

Submission 043

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**From:** CEO Townsville Mailbox [\_mailCEO@townsville.qld.gov.au]  
**Sent:** Tuesday, 27 July 2010 4:21 PM  
**To:** Law, Justice and Safety Committee  
**Subject:** Review of Local Government Electoral System  
**Attachments:** Local Govt Electoral System final 20.7.10 - endorsed submission.doc  
Attention: The Research Director, Law, Justice and Safety Committee, Parliament House, Brisbane

Dear Sir

Re Review of Local Government Electoral System

The Townsville City Council considered the Issues Paper dated June 2010 in respect to the above at its July Ordinary Meeting and has endorsed the attached submission on the 39 questions posed in that Issues Paper.

In developing its submission the Council sought by way of media release and media comment input from the Townsville community. Council also encouraged the community to forward individual submissions direct to your office.

Council understands that the Law, Justice and Safety Committee will also be visiting Townsville as part of its public hearings phase of the review. Representatives of Council will no doubt meet with you at that time to further Council's views on the Paper.

Thankyou for the opportunity to provide comments on your Issues Paper. Council now looks forward to further consultation on the proposed legislation prior to its adoption.

Yours Sincerely

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**Submission from Townsville City Council to Law, Justice and Safety  
Committee, Queensland State Parliament  
on**

**A NEW LOCAL GOVERNMENT ELECTORAL ACT:  
REVIEW OF THE LOCAL GOVERNMENT ELECTORAL SYSTEM  
(EXCLUDING BCC)**

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**Divided Councils & Undivided Councils**

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

On the principle of one size does not fit all, individual Councils should have the choice of determining whether divisions best suit the circumstances of their own community. Townsville is undivided at present therefore all Councillors are able to focus on what's best for the whole city as required by the Act.

Divisions can foster a culture of parochialism where Councillors are focussed on the interests of their division ahead of the broader interest of the whole of the local government area (notwithstanding the Act requirements to act for the whole area in the first instance).

The Townsville City Council provides a good example of additional "localism" in an undivided local government whereby it has publicly allocated geographic districts to each Councillor. Residents are encouraged to contact the assigned Councillor with any concerns. Voters therefore have the best of both divided and undivided systems in that they can vote for the group of Councillors they prefer as the Council and they can deal with a specific Councillor on local issues.

The Council seeks legislation that enables Councils to have discretion on whether divisions are preferred and also flags that it prefers an undivided local government area for Townsville as it is considered a more democratic system which increases the opportunity for independent candidates to get elected.

**Summary:** Continue to allow Councils to have discretion on whether to have divisions and in Townsville's case note the intent to retain an undivided local government area.

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

None, provided Councils can review the division boundaries each term.

Given that divisions are determined on population, the geographic area of some divisions may be logistically problematic in some cases.

**Summary:** No change to procedures for divisions.

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

In a rapid growth local government area the 10% margin can be problematic in that it forces changes in division boundaries each term thereby causing confusion in the electorate. A 20% margin in all Councils would ensure changes to division boundaries only occurred where there was a material change in population however it is noted that a 20% margin on say a 10,000 voter division could mean one division with 8,000 voters and another with 12,000 voters before change is required – a 40% differential. This would potentially increase the workload for one councillor.

It is considered the 10% margin is the most practical in terms of equity in representation and fairness.

**Summary:** Apply 10% margin to all Councils.

**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?***

Refer answer to Question 1 above.

**Summary:** All Councils should have discretion on whether to be divided.

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

First past the post voting system supported for undivided Councils.

**Administration of elections**

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

The Electoral Commission of Queensland should be responsible for all local government elections in Queensland (including by-elections) provided the fee structure is relative to actual cost. The ECQ specialise in the conduct of elections and whilst the impartiality and integrity of local government CEOs should not be questioned the fact remains that these officers are busy people managing the affairs of their local government and the conduct of an election is an added burden.

The ECQ should also be responsible for election signage to ensure consistency in signage administration across all local governments.

**Summary:**

- ECQ to run all local government elections.
- ECQ to be responsible for election signage.

