

29 JUL 2010

**Law, Justice and Safety  
Committee**

28 July, 2010

Your Ref:  
Our Ref:  
File No: **GOV - Legislation**  
Contact: Mr Luke Wallace

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

Dear Sir/Madam,

In accordance with the Committee's invitation for submissions on the review of the local government electoral system, I hereby enclose Redland City Council's submission, as authorised by Council at its meeting of 28 July 2010.

Council wishes to thank the Committee for the opportunity to make this submission and we look forward to maintaining a cooperative relationship in the months ahead as the local government electoral reform process continues.

Should you have queries relating to any aspect of this submission, please contact our Manager Corporate Planning, Performance and Risk, Mr Luke Wallace, on 3829 8577.

Yours faithfully,



Gary Stevenson PSM  
Chief Executive Officer

# **Redland City Council**

**Submission on the Local Government Electoral Act Issues  
Paper**

**To**

**Law, Justice and Safety Committee**

**July 2010**

## **Divisions**

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

Generally speaking, Council is supportive of the current procedures relating to Council divisions. Whilst a legislative requirement for community consultation is probably unnecessary, it is Council's view that changes to internal divisional boundaries should be done in a consultative way to ensure communities of interest are maintained wherever possible.

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

Not applicable (refer above).

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

Council agrees with the current error margin of 10% however feels that some flexibility should be provided for extenuating circumstances, e.g. remote communities and/or island communities etc.

Within the Redland City Council for example, unique communities of interest exist with respect to the Southern Moreton Bay Islands (Russell, Macleay, Lamb and Karragarra), Coochiemudlo Island and North Stradbroke Island. Whilst populations on these islands are not currently at a level to sustain a division of their own within the current 10% error margin, this is likely to change in year's to come (refer SEQ Regional Plan figures).

It may be that there is genuine merit in giving communities such as these their own representation, without incorporating them with a mainland area/s before their combined population is within the 10% error margin. As such, Council supports the 10% error margin, with capacity to apply to the Minister for special dispensation on "community of interest" grounds for remote and/or special need and/or island communities.

### **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?**

Yes. Whilst Council understands that there are benefits to be derived from undivided Councils, and appreciate that some Councils may have particular reasons for preferring to be undivided (e.g. geographical issues), it is our view at this time that the option for divisions should be retained and that this decision should be made by the individual council. Some of the reasons for retaining divisions are as follows;

- The *Local Government Act 2009* contains underlying principles that support sound decision making in the best interests of the community

(e.g. transparency, decision making in the public interest, democratic representation, good governance, ethical behaviour of councillors etc).

- Section 12 (6) of the *Local Government Act 2009* requires councillors to “serve the overall public interest of the whole local government area”
- There are already checks and balances in place to protect the community from parochialism by divisional councillors. Just a few of these include;
  - the public’s capacity to access key planning documents such as the Community and Corporate Plans, the budget and the Operational Plan etc as per the *Local Government Act 2009*
  - The requirement for all Council decisions to be made in open session and the availability of General and Committee Meeting minutes to the public as per the *Local Government Act 2009*
- Removing divisions would be likely to impact the capacity of some members of the community to stand for election because it is likely to be more expensive to conduct an election campaign across the entire local government area as opposed to one division. This may mean that only people with significant means can contest local government elections
- It is Council’s view, (supported through community surveys), that residents like to have a local representative they can call upon when they require assistance or information. This is no different to the State and Federal system where citizens can access a “local member” if so desired
- Undivided Councils, particularly in larger cities or shires could easily create an opportunity for an uneven spread of workload between councillors. Attendance at community meetings and interest groups etc is currently managed by each councillor within their own division. Without divisions there is clearly less accountability for these important community functions
- Divisions allow councils to retain communities of interest within cities and shires. Many larger councils have diverse geographic and demographic circumstances and the needs to rural areas, commercial areas, seaside areas etc are many and varied. Divisions support recognition of these particular interests and allow councillors to specialise in the issues that are particular to their division within the overall Local Government Act requirement for sound decision making in the best interests of the whole local government area

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

It is Council’s view that local government divisions should carry names as well as numbers. This would be comparable to the State and Federal system and it would provide more identity for divisions within local government areas. It would also provide Councils with an opportunity to recognise significant individuals, historical, cultural and indigenous symbols etc.

