

Committee Secretary  
Economics and Governance Committee  
Parliament House  
George Street  
Brisbane Qld 4000

**Submission on the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Bill 2019 (Bill)*.**

23<sup>rd</sup> December 2019

Dear Members

Thank you for the opportunity to provide feedback on the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Bill 2019 (Bill)*.

Mount Gravatt Community Centre Inc (MGCCI) has served the local community and surrounding suburbs since 1990. Our service assists those who are most vulnerable by providing various neighbourhood centre programs, emergency relief, aged care and disability services, training and relief from social isolation. We currently have a membership of 276 and assist in excess of 5000 local community members annually. We aim to go beyond giving people a voice. MGCCI is about ensuring the community is valued and that their contributions are respected, considered and acted upon. Meaningful engagement is a partnership where together, we build a genuine sense of ownership of decision-making and vision sharing.

The executive committee of MGCCI applaud the stated intention of this Bill to make elections fairer, and to limit the influence of big money over politicians in Queensland. However, we hold grave concerns that, rather than targeting the biggest election spenders, the Bill will stifle the advocacy of small community groups and charities like ourselves.

**The Bill will prevent charities and small not-for-profits from doing advocacy**

The Bill applies a broad definition of electoral expenditure, encompassing expenditure on public communications for the dominant purpose of directly or indirectly influencing voting at an election. Such a broad definition will capture the regular expenditure of charities used towards participation in public policy debate, research, and public communications on contested policy questions in the lead up to an election.

At MGCCI, we stand in the gap for our clients experiencing hardship and inequality. We rely on advocacy organisations to generate public awareness and debate over the issues our clients are facing. This in turn encourages legislative or policy change which helps to ensure that our clients are not treated less favourably in various areas of public life including in employment, the provision of goods and services, in education and the administration of Commonwealth laws and programs.

A. The cap on donations

The Bill limits philanthropic donations that can be used for public interest advocacy work that meets the definition of political expenditure to \$4,000 per donor, over a four year period. Limits on donations to support electoral expenditure will limit charities' non-partisan issue-based advocacy in the run up to state elections. This aspect of the Bill undermines charities'

and community groups' ability to stand up for the interests of everyday Queenslanders and the environment and to that extent undermines the public interest.

#### B. The compliance burden is prohibitive

The new requirements for handling donations to be used for electoral expenditure--including the notification requirements for donations >\$1,000 to be made by recipient and donor alike, the requirement to appoint an agent and maintain a state bank account, and determining what classifies as electoral expenditure are complex, impractical and a significant barrier to advocacy. Community organisations rely heavily on donations and government funding and as such do not have the means to accommodate the increased administrative requirements.

We hold grave concerns that the effect of the proposed donation caps and the onerous nature of the new reporting obligations are such that small organisations working on local issues and charities doing advocacy in Queensland will not be able to comply. [Include what this would mean for your organisation--would you be reluctant to or stop participating in advocacy around elections. Would it be difficult to comply?]

### Recommendations

Mount Gravatt Community Centre Inc supports the following amendments to the bill:

#### Amendment to the definition of electoral expenditure

Our organisation supports inserting the following subsection to proposed section 199 of the Bill, which defines electoral expenditure:

*(6) Expenditure incurred by a third party registered under the Australian Charities and Not-for-profits Commission Act 2012 or with an annual income of less than \$50,000, is only electoral expenditure if material that is published, aired or otherwise disseminated refers to—*

- (d) a candidate or a political party; and*
- (e) how a person should vote at an election.*

On account of both categories of organisation posing a very low risk of being used to circumvent the donation cap to candidates and political parties, the amendment excludes small organisations with an annual income of \$50,000 or less and charities from the onerous obligations and risk of penalty under the Bill unless they do very specific, clear "vote-shifting" work.

We believe this amendment, by narrowing the definition of electoral expenditure for these two categories of third party alone, is preferable to merely raising the threshold for registering as a third party or raising the donation cap for third parties.

This amendment follows the approach of the narrower Victorian definition of "political expenditure" for third parties, which the Victorian government explicitly stated was designed to protect the right of third parties to pursue social issues advocacy, and the right of donors to fund it. The definition we propose here is narrower than the Victorian definition in order to best preserve the intended purposes of the Bill, while protecting the ability of charities and small community groups to pursue social issues advocacy, which we see as crucial.

**Threshold for registering as a third party campaigner should be raised**

The current threshold at which organisations must register as a third party campaigner (\$1000) is too low. The administrative burdens imposed under this Bill are significant, such that some organisations may need to spend more money in trying to comply with the administrative requirements than in actual electoral expenditure around public interest advocacy on their issues. Such an impact is not only unreasonable, but likely to have a chilling effect whereby organisations decide not to participate in the election debate, rather than face the significant administrative requirements required for a registered third party campaigner.

The threshold for registering as a third party campaigner should be raised to \$6000.00 so as not to prohibit small community groups from participating in public interest advocacy activities around elections.

**Donations that are not related to or used for electoral expenditure should not have to be disclosed to the Queensland Electoral Commission**

An amendment to the Bill (section 263) is required to state clearly that donations that are not used for electoral expenditure are not required to be disclosed to the Queensland Electoral Commission.

Yours sincerely



Debra Crompton  
Chief Executive Officer

