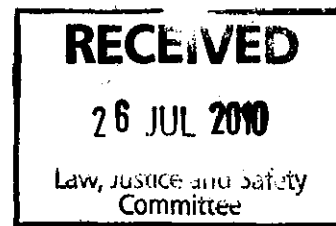


Submission 038



Our Reference: E0001-0001-0000 2010-07-26 55944 MGM-clc Officer: Michelle McFadyen Telephone: (07) 4658 4111  
Your Reference:

26 July 2010

The Research Director  
Law, Justice and Safety Committee  
Parliament House  
BRISBANE QLD 4000

Dear Sir/Madam

**Re: Review of the Local Government Electoral System (Excluding BCC)**

I refer to the above and wish to advise that council gave consideration to this matter at its recent meeting of 15 July 2010, from which I have been directed to prepare a submission regarding the Local Government Electoral Act in line with the draft comments and feedback received from the meeting.

Council recognises the value of an inquiry into the current local government electoral system and on alternative systems and practices, and consequently is appreciative for being given the opportunity to provide feedback. Please find enclosed council's submission on matters within your terms of reference.

Please don't hesitate to contact me on 4658 4111 should you wish to discuss this matter further.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Michelle G. McFadyen".

**Michelle G. McFadyen**  
**Chief Executive Officer**

**1) Are the procedures for the division of councils adequate?**

The procedures for the division of councils are not adequate. Voters are often unaware as to which division they reside in or who they are voting for.

**2) If the procedures for the division of councils are not adequate, what changes are required?**

For smaller councils (i.e. 4 to 10 Councillors), the entire region is generally very well known by the majority of candidates. Dividing the council often means that many candidates are not elected simply because they were not the most popular in the division, yet they may have more to offer than that of an elected member in another division. In these circumstances, undivided councils would ensure a fairer representation is given to the whole area rather than just a portion as it does for divisions. If divisions were to remain, reviewing quotas in remote areas would ensure a fairer representation is given.

**3) Are the error margins of 10% in local government areas with more than 10,000 electors and 20% in all other cases sufficient?**

Yes, the error margins of 10% in local government areas with more than 10,000 electors and 20% in all other cases is sufficient.

**4) Should the mix of divided and undivided councils remain? If so, should the decision to divide a local government area remain with individual councils?**

The mix of divided and undivided councils should remain, however the decision should reside with the individual council unless there are reasons necessitating a review by the Commission.

**5) Are there other matters the Committee should consider in regard to local government divisions?**

There are no other matters the Committee should consider in regard to local government divisions – however as previously stated, there should be quotas for divided councils.

**6) Should the Electoral Commission of Queensland be responsible for the administration of the quadrennial local government elections or should this responsibility remain with Councils\ CEOs?**

The Electoral Commission of Queensland (ECQ) should remain responsible for the quadrennial local government elections - having this responsibility rest with the CEO creates serious conflicts. If the responsibility were to reside with the CEO, they should have the ability to outsource this to the ECQ or other providers at their discretion.

**7) If the ECQ is to be responsible for local government elections should the new Act allow more flexibility in regard to the conduct of the quadrennial elections than the current Act does? If so, how?**

A substantiated need for more flexibility in the new Act cannot be identified in relation to the conduct of the quadrennial elections.

**8) Is the time for the close of the rolls and the date of the elections appropriate?**

Closing rolls some 4-6 weeks ahead of the election would be better provided it allowed enough time for the rolls to be finalised etc.

**9) What changes, if any, should be made to the timing of local government elections? Move to October rather than March.**

The election should be held in October each year to allow an appropriate cycle for new councillors. Currently with March elections, new councils (often with little or no experience) are having to immediately adopt a budget without any knowledge of the business or skills in the area.

**10) Is the nomination process adequate? Why?**

Yes, the nomination process is adequate as it gives everyone an equal opportunity to nominate.

**11) Does the current system encourage a diverse range of candidates to stand?**

The current system encourages a diverse range of candidates to stand as there are very few requirements a candidate needs to meet to be eligible.

**12) Should a candidate be required to live in the local government area in which they stand for election?**

Yes, a candidate should be required to live in the local government area in which they stand for election. This helps ensure that they are both attuned to local issues and accessible to the community they serve.

