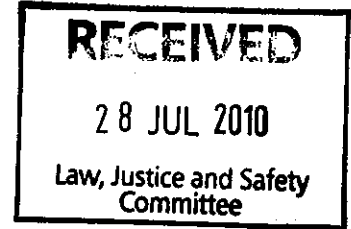




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Our Ref: A3542827 RG:djr
Your Ref: -
Date: 27 July 2010



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

Dear Sir/Madam,

**Submission – Law, Justice and Safety Committee
A New Local Government Electoral Act:
Review of the Local Government Electoral System (Excluding BCC)**

I refer to your Committee's invitation to local governments to forward submissions on the new Local Government Electoral Act: Review of the Local Government Electoral System.

I wish to advise that Council has prepared a submission in this regard and a copy is enclosed for your information and consideration.

I await your further advice in relation to the outcome.

Yours sincerely,

Daryl Hitzman
Acting Chief Executive Officer

Enc.



**MORETON BAY REGIONAL COUNCIL
(Organisation)**

**SUBMISSION
TO
LAW, JUSTICE & SAFETY COMMITTEE
ON
A NEW LOCAL GOVERNMENT
ELECTORAL ACT:
REVIEW OF THE LOCAL GOVERNMENT
ELECTORAL SYSTEM (EXCLUDING BCC)**

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July 2010

LOCAL GOVERNMENT ELECTORAL ACT
Review of the Local Government Electoral System

MORETON BAY REGIONAL COUNCIL
SUBMISSION

DIVISIONS

Divided Councils/Undivided Councils

1. Are the procedures for the division of Councils adequate?

Response

The present procedures are adequate in so much as that they allow the local government to make their own decision as to whether the area should be divided or undivided. This decision can then be based on the knowledge of the area taking into consideration the size, demographics, community interest and logistics. Whether local governments are divided or undivided the local governments have a duty to act in the best interest of the whole of the area.

2. If the procedures for the division of Councils are not adequate, what changes are required?

Response

N/A

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

Response

The present 10% error margin is considered to be on the low side especially where Divisions contain rapidly developing areas. After four years of rapid growth, even allowing for them to be on the low end at the beginning of the term, they can still exceed 10% at the end of the term. Also, with higher error margins, community of interest areas could be better served.

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?

Response

It should remain the decision of the local government as to whether it is divided or undivided. Refer to Item 1 above.

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

Response

Where areas are undivided the cost of running bi-elections is similar to the conduct of normal elections. The cost of running an election is an expensive exercise. Electoral Divisions should remain by number rather than by name.

CONDUCT OF ELECTIONS

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?

Response

The responsibility for the administration of the Quadrennial Election should remain with the Chief Executive Officer of the individual local governments. The Act needs to provide flexibility to allow various arrangements for the conduct of Elections to be considered. This may involve the Election Commission of Queensland in its own right or being contracted by local governments to conduct the Elections on their behalf, calling of tenders as well as Councils conducting the Election themselves. At the last Election run by the ECQ the following issues were experienced:

- *there were reports of organisational and operational failures;*
- *location of polling booths were inappropriate as a result of limited or no consultation with local governments;*
- *cost being substantially greater than if the local government had conducted the election;*
- *some of these could have been avoided with more local involvement.*

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?

Response

The new Act needs provision for the conduct of local government elections and these need to be adhered to by whoever is responsible for the conduct of the 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?

Response

The present time frame is considered to be adequate.

9. What changes, if any, should be made to the timing of local government Elections?

Response

Should the present arrangements for the timing for the conduct of elections remain, flexibility should be provided to allow the elections to be moved on occasions where it might be impacted by the Easter Break.

CANDIDATES – REQUIREMENTS AND CONDUCT
Nominations and Candidature Requirements

10. Is the nomination process adequate? Why?

Response

The present nomination process is considered to be generally adequate, however the current nomination deposit of \$150 should be reviewed and brought into line with that of candidates for the Legislative Assembly at \$250.

