which it is most of the time, it will be at a distance much further away.

CHAIR: In the cases where there are multiple entrances, presumably there will be a 100-metre radius with each of them?

Ms Tubolec: Yes, it will be, but ECQ staff will have that discretion to decide which ones they will designate as the entrance. A lot of schools will have multiple entrances. You might come from the back oval or you might come from the street front and so on. ECQ will look at factors, and some of the factors are set out in the bill as to what they would need to look at in deciding whether to make it a designated entrance. If it is not designated as an entrance, then the 100-metre radius will not apply to that entrance. It will just be that it will serve as the boundary—the fence—so you still cannot mount anything on the boundary at that entry point.

CHAIR: That in fact creates two lines: one that might be hundreds of metres inside where two signs can appear where you can canvass but without any signage to indicate your presence?

Ms Tubolec: Correct.

Ms BOYD: My question is a bit of a devil's advocate one and I think it is applicable to the chapter 2 amendments as well as the chapter 3 amendments. What is to prevent a political party for donations expenditure and, similarly, for election signage on the day from essentially thwarting these rules altogether—to disregard them, to proceed as usual to get an advantage in the hope of winning government—and retrospectively changing this legislation?

Ms Tubolec: The bill creates a number of offences for exceeding the donation caps and the expenditure caps. In addition to the criminal offences there are civil debt recovery provisions to empower ECQ to offset any amounts that are received in excess of a donations cap and also expenditure incurred in excess of an expenditure cap. They can recover twice as much as the amount by which the cap was exceeded. The civil recovery provisions provide a very quick and easy way for ECQ to recover amounts that were unlawfully received or spent and can offset it against funding that is payable, whether it be election funding or policy development funding. It is a much easier and more convenient option.

In the case of the scenario in the question, where somebody decides to deliberately disregard the law because the end game is to win the election anyway, that is when the criminal offences come into play. Then they would be at risk of criminal prosecution. If there were systems put in place to deliberately disregard and put schemes in place, there is quite a strong schemes offence already existing in the act and penalties of imprisonment do apply, and those offences are prosecuted by indictment as well under the scheme's offence. We believe that the bill, through those three measures together—through the debt recovery provisions, the offences and the safeguard of the schemes offence for those people who completely disregard the law—and through those three penalties together should provide enough deterrence.

Mr JANETZKI: I turn to enforcement. It is going to be a breach for a person to display a sign within an exclusion zone or a limited zone. What happens if a person who displays a sign cannot be identified? If there is a sign in a zone that cannot be identified, who pays the fine in that case? Is it a party or a candidate?

Ms Tubolec: That would be a matter for ECQ to try to discover the facts. I note that the bill has a requirement that the signs be accompanied by a person. That provides that extra linkage to ECQ to identify who is the owner of the sign. The most helpful tool in the bill to enforce the signage restrictions is to empower ECQ staff to remove the signs. It has a much more immediate effect. The reason for these signage restrictions is to not crowd out the voices of others. By removing them then and there on the day, we are achieving that objective. The offence is there for the more serious prosecutions where people disregard ECQ's directions as a backup. The power to remove signs is the kicker.

CHAIR: Also assuming that the requirement for authorisation of political communications including signs still stands, so the sign in question would be removed if it did not have a written authorisation upon it.

Ms Tubolec: The signage restriction is a little bit broader than that because it covers things—it might be a red or a blue sign. They are clearly party colours and technically they do not need authorisation under the authorisation section. Yes, in the majority of circumstances the authorisation requirement on the sign will help find out who it belongs to and so on, but the signage offence is going to capture something a little bit broader than that.

Mr JANETZKI: If the sign needs to be accompanied by a person then conceivably in any event a complaint could be made on election day to the ECQ staff saying, 'There's a sign here. It's not accompanied by any person,' and the ECQ could step in?

Ms Tubolec: Correct.

Mr PURDIE: I want to take you back to an earlier question, and I know we exhausted the member for Bonney's questions about the signage on vehicles. What about those big trucks you often see on polling day from third parties or political parties that pull up at the front of a polling booth and sometimes have really large—and even digital—signs displayed? Will they be captured by this as well?

