

**GLADSTONE REGIONAL COUNCIL
SUBMISSION ON ELECTORAL ARRANGEMENTS DISCUSSION PAPER****INTRODUCTION:**

In response to the Law, Justice and Safety Committee Discussion Paper entitled "A new Local Government Electoral Act: Review of the Local Government Electoral System [excluding BCC]" the Gladstone Regional Council has considered a number of the issues raised and seeks to make this submission expressing its views on those issues.

The views expressed in this submission represent the consensus position of the elected members of the Council arrived at during a Council workshop convened for the purpose of considering the Discussion Paper.

OVERVIEW MATTERS**PRINCIPLES**

The Council believes that any electoral system applying to Queensland local governments should reflect the following general principles.

1. The conduct of all elections in the Commonwealth of Australia, State Federal and Local Government elections, should be generally consistent. That is, whilst recognising that some minor differences might be appropriate to accommodate administrative efficiency no level of government should have significantly different fundamentals.

- Universal adult suffrage
- One vote one value
- Fixed electoral terms
- Secret ballot
- Choice of Candidates
- Accessible voting (including postal, absentee and visitor voting where appropriate and feasible)
- Simple voting systems

2. Constitutional arrangements (i.e. divisions, numbers of members, representative systems) should be designed to assist in effective decision making, representative democracy and ease of understanding by the electorate. The existing arrangements applying in Queensland appear to embody this principle.

3. The nomination process should encourage the widest range of candidates to provide voters with choice. The existing arrangements applying in Queensland local Government elections appear to embody this principle. There is consensus in this Council that a Councillor should reside in the local government area for which they are elected.

4. The system of election should not seek to deliver a true microcosm of the community but supported majority rule – the best candidates for the job should be representing the people.

5. The eligibility to participate as either a candidate or voter should be fundamental equality. (Universal adult suffrage, residential qualification and one vote one value, etc)

On the questions of consistency with State and Federal election processes and eligibility to participate as a candidate and related to the principle outlined in paragraph 3 above concerning choice of Candidates the Council is strongly of the view that Local Government members should not be discriminated against in terms of being required to relinquish their office to contest State elections. This requirement is not imposed in relation to Federal elections nor does it apply to Brisbane City Council. There is no rational argument for persisting with this constraint on Councillors when similar rules do not apply to members in other levels of Government..

6. The processes of administering the election serve the electors in priority to the electoral officials, subject to common sense in matters of economy of cost and reasonable convenience.

CONSTITUTIONAL MATTERS

Divisions

The view of Gladstone Regional Council, having both divided and undivided experience amongst its former constituent Councils prior to amalgamation, is that local governments operate more effectively without divisions. Although it is recognised that in some situations it is advantageous to have some local knowledge around the Council table when considering issues affecting a particular area, it is not considered this needs to be derived from a representative resident in that area.

The principle embodied in the Local Government Act of Councillors being required to decide business before them in the best interests of ALL residents of the local government area is considered to be best served where elected members are not presented with possibly conflicting loyalties between the interests of the whole area and the interests of a division of the area.

It is considered to be a better model for voters to select candidates based on their capabilities as community leaders and decision makers rather than on their geographic associations.

Whether the mix of divided and undivided councils should remain is a matter of further choice. Whilst Gladstone Regional Council has a firm view as to the benefits of undivided areas, it acknowledges that others may support arguments in particular cases, such as widely scattered rural communities or very populous urban areas where there may be difficulties for candidates to become known to voters across the entire region. In these cases the decision to divide a local government area should remain with individual councils?

RESPONSIBILITY FOR ELECTIONS

ECQ Administration

It was observed during the administration of the 2008 local government elections by the Electoral Commission of Queensland (ECQ) that a number of issues arose that local governments felt represented a lesser level of service than that previously provided under the local government administered elections. These issues included:

- Significantly increased costs
- Inadequate reporting processes
- Poor understanding of some electoral officials of the local government elections rules.
- Appointment of some electoral staff who were insufficiently skilled to adequately fulfil their role.

The differences between State Elections and Local Government Elections rules and practices were sufficient to create several areas where electoral staff erred in their administrative application.

Whilst the Council supports the concept of an independent electoral administration it would hold the view that should the ECQ be charged with that role in future then more appropriate controls need to be put in place to ensure the quality of the administration. For example an improved system for identifying and training appropriate electoral staff should be initiated with particular emphasis being placed on appointing as Returning Officers only persons who are qualified and experienced in administering local government elections.

The Council agrees that it is no longer practical for the Council Chief Executive Officer to act as Returning Officer for Council elections. However the loss of this historic expertise needs to be replaced with assured quality of administrative skill and legislative knowledge.

Gladstone Regional Council supports the concept of the calling of tenders for appropriately qualified service providers to conduct the election within local government areas. In this way appropriate selection criteria can be compiled to ensure that suitable skills are attracted to the role.

CANDIDATES

Nomination eligibility / nomination process

Gladstone Regional Council is of the view that candidates for local government elections should live **and remain living** in the local government area in which they stand for election. In order to demonstrate their commitment to the area and to live within and be affected by the same municipal financial and regulatory regimes as the residents of the area provides the Councillor with a frame of reference equivalent to their constituents and thus provides a more effective basis for their decision making.

Dual nomination for Mayor and Councillor is a vexed question and raises the time honoured argument that in the absence of dual nomination under existing Rules, local government can lose experienced or good potential Councillors if they chose to stand for the office of Mayor and are unsuccessful. Under the popularly elected Mayor system of voting as it currently exists in Queensland any attempt to introduce a dual candidature option would require a very complex electoral administrative procedure to provide for the conclusion of the Mayoral election before nominations could be finalised for the Councillor positions. Such a significant change of electoral process is not supported by Gladstone Regional Council.