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

Response

It is considered that the current system is adequate and information provided by the Local Government Association of Qld (LGAQ) shows that after the 2008 Election a reasonable cross-section of occupations and qualifications were distributed amongst elected Councillors.

12. Should a candidate be required to live in the local government area in which they stand for Election?

Response

A candidate should be required to live in the local government area in which they stand. The community expectations are such that a candidate needs to reside in the local government area in order to provide the level of representation required.

13. Should a Councillor be required to live in the local government area for their whole four year term?

Response

A candidate should live in the local government area for the whole four (4) year term to ensure the continued confidence of the community in the representation of that Councillor.

14. Should a person be able to stand as a dual candidate for both Mayor and Councillor?

Response

The current system should remain with the Mayor being elected by popular vote.

15. Should the new Act allow Mayors to be appointed by their fellow Councillors?

Response

Please refer to response outlined in Item 14 above.

Campaign Funding and Disclosures

16. Are the requirements for disclosure of campaign funding sufficient?

Response

The Electoral Act should be aligned with the State and Federal provisions for donations to candidates for election purposes so that consistency with all three levels of Government would be provided. The third party disclosure and donor registers of local government expenditure are considered to be excessive requirements and onerous for local government and others.

17. Should candidates make disclosures before, progressively during, and after an Election period?

Response

Please refer to response outlined in Item 16 above.

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

Response

Please refer to response outlined in Item 16 above.

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

Response

Please refer to response outlined in Item 16 above.

Electoral Signage and Advertising Material

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

Response

How-to-vote cards should not contain any promotional content and continue to be approved/registered by the Returning Officer.

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?

Response

It is considered that the How-To-Vote cards not be standardised for all candidates, however all How-To-Vote cards need to be approved by the Returning Officer as outlined in Item 20 above.

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

Response

No promotional material such as bunting should be allowed and the regulation of signage should be left to the individual local government through its Local Laws to manage within its own area.

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

Response

Please refer to response outlined in Item 22 above.

24. Should a "media blackout" period apply for local government elections? Why? For how long?

Response

There should be no media blackout period applied to local government elections as there are many forms of modern media and it would be impossible to control.

VOTING

Compulsory

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

Response

Voting should remain compulsory for local government elections in Queensland.

Postal Voting, pre-polling and absent voting

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

Response

The option of postal voting should be extended to all voters in every area and the system should be the same that applies to State and Federal Elections.

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

Response

Local Governments should be able to determine, after appropriate consultation, whether a full postal ballot, attendance voting or some mixture is best for their area.

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

Response

The option of pre-polling and postal voting should be available to all voters in each area.

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

Response

Some voters may live close to a boundary with an adjoining division and the polling booth for the adjoining division is closer to their residence than their own divisional polling booth. Also voters may be working in another part of the local government area on polling day and would find it more convenient to vote closer to where they are working at the time, therefore absentee voting should be offered within the local government area for all Divisions. A number of issues arose at the last Election with not having this type of voting available.

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

Response

It would be difficult to provide for absentee voting on a State wide basis, however it should be available within each local government area for any Divisions of that local government area.

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?

Response

That a property based system be rejected as being undemocratic and voting should remain consistent with the other levels of Government.

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)?

Response

Please refer to response outlined in Item 31 above.

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)?

Response

Please refer to response outlined in Item 31 above.

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

Response

Please refer to response outlined in Item 31 above.

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

Response

Please refer to response outlined in Item 31 above.

VOTING SYSTEMS

Optional Preferential voting; First-Past-The-Post Voting; Proportional Representation Voting Systems; List Systems; Mixed-Member Proportional (MMP) Systems; Single Transferable Vote (STV) 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?

Response

The existing voting system for local government should remain, that is First-Past-The-Post Voting, Optional Preferential Voting, depending on whether the election is for multi member or single member Divisions as they are considered to be most appropriate.

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

Response

Voting systems should remain as per the current Act provisions. Please refer to comments in Item 36 above.

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?

Response

Please refer to Item 36 above.

OTHER

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

Response

Please refer to the LGAQ's Submission for comments.