Mr O'CONNOR: Mobile signage, I think it is.

Mr JANETZKI: That is mobile signage.

Mr PURDIE: They are not actually a fixed structure, obviously; they are mobile, but they can pull up right out the front.

Ms Bradley: We will take that one on notice.

Mr PURDIE: Thank you. I thought we missed that earlier.

CHAIR: Was that a question about what is called EMS signage?

Mr O'CONNOR: It is just a sign that is on a truck or a vehicle. It is sort of what we were saying earlier.

CHAIR: EMS is the general term—and I do not even know what it stands for—for those signs that are on the back of trailers that bring their own generator or battery that have a large electronic presence.

Mr O'CONNOR: They are not like a trailer that someone is dropping off; it is something that is mobile on a vehicle? Is that what you mean, Dan?

Mr PURDIE: It is basically a mobile billboard. Some of them are digital and some of them have a fixed sign. Because they are not a fixed structure, what is stopping them from pulling up and parking for however long they want right out the front?

CHAIR: That question is taken on notice. That is one we might get back to. There is a requirement for accounts to be set up. Each candidate would have to set up a designated account and all expenditure has to come from that account; is that correct?

Ms Tubolec: That is correct.

CHAIR: When a candidate goes to seek reimbursement, all expenditure would have to have come out of that account; is that correct?

Ms Tubolec: Yes. The bill provides that the candidate has to have their own state campaign account and all electoral expenditure must be paid out of that account or reimbursed from that account within five business days, just in case it is paid originally off cash or some other facility—just to centralise it back to one point for compliance and monitoring purposes.

CHAIR: So any other expenditure can be paid back to the person who incurred that expenditure, but they have to do that within five days?

Ms Tubolec: Five business days reimbursement. That is right.

CHAIR: When public funding is used for local campaigns, it has to have come from that account?

Ms Tubolec: There are two different types of public funding. The election funding can be deposited into the state campaign account but policy development funding cannot be paid into the state campaign account.

Mr JANETZKI: Returning to the integrity provisions, I notice that the amendments have been made to the Integrity Act rather than the Criminal Code or the Crime and Corruption Act. Was there a policy reason the changes were being made to the Integrity Act rather than to the other two pieces of legislation?

Ms Kay: It is a policy decision as to where specific offences are placed. I cannot comment on policy matters, in accordance with schedule 8 of the standing orders.

CHAIR: Is there a way to frame that question so that it is in accordance with the standing orders?

Mr JANETZKI: The question relates more to how it would fit into the Integrity Act more appropriately than the Criminal Code or the Crime and Corruption Act.

CHAIR: I do not know where this question is going, but it sounds like it might be at the level of a policy decision. It might be more appropriately addressed to the minister.

Mr JANETZKI: Fair comment.

CHAIR: I thank everyone for participating. That concludes this briefing. I thank you for the information that you have provided today. I thank especially our Hansard reporters. Because of their hard work, a transcript of these proceedings will be available on the committee's parliamentary web page in due course. I note that a question was taken on notice. We require that your responses be provided by 5 pm Thursday, 19 December 2019.

Mrs Robertson: Could I clarify the question on notice that we have taken?

CHAIR: Sure.

Mrs Robertson: It is really just an understanding of the application of the signage provisions in relation to a vehicle that has what you call an EMS attached to it?

Mr O'CONNOR: Or any mobile signage.

Mrs Robertson: More generally?

CHAIR: It was not my question; it was a question asked by the member for Ninderry.

Mr O'CONNOR: It was related to mine. I think it was basically mobile signage.

CHAIR: Member for Bonney, I might get the acting committee secretary to check the recording to ensure that you have the exact wording of the question that was taken on notice. I think it was slightly broader than that.

Mrs Robertson: That would be great.

CHAIR: With that, I declare this public briefing closed. Thank you very much.

The committee adjourned at 10.03 am.