The alternative proposition in this case is to revert to the “appointed Mayor” system whereby Mayors are appointed from the number of Councillors initially elected. Gladstone Regional Council does not support this method of Mayoral selection as it sees preferred value in the system whereby the Mayoral candidates seek the mandate of the whole community of voters for their tenure. This also enables the Mayor to exercise confident leadership to their Council especially in divided areas where the Councillors are not similarly elected by a whole of area mandate.

CAMPAIGN FUNDING AND DISCLOSURES

Gladstone Regional Council does not take issue in any substantial way with the existing framework of integrity guarantee provisions operating in local government elections. However in a matter of detail it considers the requirement for candidates to maintain a separate account for election campaign funding as onerous and impractical and suggested that this provision be removed.

For the majority of local government elections in Queensland the issue of campaign funding is of little relevance. The presence of Political Parties and highly organised expensive campaigns is most often restricted to larger Councils and consideration needs to be given to differentiating between these circumstances and the less complex environments of smaller Councils.

SIGNS, BILLBOARDS and CANVASSING

The proliferation of electoral advertising is not supported but at the same time the Council believes that local governments should not be burdened with the undue regulatory responsibility of controlling its use.

The suggestion that polling staff should be required to distribute How to Vote material is strongly opposed as being both a potential distraction from the administrative process of the election and in conflict with the previously stated support for a publicly independent administration of the poll. Polling staff should not be subjected to possible allegations of bias for distributing the material in a prejudicial manner – e.g. presenting one candidate's material ahead of another etc.

The Council also does not support the display of How to Vote material on Polling Booths as this places responsibility on the Polling Staff to maintain the material, thus providing further distraction from the central purpose of their role.

The Council supports the current arrangements in relation to How to Vote cards with the additional suggestion that the electoral rules mandate that How to Vote cards not be the same colour as the ballot paper to avoid confusion to the voters.

VOTING

Gladstone Regional Council supports the retention of compulsory voting on the basis that it is consistent with other tiers of government and encourages a greater participation in the election by the community. Turnout figures in Queensland local government elections tend to be relatively high and this gives comfort to the proposition that those elected to the Council have the support and confidence of the majority of citizens.

Non Polling Booth Voting

The Council supports the concept of providing less restricted opportunity for voters to exercise their vote without the need to physically attend a Polling Booth on the day of the election. Current requirements for Postal and Pre-Poll voting actually encourage voters to lodge false declarations because of the limited reasons required to prove eligibility for this type of vote. Access to postal and Pre-Poll voting should be unrestricted and Pre-Poll voting should be administered by the same method of roll marking as with Polling Booth

voting to eliminate the administrative complexity of dealing with application forms

The issue of Absentee Voting is not considered practical outside the area of the particular local government for the reasons canvassed in the Discussion Paper. If access to Postal Voting and Pre-Poll voting were expanded as discussed above the need for voters to seek Absentee arrangements would be significantly diminished.

Property Franchise

Gladstone Regional Council is firmly of the view that 'residents only' qualification should apply to voting in local government elections. Voting rights should not be conferred by property ownership on the basis that

- Property owners who live in the area albeit at a different location will already be enrolled and entitled to vote.
- Property owners who do not reside in the area exercise a right to vote in the area in which they reside.
- Singularity of enrolment applies in State and Federal elections.
- Corporations are not entitled to vote at State and Federal elections.
- The argument that absentee property owners contribute to the financial base of the Local Government is not relevant as this would lead to other arguments about resident property owners contributing different levels of rate income demanding different voting rights.

The Council strongly supports the one vote one value system and any departure by rights conferred by property ownership which would result in some parties having greater voting influence by virtue of wealth/property ownership. This is a principle that has been rejected historically in modern democratic values.

Method of Voting

Gladstone Regional Council supports the current choice of voting methods available in the Local Government Act with a preference for the Simple Majority or First-Past-the-Post system. The Council believes this to be most equitable and simple system for both candidates and voters to understand and participate in.

The Council notes that much of the discussion in the Committee's Paper in relation to different voting methods assumes that they need to operate in a structured Party Political environment. Whilst this might arise in larger Cities the election environment in the majority of local government areas in Queensland is based on fields of candidates who are independent or unaligned. In such cases the application of Preferential and especially any of the variants of Proportional Representation would add undue complexity to a relatively simple system. The introduction of complex voting systems (especially in small communities) that require the candidates to actively establish preference arrangements in order to adapt to the electoral system is counter-productive to facilitating an efficient and early determination of results.

Attempts to increase the representation of minority views within a Council by the introduction of complex proportional voting systems is not seen as conducive to the effectiveness of local government as unitary decision making chamber. The State Government and federal Government House of Representatives preferential systems assume single member wards and strong Party Political organisation of candidates. The system in Federal elections reserves the proportional system for the Senate which comprises multi member state-wide constituencies. Both of these electoral environments are different from the majority of local government elections in Queensland both in terms of Party Political involvement and scale of electorate.

The Council supports the same system of voting for use in elections for both the office of the Mayor and Councillor on the basis of maintaining a simple understanding for both candidates and voters for elections that are conducted simultaneously.

CONCLUSION

Gladstone Regional Council has been pleased to have been given the opportunity to comment of the Discussion Paper and would be happy to respond to any matters within this submission should the Committee wish further clarification.