**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 CEO's?**

Council is strongly of the view that the administration of local government elections should remain the responsibility of local government CEO's. Whilst Council acknowledges that the Electoral Commission (ECQ) were only asked to run the last local government elections with fairly short notice and it could no doubt expect improved performance in the future, there were a number of matters that Council felt were not well managed in the 2008 election including;

- Lack of local knowledge of ECQ staff leading to confusion for residents when ECQ staff were unable to provide basic information about divisions, adjoining divisions, locations of other polling booths etc
- Significant increase in costs from 2004 to 2008 (approximately \$275,000 in 2004 and approximately \$700,000 in 2008). This is an unreasonable burden for ratepayers to carry, particularly when the 2004 election ran so much more smoothly
- Unnecessary number of polling booths (41 in 2008 compared to 28 in 2004) leading to additional costs for all concerned
- Poor administration of joint polling booths leading to confusion of all concerned and a higher number of informal votes at many of these booths
- Generally sub-standard administration including several examples of running out of ballot papers. In one instance this directly led to a Supreme Court challenge at significant cost to stakeholders
- Inadequate pre-polling procedures (the venue and the amenities of the venue were inadequate causing discomfort for all concerned) and generally poor management of pre-poll issues (disputes between candidates and staff, knowledge of pre-polling requirements etc)

In summary, Council strongly recommends that individual CEO's be allowed to determine what is best for their own Council with respect to in-sourcing or out-sourcing of local government elections based on local knowledge and the needs of their communities.

If the responsibility is to be given to the ECQ, Council respectfully requests that the State Government make it clear to the ECQ that better performance is expected in 2012 and beyond, including better communication with individual local governments. Two specific issues that Council would like the ECQ to improve on are as follows;

- The provision of the 1300 number for electoral assistance. Council received dozens of complaints in 2008 that the line was constantly engaged and people just gave up trying to get through
- Consultation with Council on the location, and total number of, polling booths. The ECQ needs to make a greater effort to communicate with local councils on the best location for polling booths so local knowledge and experience from past elections is not lost

In addition, in the event of the ECQ continuing to run the elections, Council requests that the division of roles and responsibilities between Council and the ECQ be clearly identified, e.g. aspects relating to caretaker provisions of Councils, responsibilities for management of candidate funding disclosures etc.

**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?**

Council has no particular issues in this area.

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

Council feels that the current arrangements are appropriate as long as there is always a lead-time retained between the calling of the election and the closing of the rolls so people have an opportunity to react.

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

Council supports moving the quadrennial elections to later in the calendar year (around October would be ideal). There are two primary reasons why October elections are preferred;

- A. It allows Councillors to take more ownership of the budget process in the first year after election. By the time the March poll is declared and successful candidates are sworn in there is very little opportunity for new Councillors to gain an understanding of the upcoming year's budget and make any meaningful changes
- B. The climate in October is much more reasonable for the entire state as it is generally a cooler month than March and the threat of cyclones is removed

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

Council proposes that the nomination process be changed to rule out nominations from persons who have been prosecuted and convicted of a breach of Electoral Act provisions in the past. If citizens are unable to conduct themselves lawfully in an election campaign, their right to nominate in the future should be withdrawn.

In addition, Council proposes that a mandatory code of conduct should be developed, based on Electoral Act provisions, and candidates should be required to sign up to the code as part of the nomination process.

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

Generally speaking it is felt that the current system attracts a diverse range of candidates to stand. Should undivided Councils become mandatory however, it is felt that some candidates would be constrained due to the likelihood of higher costs for running a campaign across the entire local government area.

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

Yes

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

Yes

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

No

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

No. Council does not support this proposition for the following reasons;

- Strong anecdotal evidence that this system supports undesirable “wheeling and dealing” between councillors with the potential to create divisions in a Council, unhealthy allegiances, a perception that favours might be owed in the future etc
- Practically speaking, this system could only work in an undivided local government area and for reasons already outlined Council does not support mandatory undivided local governments
- Potential candidates may be constrained from standing if the division in which they reside, and would like to stand in, is already represented by someone they feel is doing a good job and deserves to continue as the divisional councillor. In this case a person can only become a councillor by running for Mayor or standing in a division in which they do not reside. Without a separate ballot for the Mayor, there are genuine constraints on candidates in these circumstances

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

No. Council supports a more open and transparent process for the disclosure of funding.

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

Whilst Council recognises that progressive disclosure would create administrative issues with regard to manageability, it is felt that the current system is not open enough to public scrutiny.

Council supports a system where the public is able to see who is supporting a particular candidate before they cast their vote. Council supports the position that all funding disclosures must be made one week prior to the election with no further donations permissible after that date.

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

Yes. Council favours standardisation of disclosure requirements.

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

Council's view is that no anonymous fundraising activities should be permissible above a very nominal amount. Where candidates are raising funds through raffles, functions, events etc, there should be a requirement for participants and donors to be included on a publicly available register if the raffle, function or event raises funds beyond a certain amount.

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

Yes.

**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 ECQ?**

In the interests of the environment, public amenity at polling booths and reducing costs for candidates, Council supports the provision of a standard how-to-vote card for all candidates appropriately positioned within all polling booths and incorporated into postal vote packs.

**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?**

Council notes that different local governments have different standards in regard to this matter. Council is happy with the situation as it currently operates under our own local law, whereby limits on promotional material are set.

Council would not like to see legislation in the Local Government Electoral Act that permits an "open slather" approach to promotional signage for the following reasons;

- It provides an advantage to those candidates with the most means



- It promotes disputes amongst candidates and residents
- Proliferation of signage impacts on visual amenity and invariably leads to resident complaints that local governments have to deal with
- Wastage and general environmental concerns

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

No. As outlined above (issue 22) Council believes that each local government should be able to regulate this matter through their own local law processes which are subject to community consultation provisions and state interest tests to ensure fairness and general acceptability within the community.