**13) Should a councillor be required to live in the local government area for their whole four year term?**

Yes, a councillor should be required to live in the local government area for their whole four year term. Once again, this ensures the councillor is accessible to their community they serve and that they remain attuned to local issues.

**14) Should a person be able to stand as a dual candidate for both mayor and councillor?**

Yes, a person should be able to stand as a dual candidate for both mayor and councillor, provided that an appropriate model can be devised. There are certainly advantages to the Mayor at large model Queensland currently uses for the election of the Mayor; however it is seen as a major barrier to capable Councillors standing for the Mayoral race. Retaining eligibility to continue to stand as a Councillor would remove this barrier, possibly allow more Mayoral candidates and offer the electors greater choice. The disadvantages include:

- i) the competition adversely affecting candidates (ie in our council if say, 10 people nominated for Mayor, the winner of the ballot would need very few votes given we start from a low voter base)
- ii) enhancing the potential for boardroom factions
- iii) the uncertainty for electors when casting their vote – what happens if this candidate is elected Mayor? Who do I vote for to allow for such contingencies?

**15) Should the new Act allow mayors to be appointed by their fellow councillors?**

No, the new Act should ensure that Mayors are publicly elected.

**16) Are the requirements for disclosure of campaign funding sufficient?**

Yes, the requirements for disclosure of campaign funding are sufficient.

**17) Should candidates make disclosures before, progressively during, and after an election period?**

Yes, candidates should make disclosures before, during, and after an election period.

**18) Should all disclosure requirements, such as values, disclosure periods and who must comply, be standardised?**

Yes, all disclosure requirements such as values, disclosure periods and who must comply, should be standardised.

**19) Should particular fundraising activities for local government elections be prohibited?**

Longreach Regional Council has no view as to whether particular fundraising activities for local government elections be prohibited. Whilst council would be cautious of any industry/developer contributions in the interests of encouraging impartiality, it could be argued that so long as all activities are legal there should not be an issue.

**20) Should how-to-vote cards be free from promotional content?**

Yes, how-to-vote cards should be free from promotional content.

**21) Should how-to-vote cards be standard for all candidates? If so, should these be provided in all polling booths and postal vote packs by the Electoral Commission of Queensland?**

Yes, how-to-vote cards should be standard for all candidates. These should be provided in all polling booths and postal vote packs by the Electoral Commission of Queensland so as to ensure voters are casting valid and informed votes.

**22) What promotional material, such as bunting (continuous signage) and coreflutes, should be allowed during the campaign period and at polling booths on election day?**

Provided the promotional material is legal, has been paid for by the candidate or political party, approved by relevant authorities, that each candidate is allocated the same amount of space etc, and that all material is removed after the election, promotional material should be allowed before and during the campaign.

**23) Should the placement and amount of election campaign material be standard across all local government areas?**

Yes, the placement and amount of election campaign material should be standard across all local government areas, however minimum standards should be specified with discretion given to councils to impose tighter restrictions i.e. ability to regulate the plastering of corflute posters all over town.

**24) Should a 'media blackout' period apply for local government elections? Why? For how long?**

Whilst a 'media blackout' period during local government elections should be treated as State and Federal Government elections, a two week period would be beneficial as it would allow voters a chance to think on their own terms prior to media influence.

**25) Should voting remain compulsory for local government elections in Queensland?**

Yes, voting should remain compulsory for local government elections in Queensland.

**26) Should the option of a postal vote be extended to all voters in every area?**

Yes, the option of a postal vote should be extended to all voters in every area. A postal vote option ensures that voters in local government areas with large land areas and/or access issues are considered.

**27) Should a full postal ballot be automatic for some local government areas? If so, why and for which areas?**

Longreach Regional Council is in divide as to whether a full postal ballot should be automatic for some local government areas. Whilst there is merit in this for remote councils, it should be at the discretion of the Local Government and not prescribed by legislation.

**28) Should the criteria for pre-polling and postal voting be abolished?**

Yes, the criteria for pre-polling and postal voting should be abolished. It is necessary for people living in remote areas to have the postal vote and touring people prefer to pre-poll. The abolition of the criteria may advantageously entice more voters to participate.

**29) Does the restriction on voters to attend only polling booths in a division in which they are enrolled adversely affect voters? If this were altered what impact would that have on the administration of the elections in that local government?**

Whilst the restrictions on voters to attend only polling booths in a division in which they are enrolled may prove inconvenient at times, altering these restrictions would make the administration of elections too resource-intensive to justify the changes.