**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 than the current Act does? If so, how?***

There is no question the previous Act was very prescriptive regarding conduct of elections. The conduct of local government elections should be no more prescriptive than the conduct of state and/or federal elections.

Whatever changes are made to make the quadrennial elections less prescriptive should apply also to the conduct of by-elections.

Changes that could occur include – common dates for closing of rolls; common date for nomination day; common electoral signage regulation; removal of certification of candidate's nomination by the Returning Officer; all Councils have option for the poll to be conducted by ballot; facilitate easier application of mobile polling booths; and, removal of requirement for issuing officer to mark ballot paper.

**Summary:** Local government election process should be no more prescriptive than state or federal election.

**Timing of the elections and closing of the electoral roll**

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

The close of rolls on 31 January is appropriate to enable production of roll in time for election last Saturday in March however if the election were shifted to another time the rolls closure should allow enough lead time before polling day to produce the roll.

The timing of local government election as the last Saturday in March is not appropriate. Council's financial year commences 1 July and the Council budget is due for adoption around that time. It is not practical for a new Council to have meaningful contribution and understand the Operational Plan and Council Budget in only a three month period before Budget adoption. An election period around October would allow the former Council to adopt a Budget and give the new Council sufficient time between November and the following June to frame its own Operational Plan and Budget.

In addition the closing of the roll at 31 January is not good timing as many voters are on leave or transferring employment during the January period and are not focussed on checking their name on the roll.

**Summary:**

- Close rolls 8 weeks before polling day
- Shift election from March to October.

**9) *What changes, if any, should be made to the timing of local government elections?***

Refer answer to Question 8 above.

Quadrennial elections are supported as the four year term gives the Council a reasonable period within which to develop the strategic direction of the Council.

The By-election process in new Act, where in some circumstances By-election to fill vacancy is not necessary, is supported.

Shift quadrennial election from March to October.

**Summary:**

- Continue quadrennial elections
- Shift election date from March to October
- Council to carry vacancies rather than conduct By-election where practical.

**Nominations and candidature requirements**

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

Nomination process under previous Act is supported, including: be an Australian citizen; live in the local government area; be on the electoral roll for the local government area; be nominated by six electors from the local government area or relevant division or by registered officer of a political party.

A common nomination date for all quadrennial elections should be introduced.

**Summary:** No change to nomination process under previous Act other than setting common (State wide) nomination day for all quadrennial elections.

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

Yes – provided the candidate is on the roll, an Australian citizen and live in the local government area. This then enables extensive diversity allowing candidates of any birthplace nationality, any age above 18 years, any sex, any educational or employment background and of any spoken language. The requirement for Australian citizenship and living in the local government area and being on the roll, should not be under debate.

**Summary:** Yes the current system encourages diversity.

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

Yes a candidate should live in the local government area but in a divided local government they should not be required to live in the division they seek to stand. Under the quota system division boundaries may alter with each quadrennial election but a candidate should still be well capable of representing any division regardless of place of residence within the local government area. As an example, a candidate may represent and carry on a business in a commercial or retail area but reside in a rural area. The candidate's ability to represent the area where he/she works should not be inhibited by his/her residential address.

**Summary:** Candidate should live in local government area they propose to represent.

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

Yes – the residents of a local government should be represented by a person who resides in that local government and continues therefore to have an understanding of the local issues and is easily contacted by, and available to address concerns of, residents.

**Summary:** Councillor should reside in the local government area for whole term.

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

No. Whilst the Council notes the potential for loss of experienced Councillors should they choose to nominate for Mayor under the current system, the practicality around a dual candidate process would be too complex. In addition to have a candidate elected as Mayor and another Mayoral candidate(s) elected as Councillor may prove problematic in building a team environment within the Council.

A system which sees a candidate promoting policies relevant to the election of Mayor is considered more transparent and therefore much simpler for the voter to understand.

