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Sent: Monday, 14 June 2010 1:05 PM
To: Law, Justice and Safety Committee
Subject: Local Govt electoral reform
Attachments: 2008 LG Electoral Reform.pdf

Attached is my submission for the Local Government electoral reform inquiry.

I can be reached via the contact details below for further information or to provide testimony if required.

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SUBMISSION
A New Local Government Electoral Act:
Review of the Local Government Electoral System
Excluding Brisbane City Council.

Submitted to

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INTRODUCTION

The ability for the community and candidates to trust the electoral framework and process for any form of democratically elected government is paramount. Skewing either the framework (altering the franchise to include or exclude certain population segments) or process (imposing intolerable limits on available choices for voters to cast ballots) has the potential to distort the wishes of the broader community in favour of narrow and sectional interests.

Although this submission is principally directed towards local government, many of the recommendations listed here can be applied at state and federal levels to improve transparency and accountability of the electoral process.

Recommendations stemming from this submission are:

1. The Electoral Commission of Queensland (ECQ) be **mandated to oversee** all local government elections (including the Brisbane City Council);
2. The only role a council's Chief Executive Officer (CEO) has under the electoral process **is to table** the formal election results and to **swear in newly**-elected councillors at the statutory post election meeting;
3. That a independent Election Funding Agency under the auspices of the ECQ **be established** to provide oversight of candidate and third party electoral funding;
4. The existing voter franchise **be maintained** and **not introduce** any form of property-based or non-resident franchise;
5. **Investigate** the possibility and practicability of introducing divisions or wards into each council area as part of the 2001 review process;
6. **Include** the Brisbane City Council area under the auspices of this act;
7. **Introduce Pre-Polling** facilities at specified locations throughout the state allowing voters to participate in the electoral process whilst outside their council district;
8. **Establish** online, electronic mechanisms to allow voters to investigate candidate and third party funding sources and councillor registers of interests;
9. **Donations** from individuals or corporations resident or domiciled outside of Australians **be excluded for all** candidates, candidate groups and registered political entities contesting local government elections; and
10. A **zero dollar limit** for Australian corporations and lobby groups, coupled with a \$1,000 per year (\$3,500 cumulative per cycle) for individuals before reporting is required.

COMMITTEE PAPER COMMENTARY

The following is a discussion of questions posed within the committee's Issues Paper and to further elaborate the list of recommendations provided earlier.

To maintain impartially and transparency of the electoral framework and process, the Electoral Commission of Queensland (ECQ) needs to be mandated to provide oversight of all local council elections, funded jointly by individual councils and the state. The only role the authority's CEO should play is swearing newly elected councillors into office at the statutory post-election meeting. Leaving the conduct of local council elections with the authority's CEO has the potential to allow the CEO to choose their bosses for the next four years. The authority to conduct elections needs to include monitoring candidate and other returns mandated by statute coupled with maintaining any pecuniary interest registers established under statute.

The current framework for conducting local council elections, as currently constituted, provides enough flexibility for the election process – although an argument can be articulated in shifting the polling date to a later time to facilitate the transition process post-election for first term councillors.

The current process for nominating candidates to local councils is, on balance, satisfactory. The main improvement should be for all councils to become divided (similar to the Legislative Assembly) to encourage more responsive participation from the community and improve nominations. Candidates and voters must reside in the local council area when the election is held.

Candidates, if elected, who permanently move outside the council area during their term should be automatically disqualified from office.

The bar preventing dual candidature for mayor and councillor election (or multiple divisional candidature) need to remain to discourage ‘office shopping’ – where candidate nominate for multiple positions in an attempt to gain office (either singular or multiple contexts). The ability for communities to elect both the mayor and councillors must remain – proposals to councillors appoint the mayor or fellow councillors would only encourage cronyism and favouritism at the expense of community involvement.

Voting for local council elections shall only be available to residents of the council area. Narrowing the electoral franchise to only property holders or expanding the franchise to include non-residents holding property or businesses (whether incorporated or not) need to be excluded from the process as it would skew the power balance from locals who actually monitor the council to landed sectional interests whose profile may not be in accord with the local community. Maintaining the compulsory nature of the franchise serves to focus the community’s mind – even if it only once every four years – on council affairs.

Depending on how each individual council is structured, either first past the post (undivided) or preferential voting (divided) should be implemented based on the four yearly review that councils currently undertake. Proportional Representation, while beneficial for institutions like the Australian Senate, is likely to skew the outcome of local council elections towards single-issue or ideological based groups dedicated to serve only their interest base, not the community. The availability of pre-polling at the ECQ headquarters and at specified locations throughout the state would be beneficial to voters and councils if the ECQ oversees the overall election process. However, absent voting would be a impossible burden for the ECQ and local councils to administer – investigation of joint polling booths could serve as an alternative option to this dilemma.

Campaign funding for any election cycle is a perennial issue. Circumstances have arisen in some local councils over the past decade where perceptions over councillor loyalties have impacted upon the community's faith in the democratic process.

The ECQ should oversee the entire process of candidate fundraising during each electoral cycle. An agency similar to the NSW Election Funding Authority should be established with the function of overseeing candidate and councillor fundraising activities. Disclosures on a monthly basis and weekly during the designated election period (with no donations to be made during the last calendar week of campaigning) to the authority need to be enacted to ensure the community has faith in the process.

The scope of the term donation needs to be as broad as possible to capture all types of contributions including in-kind, loans and other non-monetary contributions. To ensure fairness, all candidates (when they formally announce their candidature) and councillors need to be included in the process. The base level for disclosure needs to be set at a level that captures significant contributions whilst encouraging individuals to contribute – a level of \$1,000 per year over the electoral cycle (with a cumulative level of \$3,500 per individual or entity) could be a fair balance between privacy and transparency. For Australian-based corporations and lobby groups, any contribution (no matter how small or infrequent) must be disclosed. Contributions from non-resident individuals and corporations need to be banned outright to maintain impartiality and transparency of the electoral process.