



CITY OF GOLD COAST

Councillor Greg Betts

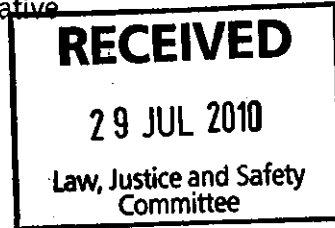
Division 12 Representative



Gold Coast City Council

29 July 2010

Submission 059



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

by Email: ljsc@parliament.qld.gov.au

Dear Committee,

Thank you for the opportunity of submitting my thoughts and suggestions into this very important inquiry. It is my intention to make this submission as brief as possible and stick to the point as I pity you in the job of wading through the copious amounts of drivel that I am sure will come before you in this inquiry.

What follows are my personal thoughts, but they are tempered by my constant awareness of public opinion due to my full time role as a Councillor of Gold Coast City.

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DIVISIONS

There can be no "one size fits all" solution for the issue of divided or undivided Councils. It seems that it is logical for a small Council to be undivided because of the scale of population. Large Councils, on the other hand, could not effectively represent local interests if undivided. There is a point where an undivided Council with a large population will lose the "local" from local government. Who does a member of the public call if they want representation on an issue in their street or neighbourhood? Who will be interested in that?

What would be created, in effect, will be a civic version of the Senate - people who are generally unknown to the local people, who get elected on a party ticket, and who are likely to have very little interest in the local issues of a part of the city that they know very little about. These "Civic Senators" will either spend their time complaining to the media about anything and everything so that they can keep a high profile for the next election by being a "community champion", or they will spend their time doing absolutely nothing constructive because of their position on their party's ticket. These people would easily be defined by a term that a former Prime Minister once gave to the Australian Senate - "Unrepresentative Swill".

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As a Divisional Councillor myself, I can confirm to you that I have the interests of my local community at heart - and that is what they want. Although I am able to represent the public interest of the whole city, I would admit that I know very little about some parts of it. The city boundaries go far beyond what would be reasonably considered to be a local community, it really is a region. It is impossible for local areas to be well represented if the Councillors are all elected from the whole region. In any case, it is most likely that an undivided Council in a large urban area would be made up of political party members. The message was very clear from the Gold Coast population at the 2008 local government elections that they do not want party politics in Council.

It should also be noted that Brisbane (a large regional Council) and the State and Federal governments all have "Divisions".

Everyone has their own opinions and who is to say one is right and one is wrong, but we have a democratic system, so the majority rules. Hopefully the outcome will be something that is practical and reflective of the desire of the public to have effective local government representation. What they want to know is that they will be represented by someone who will use common sense when they vote on issues before the Council and will take an interest when the resident has an issue of concern that they want dealt with.

An alternative to the Divisional system, rather than the elected "Civic Senator" model, would be a Metropolitan Board. This would be a workable sized group of professional and/or qualified people who are appointed as Directors. This takes the role to a totally strategic level and away from dealing with day to day issues that the public want to speak to Councillors about, because these directors would be completely removed from the public. Legislation seems to continue to attempt to remove Councillors from the day to day Council issues and make them strategists instead. However, what the legislation doesn't take into account is the desire of the residents who vote for Councillors to elect someone who they can talk to about issues, who can make things happen, and be able to find ways around red tape when it makes sense to do so.

RECOMMENDATION:

That large urban Councils remain with the divisional system.

COUNCILLOR CANDIDATES

In my opinion, all candidates should live within the local government area, and remain within it during their representative term. This is because a person who is making decisions on behalf of an local government area should know it and have a connection to the decisions that they make about it. Residents also expect that their elected representatives should be "one of them". It would be best to also have candidates live within their respective Division, but this is impractical in some cases where boundary realignments can remove a candidate from the Division that they have the closest affinity to.