**30) Should the new Act allow absent voting? If so, should this be restricted to absent voting with a local government area only?**

The new Act should only allow absent voting within the local government area. It is unrealistic to expect a single polling booth to stock every councils' ballot papers just so someone can absentee vote. In addition, electors have access to pre-poll voting if they are going to be away from their local government area for the election.

**31) Should the right to vote in Queensland local government elections be extended to non-resident property owners within an area? If so, should this apply to overseas investors?**

Whilst there is merit in the argument that non-resident property owners have the right to vote - they are ratepayers after all, administratively this would be difficult to manage and may give rise to a voting population much greater than the resident population alone. Also of concern is that it enables people to have more than one vote or a vote in two or more elections. Despite the obvious interest property owners have in local government elections, more than one vote per person is presently contrary to Australia's democratic principles.

**32) Should voting rights be extended to non-resident occupiers (e.g. commercial lessees such as business owners who lease premises within an area but live outside of it)?**

As above. Whilst there is merit in the argument that non-resident occupiers have the right to vote - they are ratepayers after all, administratively this would be difficult to manage and would give rise to a voting population much greater than the resident population alone. Also of concern is that it enables people to have more than one vote or a vote in two or more elections. Despite the obvious interest occupiers have in local government elections, more than one vote per person is presently contrary to Australia's democratic principles.

**33) Should multiple persons be able to claim non-resident voter eligibility for one property (e.g. two or more non-resident owners or lessees of a property)?**

Once again, there is justified argument for multiple persons being able to claim non-resident voter eligibility for one property as they are both ratepayers. Administratively however, this would be difficult to manage and may give rise to a voting population much greater than the resident population alone.

**34) Should people, based on the number of properties they own, be entitled to more than one vote per division?**

This is a good argument - ratepayers should have a stake, however logistically it would not be possible. The local government electoral system need only consider residents in the local government area.

**35) Who should be responsible for the creation, verification and maintenance of a non-residents' electoral roll?**

The Local Government should ultimately be responsible for the creation, verification and maintenance of a non-residents' electoral roll, however this undoubtedly would be resource intensive.

**36) Which voting system is most appropriate for local government elections – Optional Preferential voting, Compulsory Preferential voting, First-Past-The-Post or Proportional Representation? Why?**

The Optional Preferential Voting system is most appropriate for local government elections as the least disliked candidate is elected through the fairest method. First-Past-The-Post often gives you the candidate who (by a very small majority in many cases) wins. When you tally all the people who didn't vote for that person, it is clear that they are elected on the minority of votes (i.e. the minority of people wanted them to succeed).

**37) Would different voting systems work better for different sized local governments? Why?**

Yes, different voting systems would work better for different sized local governments. Whilst the Optional Preferential system would be ideal for larger councils, it is virtually useless in circumstances where only two nominations are received (such as that of smaller councils). The voting system adopted by an electorate should be at the council's discretion.



**38) Should Proportional Representation be introduced for Queensland local government elections?****If so, why and**

- (a) which model/s should be implemented?**
- (b) how would this be implemented in divided and undivided councils?**
- (c) should it apply for all councils? If not, which councils should proportional representation apply to?**

Proportional Representation should not be introduced for Queensland local government elections as there is insufficient party politics across Queensland's local governments for proportional representative voting to work. The absence of party politics is a distinct advantage for local government, as it allows issues to be considered on their individual merits and not tainted by subjective party political ideals. Bringing in proportional representative elections will unnecessarily fracture local government.

**39) What other issues should the Committee consider in relation to this inquiry?**

The following have been identified as possible issues the Committee should consider in relation to this inquiry:

- That it be ensured, with no exemptions, that all postal votes are postmarked the Friday before the election. This ensures that voters are not influenced according to election updates held throughout the vote-count process.
- In order to stand for Mayor, the candidate must have served a minimum of one term as a Councillor.
- That the mayor and councillors (re-elected and new) obtain qualifications post-election (if having not obtained qualifications prior to nomination). Such qualifications could include a mandatory Elected Members training course, or other relevant Local Government course.
- That information explaining and outlining the role of a Councillor or Mayor be distributed amongst the community. This will help ensure that both voters and candidates are able to make an informed decision (pre-nomination).