

From: [REDACTED]
To: [Economics and Governance Committee](#)
Subject: NWOROC Submission - Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019
Date: Wednesday, 22 May 2019 6:32:40 PM
Attachments: [REDACTED]

Dear Committee Secretary

On behalf of the councils of North West Queensland please accept this email and attached letter as our submission in relation to the Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019.

The letter, written as it was to the Premier on behalf of the three regional organisations of councils of North Queensland, represents the concerns of the nine members of the North West Queensland Regional Organisation of Councils. Our Councils are concerned that they are caught in a legislative response to problems associated with Councils that are not reflective of their circumstances, performance and working relationships with their communities. This a classic case of "one size does not fit all" and greater flexibility is required to not unduly and unfairly impose legislative requirements on our councils and communities.

The Councils would also ask you consider holding a Public Hearing in Mount Isa and that more time being given to consideration of the submissions and engaging with the Council and communities affected by the proposed changes in the Bill.

Yours sincerely

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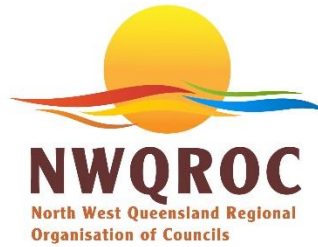
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Our Ref:#6045752

24 April 2019

The Hon. Anastacia Palaszczuk MP
Premier
Minister for Trade
PO Box 15185
CITY EAST QLD 4002
Via email: thepremier@premiers.qld.gov.au

Dear Premier

Local Government Reform (Belcarra Stage 2)

The Far North Queensland Regional Organisation of Councils (FNQROC) was established in the 1980's and represents 13 member councils from Hinchinbrook, north to Cooktown and west to Carpentaria in far north Queensland. The FNQROC region is the largest and fastest growing region in Northern Australia. It extends over 320,000 square kilometres with a population of approximately 278,000 (10.7% Indigenous) and a gross regional product (GRP) of \$15.15 billion.

The North West Queensland Regional Organisation of Councils (NWQROC) represents 9 member councils; Burke, Carpentaria, Cloncurry, Doomadgee, Flinders, McKinlay, Mount Isa, Richmond and Etheridge. It extends over 305,000 square kilometres with a population of approximately 29,000 (25% Indigenous) and a GRP of \$5.1 billion.

The North Queensland Regional Organisation of Council (NQROC) represents 5 member councils; Townsville, Burdekin, Charters Towers, Hinchinbrook and Palm Island. It extends over 80,036 square kilometres with a population of approximately 236,000 (7.9% Indigenous) and a GRP of \$13.3 billion

Collectively, we represent 27 councils in Queensland.

We are writing to acknowledge the need to make improvements in light of the Electoral Commission review and Belcarra however we feel strongly that some of these proposed changes will result in the possibility that our communities will not get the best representation due to

inequity and limiting their democratic right to vote for the candidate they want to represent them in the simplest possibly way taking into consideration that much of our community is bilingual.

We would firstly like to thank you and Hon Stirling Hinchliffe MP, Minister for Local Government for taking Dual Candidacy off the agenda and we look forward to further consultation regarding the Proportional Representation voting method.

We support the initiatives for:

1. Candidate Training – with further clarification as to who is going to do this and how will it be funded;
2. Groups of Candidates;
3. Electoral Finance Records;
4. Caretaker Provisions – with further clarification on the term ‘using’ – is that via council minute or delivery?? And further consideration for those items which take a long time to develop such as planning schemes. The making of planning schemes process is long and involved and has to have undergone considerable community and State Government consultation before the Council can resolve to finally adopt.
5. Register of interest for candidates;
6. Prohibited campaigning techniques;
7. Postal voting – we would advocate to make it tighter – previously a postal vote application could be lodged up to 3 days prior to Election Day and we would recommend extending to 10 or 14 days; however, this will be dependent on the timing of Nomination Day and ensuring there is sufficient time for preparation of ballot papers and processing. The requirement to be post marked on or before election day should apply. Anything after this would be undemocratic, and voters shouldn’t be able to vote after the closing of the polls;
8. Real time financial disclosures – with clarification, is expenditure placing an order or paying for it;
9. Disclosure requirements in relation to gifts;
10. Election expenditure caps as a concept but the levels are too low for regional and city councils; further consideration of the cap/s is required to ensure some equity for individual candidates versus team.
11. Electoral finance returns;
12. Register of Interests including a time line. Currently there is no clarification on how far elected members have to go back for conflict of interests (for gifts under \$2,000);
13. Conflicts of interests – if it is \$2,000 per candidate not group;
14. Discretionary funds – with clarification of when it is treated as expended; council minute or delivery;
15. Mayoral powers as it relates to the budget to be responsibility of all councillors.



We strongly request that the status quo remain for:

1. Postal ballot elections. We do not see any issues with the current process and the decision making should be left with each council in collaboration with ECQ;
2. Voters experience (Compulsory preferential voting for Mayors and Divided Councils). We proposed the retention of the existing Optional Preferential Voting system.

As opposed to State and Federal the vast majority of councils are not party politically based. In the State and Federal arena voters tend to vote along party lines as opposed to the actual candidates and have a broad understanding of what the underlying policy position is of those parties. In the Local Government arena, voters are often unaware of the policies and beliefs of all the candidates, thereby making it very difficult to preference some of the candidates over another. The optional preferential model allows voters to preference those candidates who they know about and not allocate a vote to the others.

