

Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Amendment Act 2017

Explanatory notes for SL 2017 No. 126

made under the

Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Amendment Act 2017

General Outline

Short title

Proclamation to commence remaining provisions of the *Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Amendment Act 2017*.

Authorising law

Section 2 of the *Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Amendment Act 2017* (the Act).

Policy objectives and the reasons for them

The objective of the Proclamation is to fix 14 July 2017 as the commencement date for Part 4, other than sections 25, 26 and 29, of the Act.

Part 4, other than sections 25, 26 and 29, of the Act amends the *Local Government Electoral Act 2011* (LGEA) to implement the Government's response to recommendations 3 and 4 of the Crime and Corruption Commission's December 2015 report 'Transparency and accountability in local government'. The Government's response proposed amendments to the LGEA to:

- make the disclosure of donations more contemporaneous with the receipt of the donation by the candidate and others required to make a disclosure. The Government also endorsed that a real-time online system to disclose local government election donations be implemented, consistent with the system that would be adopted for State Government elections; and

- set the candidate and third party election disclosure donation threshold at \$500 to align with a councillor's register of interests gift disclosure threshold under the *Local Government Act 2009*.

Achievement of policy objectives

The policy objective is achieved by fixing 14 July 2017 as the commencement date for the remaining provisions of the Act, that is, Part 4, other than sections 25, 26 and 29.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the policy objectives of the Act.

Inconsistency with policy objectives of other legislation

No inconsistencies with the policy objectives of other legislation have been identified.

Alternative ways of achieving policy objectives

There are no alternative means of achieving the purpose of the Proclamation.

Benefits and costs of implementation

The benefits and costs of implementation were outlined in the explanatory notes to the Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Amendment Bill 2016.

Consistency with fundamental legislative principles

The Proclamation is consistent with the fundamental legislative principles.

Consultation

The Local Government Association of Queensland, Brisbane City Council and the Electoral Commission of Queensland (ECQ) were consulted on the proposal to proclaim the uncommenced provisions of the LGEA into force to coincide with the commencement of proposed amendments to the Local Government Electoral Regulation 2012. The proposed amendments will:

- prescribe disclosure dates for returns given to the ECQ under Part 6 of the LGEA about gifts or loans received by candidates, groups of candidates and third parties, and expenditure by third parties for political activity;
- approve procedures made by the ECQ about the electronic lodgement of returns under Part 6 of the LGEA.

There were no objections to the proposal.