



Mackay Conservation Group

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Committee Secretary
Economics and Governance Committee
Parliament House
George Street
Brisbane Qld 4000
By email: egc@parliament.qld.gov.au

Dear Members

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

Thank you for giving Mackay Conservation Group (MCG) the opportunity to provide feedback on this important legislation. I am authorised to provide comments on behalf of MCG.

Since 1984 Mackay Conservation Group has been advocating for protection of the environment in Central Queensland and elsewhere. MCG is now recognised as the lead environmental organisation in the Mackay-Isaac-Whitsunday region and receives annual funding from the Queensland Government to support our work. We currently have 311 individual members plus four organisational members. We advocate for the protection of habitat and species including marine and terrestrial life, for the restoration of land and waterways and prevention of pollution being emitted into the Earth's atmosphere.

Mackay Conservation Group welcomes the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Bill 2019* [the Bill]. It is our belief that individuals and organisations with large amounts of money available to them have been able to have a disproportionate influence on the political process in Queensland. However, we are concerned that small charitable organisations such as our own will suffer unduly as a result of some of the provisions in the Bill.

Over the past thirty-five years MCG has engaged in public debate on environmental issues. In this part of Queensland there are very few organisations taking a public stance in respect to environmental protection. If not for MCG, native animals, plants, waterways, oceans and air would have little or no voice in important public processes.

During election campaigns we have sought to inform our members and the general public of the position that various candidates and parties have in regard to the protection and rehabilitation of the natural environment. We have never advocated that people should vote for or against any particular candidate or party. Even if we wanted to, federal legislation governing charities such as MCG precludes us from taking a partisan position. Instead, MCG has recommended people vote with protection of the environment at the forefront of their mind.

Generally, MCG has done that through unpaid media articles and direct contact with our members and supporters. Our understanding is that the current bill will have little impact on that type of work, provided we do not expend money on that component of our advocacy. In recent years however, the opportunity for expression of our ideas in the media has been reduced as newspapers and other media outlets face economic pressure and reduce the proportion of local news. As a result, MCG has increasingly had to rely upon paid advertising in traditional and new media to express our views. That advertising has been paid for with generous donations by members of our organisation and members of the public at large.

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.

In a typical year Mackay Conservation Group is supported by a single large individual donor giving \$20,000+ to our organisation. The rest of our annual donations, which total around \$50,000, are received from people who give amounts up to about \$6,000. During the four financial years from 2015 to 2019 financial years, MCG received 671 donations totalling \$275,000 of which 653 were less than \$1,000. Our current practice is to issue individual receipts at the time of donation. We don't tally individual's donations on an annual basis. The current administrative burden of recording donations is not overly cumbersome even though MCG is a small organisation. However, if we are required to ensure that the total donations made by each donor are tallied then that would require us to reallocate resources away from environmental protection and into bookkeeping.

Mackay Conservation Group supports the following amendments to the bill:

Amendment to the definition of electoral expenditure

MCG 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.

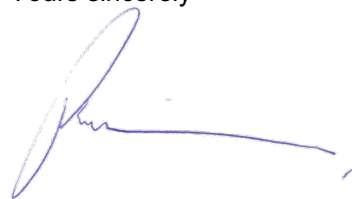
This amendment follows the approach of the narrower Victorian definition of "political expenditure" for third parties, which the Victorian government explicitly stated was designed to protect the right of third parties to pursue social issues advocacy, and the right of donors to fund it.

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.

Yours sincerely



Peter McCallum
Coordinator, Mackay Conservation Group