Many indigenous communities are bilingual which raises considerable concern as it increases the risk of confusion and we consider it will result in a number of invalid votes; not only in Indigenous councils but many other council areas as experience will show with the State Election voting process. The difficulty of this proposed reform means those that do not have English as their first language or have limited reading and writing ability will not be able to have their say recorded at an election thus they will be disenfranchised which is a central element of our electoral process. Also, compulsory preferential voting does not show a true indication of who the majority of the community want in office. Compulsory preferential voting is also difficult to administer and count in multi Councillor divisions and will be very confusing where there are multi Councillor and single Councillor divisions in a single local government area. While it is acknowledged that there are currently none of these in place there are applications presently before the Minister.

3. Voters experience (Full or Partial Proportional Representation).

We propose the retention of the First past the post system where the voter casts votes for the number of Councillors on the respective Council.

Firstly, the Proportional Representation model used by the Federal Senate is very complex and is specifically established to operate in a Party Political environment. It has been indicated that the principle involved is to bring all three tiers of Government into line with each other. However, it was indicated in the webinar that "above the line voting" will not be used, hence it isn't the same as the Senate voting.

In addition, as outlined in 2. above Local Government is, in the main, not party political and voters are often unaware of the policies, views and standpoints of the candidates. In some undivided Councils there are in excess of 35 candidates making it almost impossible for a voter to know them.

Importantly this system takes away the voter's ability to have a say on the composition of the entire Council. Currently a Voter has an equal number of votes as there are Councillor positions. In the Proportional Representation model, they only have one vote. Given most Councils are not party political it makes it very difficult for teams to be established as it would be very difficult for a group of individuals to determine the preference order for the team.



Given that vote counting is undertaken at the respective polling booths, the counts are completed much sooner at the smaller booths than the larger ones. Hence the votes of those smaller communities are exhausted first and their preferences disregarded as their votes will be the first used in reaching a candidate's quota. That means the preferences of the larger centres will be utilised and the smaller communities, where the preferences could well be very different are "lost".

4. Public Campaign Funding. We are strongly opposed to this cost being borne by the ratepayer. It also puts incumbent councillors at a disadvantage as they may have previously accepted donations as this was the only option prior; they will be going up against new candidates with public funding.
5. Counting votes; as detailed above;
6. Councillor vacancies. It could be that two years on, the next candidate has moved on. This proposal is removing the ability for the council to make the decision. It should be a by-election after the first 12 months. We're unsure what is being resolved here and believe the current arrangements should remain in force.
7. Councillor access to information. Any CEO would try to properly fulfil the request. Five (5) days' time limit may not be reasonable as the timeline is not always possible to meet. The CEO may need to get legal advice or the request maybe for a significant volume of information - one example given identified three (3) months to fulfil a request as they needed to access and many archives are stored on offsite. There needs to be some consideration around the nature of the request, the timing of the request and whether the information will inform a decision of council, otherwise council staff can become 'drowned' in requests taking them from the core role of delivering to our communities. The individual Councils should be left to establish their own policy in this regard and determine what they believe is reasonable.
8. Mayoral Powers as it relates to the direction of senior executive staff. The focus should be on councils' policies and directions and supporting councils which have an identified conflict between the CEO and Mayor or Councillors. In our Indigenous communities many of the executive staff are external to the communities and conversations need to be had about history and cultural sensitivities which may affect a technical recommendation.
9. Mayoral Powers as it relates to the Mayor directing the CEO. This matter needs to be looked at objectively and practically and due regard being given to the operations of the Council and the role of both the Mayor and the CEO.

Our three regions respect and value how we represent our communities to deliver the services they need. We wish to work collaboratively with the Government to further consult on those items requiring clarification and where we would like the status quo to remain.



Mayor John Kremastos
Cassowary Coast Regional Council

Mayor Liz Schmidt
Charters Towers Regional Council

Mayor Greg Campbell
Cloncurry Shire Council

Mayor Peter Scott
Cook Shire Council

Mayor Trevor Pickering
Croydon Shire Council

Mayor Jason Ned
Doomadgee Aboriginal Shire Council

Mayor Julia Leu
Douglas Shire Council

Mayor Warren Devlin
Etheridge Shire Council

Mayor Jane McNamara
Flinders Shire Council

Mayor Ramon Jayo
Hinchinbrook Shire Council

Deputy Mayor June Pearson
Hope Vale Aboriginal Shire Council

Mayor Belinda Murphy
McKinlay Shire Council

Mayor Tom Gilmore
Mareeba Shire Council

Mayor Joyce McCulloch
Mount Isa City Council





Cr Alf Lacey

Mayor Alf Lacey
Palm Island Aboriginal Shire Council



Mayor John Wharton
Richmond Shire Council



Mayor Joe Paronella
Tablelands Regional Council



Mayor Jenny Hill
Townsville City Council



Mayor Ross Andrews
Yarrabah Aboriginal Shire Council

Copy to:

- Hon Stirling Hinchliffe MP, Minister for Local Government
- Ms Ann Leahy MP, Shadow Minister for Local Government
- Hon Craig Crawford MP, Member for
- Hon Curtis Pitt MP, Member for Mulgrave
- Mr Michael Healy MP, Member for Cairns
- Ms Cynthia Lui MP, Member for Cook
- Mr Nickolas Dametto MP, Member for Hinchinbrook
- Mr Robert Katter MP, Member for Traeger
- Mr Shane Knuth MP, Member for Hill

