



Mareeba

SHIRE COUNCIL

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
F: 07 4092 3323

W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

Council Ref: GVT-LIA-STA/PF:eb

Your Ref:

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Committee Secretary
Economics and Governance Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Ms Manderson

SUBMISSION ON THE LOCAL GOVERNMENT ELECTORAL (IMPLEMENTING STAGE 2 OF BELCARRA) AND OTHER LEGISLATION AMENDMENT BILL 2019

After consideration of the Bill we wish to make the following comments and observations regarding the proposed amendments as outline in the Bill the Committee is considering.

Firstly, no objections are raised regarding the proposed amendments arising from the Belcarra report, in fact the majority of these are supported. Likewise, there are no objections to many of the changes proposed regarding the electoral arrangements. However, the changes we have concerns about and the reasons for these concerns are detailed below.

1. Full Preferential Voting

We propose the retention of the existing Optional Preferential Voting system.

While the stated objective was to bring the voting system in line with the State and Federal electoral systems there are fundamental differences. One of the major ones being that very few Local Governments operate on a Party-Political basis. In fact, Brisbane City is the only one which operates in a similar way to the State and Federal system.

In the State and Federal systems, the electors largely vote on party political lines. The elector in these jurisdictions, often has limited or no knowledge about the candidate themselves, they are aware of the policies and underlying philosophy of the various parties and cast their vote accordingly. In the Local Government arena this is not the case and the electors are often unaware of what the individual candidates stand for and even if they wished to do so, accessing this information is often very difficult.

This makes it very difficult for the elector to allocate preferences to all the candidates. By having Optional Preferential Voting, it allows the electors to indicate their preferences to the candidates they know of, or about, and not cast any vote for those they don't.

If Full Preferential Voting is introduced the number of electors who simply follow how-to-vote cards will increase at the expense of a genuine democratic process reflecting the true views of the electorate.

In many Local Government areas, including the Indigenous Councils, there are numerous populations of people who are either multilingual or whose primary language is not English. This compounds the problems highlighted above and as the history of State and Federal elections show, the number of informal votes increases.

Further, while it is acknowledged there are no multi Councillor divisions now the legislation provides for this and as a result the potential for there to exist both single and multiple Councillor divisions in one Local Government area. Having different systems running concurrently in one area would be very confusing.

2. Mayoral Powers

We have no concerns regarding the removal of the Mayors powers to develop and propose the Budget as the development of the budget in our Local Government has been done as a collaborative effort involving the Mayor and all Councillors and we are of an opinion that this is the best model. We recognise that Brisbane City is entirely different to other Local Governments and would like this recognised in these reforms.

However we do have concerns with the removal of the Mayors powers to direct Senior Staff, the requirement for the CEO to maintain a register of all directions given the CEO by the Mayor and the removal of the right of the Mayor and Committee Chair/Deputy Mayor/Appointed Councillor from the appointment of Senior Staff.

With regard to directing Senior Staff, the current legislation provides that any direction must be "in accordance with the local government's policies". This precludes the Mayor from providing other directions. By legally prohibiting the Mayor from directing Senior Staff the situation will arise that all directions would have to go through the CEO which would have an impact on the CEO's workload, compounded by the requirement to maintain a register of directions. This would be akin to a Minister being prevented from giving directions to a Deputy Director General and is clearly unworkable. A harmonious working relationship between the Mayor and the Executive staff, particularly the CEO, is essential and by excluding the Mayors interaction with other Senior Staff this relationship will be put under pressure.

The involvement of the Mayor and Councillors in the appointment of Senior Staff is seen as an important part to developing a good working organisation. If the Local Government is to be successful it is essential that good working relationship is developed between the Councillors and Senior Staff and they operate as a unified team. By removing the Councillor involvement in the recruitment and leaving it purely with the CEO this is less likely to occur. The culture of the organisation is determined by its leadership group, i.e. the Councillors and Executive staff and it is essential that when a Senior Member of staff is recruited that all parties of this leadership team are involved to ensure the successful candidate will be the best fit to the organisation.

3. Postal Voting

The Bill proposes that the last date to request a postal vote be extended to 12 days before the election, i.e. 7pm on the Wednesday the week before the election. We would like to propose that this be further extended to 15 days i.e. the Friday two week before the election and further that the date on which Postal votes must be received by the Electoral Officer or postmarked before 6pm on the date of the election.

<Submission on the Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019

While electors are legally required to complete the ballot papers by close of voting on Election day this is not always done and the opportunity to affect the results by voting after the close of polls exists, in fact anecdotal information is available that this has occurred.

Given the dates of Local Government elections are fixed, the ability to call for postal vote applications can be brought forward without an issue. By making the closing date two weeks before the Election day gives all electors the opportunity to receive their ballot papers, complete them and return them before Polling day.

We are aware that there are further Local Government Electoral reforms being considered and we have concerns regarding these, however as they are not specifically included in this Bill they have not been addressed. In addition, the Department of Local Government, Racing and Multicultural Affairs have indicated proposed changes to the Local Government Regulations which we have concerns with, again we have not addressed these here as they are not included in the Bill.

Yours sincerely



PETER FRANKS
CHIEF EXECUTIVE OFFICER