**Summary:** Retain current system where candidates may run for Mayor or Councillor, not both.

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

No. Queensland has been well served through legislation that has enabled the direct election of Mayor by the people. A Mayor who is elected by the people has the mandate to promote policies which were included in the election campaign thus giving the community some certainty about the direction of the new Council.

**Summary:** Mayor to be elected by public vote.

**Campaign funding and disclosures**

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

The disclosure of campaign funding for local government candidates should be no different to that that applies for State and Federal election candidates however in respect to local government the same provisions should apply to all candidates regardless of whether they represent a political party.

To encourage compliance by candidates to the disclosure requirements the penalty for non-compliance could be reviewed.

**Summary:** Should be no different to State and Federal elections however all candidates to be subject to same disclosure regardless of representing political party.

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

The practicality of progressive disclosure and the potential ability for candidates to manipulate the timing of disclosure is of concern.

From a transparency perspective the disclosure at end of election process when all matters for disclosure are known and confirmed is considered the most functional.

Again this disclosure requirement should be same as State and Federal election requirements.

**Summary:** Disclosure requirements should be same as State and Federal election requirements.

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

The former Local Government Act was highly prescriptive and quite complex around different disclosure requirements for different situations. The new Act would benefit from standardising these requirements.

As with other matters of this nature the provisions relating to local government elections should be no more onerous than those applying at State and Federal elections.

**Summary:** Standardise disclosure requirements.

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

Fundraising activities should be the same as candidates for State and Federal elections. Not to do so is confusing to candidates, potential donors and to the general public.

**Summary:** Should be no different to State and Federal elections.

**Electoral signage and advertising material**

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

Provided the required authorisations and political party disclosure are included however the how-to-vote cards should not be able to be confused by the voter with a ballot paper. Candidates have the opportunity for promotion through other means prior to election day.

**Summary:** Should be no different to State and Federal elections.

**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?**

How-to-vote cards should be standardised and only be provided by the Returning Officer for display in polling booths or in the case of postal election distributed by Returning Officer in postal voting packs. This would save substantial wastage of paper on election day and during election campaign.

**Summary:** Standardise how-to-vote cards for display by Returning Officer in polling booth or distribution by Returning Officer with postal voting pack.

**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?**

Responsibility for election advertising and signage should rest with the Electoral Office of Queensland if it is to be responsible for the conduct of the election. In addition the requirements around election advertising should be standardised across the State. It is confusing for candidates and general public to have different advertising policies for local government elections from that applying to State and Federal elections. If it is considered the Council CEO should not be the Returning Officer in order to maintain impartiality then the CEO should not administer election signage.

**Summary:** Electoral Commission of Queensland to be responsible for election signage and same rules apply to local government as apply to State and Federal elections.

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

Yes for reasons outlined under question 22.

**Summary:** Yes

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

Local Government needs as much time as possible to promote the election and the advertising by candidates right up to election day is of assistance in encouraging the public to vote at the election.

In the interests of consistency with State and Federal elections an alternative would be that a blackout for 'political media' could apply for the same period as State/Federal elections but with Returning Officers' 'administrative media' allowed up until close of polls.

**Summary:** Media blackout to apply for same period as State and Federal elections but Returning Officer permitted to use media throughout the election for administrative purposes.

**Compulsory voting**

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

Yes, the general public need to be encouraged to participate in the democratic process of government at all levels. It is noted that the penalty for non-voting provides no deterrent to non-voters as the current penalty does not cover the Council's costs in following up non-voters.

**Summary:** Yes compulsory voting should continue with Electoral Commission of Queensland being responsible for pursuing non-voters.

**Postal voting, pre-polling and absent voting**

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

Voters should not need to meet specific criteria to cast a postal vote. If it suits the voter to vote by post then the voter should simply need to provide a written request for a postal vote.

**Summary:** Postal vote option to be available to all voters upon written request.

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

Every Council should have the option to require a postal ballot election system regardless of size or location. Each Council would then choose the election system which best suited their community.

The option should extend to enable the Council to have postal voting in some divisions but not others, for example, postal voting in rural divisions but not urban divisions.

Rural Councils in particular would benefit from postal voting due to their remoteness in some cases and their topography and climatic conditions.