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

Council supports a media blackout similar to that imposed in State elections and for the same reasons, e.g. general fairness to candidates and voters, removes the possibility of a media release in the last 24 hours of a campaign that a candidate doesn't have right of reply to, etc.

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

Yes. One of the major principles of the new Local Government Act is community consultation. One way to support that principle and enhance community interest in local government is to require eligible residents to have their say on election day.

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

No. Whilst Council accepts that postal voting is necessary for some voters, it is felt that the provision of an option for all voters would create significant administrative and logistical issues. Council's view is that local government elections should continue to operate as they currently do, with individual Council's having the option to go with a full postal ballot (not optional) if they elect to do so.

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

No. Full postal ballots should not be automatic. Each Council should be able to opt in or opt out depending on what is best for its electorate and its particular circumstances.

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

No. There are certainly aspects of pre-polling that can be better managed as the present process is drawn out, resource hungry and tends to lead to poor

behaviour from candidates and staff working at the venues. In addition, the venues selected for pre-polling are not always the most suitable for the amenity of staff or voters.

It is Council's view that if standardised how-to-vote cards are introduced (see issue 21) many of these problems would go away, as there would be no need for candidates to place staff at pre-polling booths. In terms of providing better amenities for pre-polling, Council's view is that more flexibility should be provided for polling officials to coordinate the process in the best interests of all.

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

Whilst Council acknowledges that more flexibility for voters would be desirable, this must be balanced against the administrative difficulties and costs of allowing voters to vote at booths throughout the entire local government area.

Council supports more flexibility for polling officials to cater for the needs of each area based on previous polling patterns, divisional boundaries, demographics etc, but does not support a system that would allow voters to vote at any booth in the local government area. This might mean that each local government division has say three booths within the division, but facility exists for one booth within the local government area (probably in the central business district) to cater for all divisions so workers can vote during breaks. It might also mean that in some cases voters are able to vote in the neighbouring division where a booth is set up near a divisional boundary.

Whilst more flexibility is good and is supported within the type of realms outlined above, provision of too much flexibility would lead to undesirable cost and administrative outcomes. It must be remembered that pre-poll and postal options are available to provide flexibility for people where required.

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

No. The costs associated with this level of flexibility would be too great (refer above – issue 29).

**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?**

No. Whilst Council accepts that non-resident property owners have a stake in the way a council operates, it is the residents of the area that form "the community" and are most in touch with all aspects of a Council's performance.

Non-residents are still able to make enquiries, suggestions, complaints etc and generally have their say via those mechanisms.

**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?)**

No. Please refer to issue 31 for explanation of reasons.

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

No. As outlined in issues 31 and 32, Council does not support non-resident voting rights for one voter and as such it is not supported for multiple voters.

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

No. In many respects this should be like suggesting individuals who pay more tax should get extra votes in State and Federal elections. There are other anomalies with this approach as well, e.g. a property developer who has subdivided land or strata titled a block of units but still has most of the property in his/her name may be entitled to dozens or perhaps even hundreds of votes in one division meaning that one person, or a small minority of people, could have a disproportionate say in the outcome of an election.

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

Not applicable. Council does not support non-resident voting rights.

**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?**

Council favours optional preferential voting. Most Australians are now comfortable with that system and it retains consistency with State and Federal lower house systems.

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

Yes. Council appreciates that different voting systems work better for different local governments. Regional councils that prefer multi-member divisions due to the size of an area, cannot operate under optional preferential for example. Council therefore supports flexibility for different sized local governments based on individual needs as long as optional preferential voting is retained as an option (see issue 36).

**38) Should Proportional Representation be introduced for local governments that are not party political? If so, why?**

Council notes that proportional representation is only applicable where political parties are nominating candidates for a local government area. As that is not the case for the majority of QLD local governments, proportional representation could only be introduced in certain cases.

Council has no problem with providing flexibility for different local government areas as long as optional preferential voting is retained as an option.

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

There are two other issues Council would like the Committee to consider;

**I. Public Funding of Local Government Elections**

Council is strongly supportive of public funding for local government elections. Such a system could be established along similar lines to State and Federal election funding, whereby candidates receive an allocation for each vote received. This would open local government elections up to more candidates and has the potential to remove much of the stigma associated with campaign donations from the development and/or business sector.

Council recognises the potential for people to register as candidates simply to make money from votes received. This problem could be overcome by requiring persons to receive a minimum number of first preference votes before any public funding is applicable.

**II. Online Voting**

Council strongly supports a thorough review of the option of online voting. Whilst there are obvious security and access issues that need to be considered, there are several countries now successfully using this approach. Online voting has obvious advantages in terms of the environment, cost savings, convenience for all stakeholders, faster tabulation of results etc.

The sheer size of many QLD local government areas magnifies some of these benefits making the option even more attractive.