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of Qld, Inc
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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***

Dear Members,

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

About us

The National Parks Association of Queensland Inc (NPAQ) advocates for the protection, expansion, and good management of national parks and other protected areas in Queensland, and has been doing so since 1930.

NPAQ is primarily run by volunteers with a small part-time staff, but has achieved much in working with government and others in setting aside lands for national parks and nature reserves. We also promote bushwalking and outdoor recreation activities, and provide opportunities to participate in community conservation and citizen science.

NPAQ supports the development and application of scientific and professional knowledge in advancing national parks and nature conservation, and is a member of the Australian National Parks Association.

We are funded by a small annual membership fee, donations, and bequests, as well as minor fund-raisers.

NPAQ is a registered charity with the Australian Charities and Not for Profits Commission, as well as being an incorporated association under the *Associations Incorporation Act* (Qld).

Our Association achieves its aims through advocacy, as it has neither the financial resources nor the legislative power to acquire or set aside lands for National Parks.

Comments on the Bill

We applaud the stated intention of this Bill to make elections fairer, and to limit the influence of major financial donors over politics in Queensland. However, we hold grave concerns that the Bill will stifle the advocacy of small community groups and charities like ourselves, rather than targeting the biggest election spenders.

The Bill will prevent charities and small not-for-profit organisations from undertaking 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.

1. 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.

2. The compliance burden

The new requirements for handling donations to be used for electoral expenditure – including the notification requirements for donations greater than \$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.

NPAQ seeks to promote the preservation and adequate funding for management of National Parks and nature reserves, and prior to an election, draws attention to the policies of the various parties in this area. These activities involve generating public awareness and debate over the issue.

We are currently attempting to secure several major donors to support our ongoing work. Due to the broad definition of “political donations”, these donors may be caught up by the Bill, if even some of the funds are defined as being used for political purposes (for example, would a post on Facebook by our social media manager fall under the ambit of the Bill?)

Complying with the reporting requirements would be onerous, as neither of our part-time staff would be qualified to do this, and all of our office holders, including the Honorary Treasurer and Honorary Secretary, have employment and other commitments.

NPAQ's compliance reporting requirements for the Office of Fair Trading and the ACNC already stretch the resources and time available to our volunteers.

3. The effect on charities and smaller organisations

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.

It would be very difficult for NPAQ to achieve our aims under the terms of the Bill, as attitudes towards National Parks and nature conservation are a significant issue that needs to be addressed by all parties seeking election, and our advocacy in this regard can highlight that commitment.

Recommendations

The National Parks Association of Queensland, Inc supports the Bill subject to the following amendments:

1. Amendment to the definition of electoral expenditure

NPAQ, and as I understand it, other organisations support 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 charities and small organisations with an annual income of \$50,000 or less from the onerous obligations and risk of

penalty under the Bill unless they undertake 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 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 proposed 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 is seen as crucial.

2. Threshold for registering as a third party campaigner should be raised

The current \$1000 threshold at which organisations must register as a third party campaigner is perceived to be 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 an adverse 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.

We suggest that the threshold for registering as a third party campaigner should be raised to \$6000 so as not to prohibit small community groups from participating in public interest advocacy activities around elections.

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

Section 263 of the Bill should be amended to state clearly that donations that are not used for electoral expenditure are not required to be disclosed to the Queensland Electoral Commission.

Again, thank you for the opportunity to comment on the Bill.

Should the Committee require further information on NPAQ's submission, please feel free to contact me at [REDACTED] or mobile [REDACTED].

Yours Sincerely

Graeme Bartrim

President

National Parks Association of Queensland Inc