**Summary:** Option on postal ballot for whole local government area or all divisions or some divisions to be available to all Councils.

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

Yes, if it suits the voter to vote this way then the system should provide for it without restriction.

**Summary:** Abolish criteria for pre-poll and postal voting.

**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?**

The number of voters adversely affected by only being able to vote in the Division they are enrolled is relatively minor. The cost and administrative time in providing additional ballot papers for every Division in every polling place is impracticable given the small benefit to be achieved. Voters have pre-poll or postal vote options available to them to vote before election day if the travel to a particular Division polling place is an inconvenience on election day. The abolition of pre-poll or postal voting criteria suggested in Question 28 will make this even easier.

This issue is not of same concern in an undivided local government.

**Summary:** No economic or logistic benefit to change current requirements for voters to vote in the Division they are enrolled.

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

The administrative cost and logistics of absentee voting for local government would be prohibitive. Even if there was an ability to electronically produce ballot papers onsite at any polling place the task of then on-forwarding the ballot paper to the Returning Officer would be onerous.

There are a range of voting options already available to those not in the local government area on voting day as discussed in the answer to Question 29 above.

**Summary:** There should be no provision for absentee voting at local government elections.

**Property franchise**

**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?**

The additional administration cost and time in compiling a non-resident roll is not likely to justify the added votes which maybe derived from non-resident property owners. The current system allows only those residents who live in the Division or local government area to vote and this is appropriate as it is these citizens who have the significant and ongoing interest in the development and servicing of their area.

**Summary:** Voting at local government elections only to be available to those that reside in the Division or, in the case of undivided local government, in the local government area.

**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)?**

Refer to answer to question 31 above.

**Summary:** Voting at local government elections only to be available to those that reside in the Division or, in the case of undivided local government, in the local government area.

**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)?**

Refer to answer to question 31 above.

**Summary:** Voting at local government elections only to be available to those that reside in the Division or, in the case of undivided local government, in the local government area.

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



No, the one vote one value principle is important in a democratic system. The vote of a single property owner should be of no less value than that of a multiple property owner. The democratic system is about what is best for the whole community and as such it should not to be influenced by multiple votes of wealthy multi property owners.

**Summary:** Voters should only be entitled to one vote per division or local government area.

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

Refer to answer to question 31 above.

**Summary:** Voting at local government elections only to be available to those that reside in the Division or, in the case of undivided local government, in the local government area.

**Optional Preferential voting, First-Past-The-Post voting, Proportional Representation voting systems**

**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 voting system should be the same as State and Federal elections.

The Queensland system of first-past-the-post for undivided areas or multi-member divided areas and optional preferential for single member divided areas has worked well and does not need to be changed. Both systems are simple to understand and have allowed the voter to choose the preferred candidate through only one selection or in the case of divided areas through indicating their order of preference for one or more candidates.

Both the first-past-the-post and optional preferential systems are easy to understand and it is easy to count the votes.

It is acknowledged that the first-past-the-post system may see a candidate elected who does not have the support of the majority of voters however this candidate has received more “first preference” votes than any other candidate.

The keep-it-simple principle is important in the election process. It would be likely that the proportional representation system for example produces the highest number of informal votes.

**Summary:** Retain the first-past-the-post and optional preferential voting systems.

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

There should be standard voting systems across all local governments.

**Summary:** No change to local government voting systems.

**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?**

Refer answers to questions 36 and 37 above.

**Summary:** Retain the first-past-the-post and optional preferential voting systems, that is, no change to local government voting systems.

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

- Nomination fee has not been increased for many years and should it be refundable given the cost of running an election?
- Number of booths in each division/local government area.
- Number of pre-poll booths (and opening times/days), number of mobile booths and institutions eg. aged care homes.
- Comparison of costs of full postal to regular election.
- Improved voting arrangements for service personnel with overseas postings.
- Will Council's continue to be given opportunity to make recommendations each term on: number of Councillors; number of divisions; number of multi-member divisions; names of divisions; boundaries of divisions?