Mayoral candidates should be able to stand for election as a candidate for a Division as well as Mayor. This allows for good representatives to remain in place as a Divisional Councillor, but still aspire to taking on the top job. In the past there have been effective Divisional Councillors who have been lost to the city when they have taken the step of running for Mayor and not being elected. My preference would actually be for the Mayor to be elected by the Councillors. This system would result in a situation where the Mayor generally has majority support from their Council and can work with some authority. The popularly elected Mayor scenario can result in the Mayor only being one vote and in practical terms can constitute ineffective leadership. For the purpose of good decision making and cohesive local government, it is important that the Mayor be elected by the Council.

The argument has been put forward that the Councillors electing the Mayor will leave a Division without proper representation. It would seem that in this case, the Mayor's office should be appropriately staffed to cope with the situation. Examples of how this can work are the Premier and the Prime Minister, both also represent an electorate (Division) as well as coping with the responsibilities of their higher role.

To allow Councillors to elect their own Mayor will take away the financial restrictions on Mayoral candidates in large urban (regional) local government areas. Currently on the Gold Coast, it is suggested that the cost of an effective Mayoral campaign can stretch into the hundreds of thousands of dollars. This is completely ridiculous and favours rich people and political candidates. Standing for election as a Divisional Councillor is within the financial reach of the average person, running for the position of a popularly elected Mayor is not.

RECOMMENDATION:

- 1. That all candidates must live within the local government area during their term of office.***
- 2. That the Mayor be a Divisional Councillor that is elected to the position by the Council.***

DONATIONS AND DISCLOSURE

It should be said in the first instance that the legislation governing campaign donations and disclosure should be exactly the same between all levels of government. The Federal Government controls their own disclosure, but the State Government controls what is required by state and local candidates. There is no valid reason why these two types of candidates should be treated differently.

Having said that, I can confirm that I was one of only a very small percentage of candidates who listed ALL their campaign donations on my web site BEFORE the 2008 election. Perhaps this is going to a level of disclosure that is not necessary, but no one can claim that I did not inform the public of exactly what was received. I also believe that there is very little interest from the public in such levels of disclosure. The fact is that the majority of people do not take much interest in the whole process of Council elections anyway.

If there are genuine concerns from citizens about the funding arrangements of election campaigns and how disclosure is made, I would submit that those concerns would apply equally to all levels of government.

RECOMMENDATION:

That the rules for donations and disclosure be standardised for local and state candidates.

THE ELECTION PROCESS

Election advertising seems to be a non-issue. During the 2008 Council election campaign on the Gold Coast, the Liberal Party won a court case against Gold Coast City Council over election advertising. Council tried to restrict it using local advertising laws, but the court found that this was not advertising and it was actually a restriction of freedom of speech to limit the signage.

The biggest problem with elections is the scrum that happens around the entry points to polling locations. Booth workers can get very aggressive in their manner when handing out how to vote cards to voters. I have observed many people cringe as they enter the school grounds etc as they run the gauntlet of booth workers until they reach the safety of the polling booths. This is annoying, and in some cases it is intimidating for the voter - and it is completely unnecessary. It is my understanding that there are other examples of how the election process can work. I believe that some states have made local government elections postal polls. This makes for a better system for a number of reasons:

- It takes away the negative experience that many voters encounter when they turn up to vote
- It simplifies the process as voters can receive the relevant information from the Electoral Commission and make their vote without any pressure
- Given that there is general disinterest in local government elections by the public it would be appreciated by them because they can vote at their leisure
- It has the potential to level the playing field for candidates who do not have the means of generating large numbers of booth workers to hand out their cards

To assist in this process, it could be a requirement for all candidates to provide an "election platform" which follows a framework that is set by the electoral commission. This platform would then be sent out for all candidates in each division when the postal ballots are provided to voters. This will not replace the right or ability for any candidate to do their own "marketing", but it does provide something for voters to assess when making their vote. Many times I have heard people walk up to the polling booths on the election day and state that they have no idea who is standing for election. They have not seen the "junk mail" leaflets that candidates have sent them, or picked up on any stories in local papers about who is running. Having a candidate profile provided, and being able to vote by post, would certainly make the process easier for people to participate and potentially in a much more informed way.

The postal option would also streamline the process for the electoral commission in running the election. In this case pre-polling would not be required.

The current system of voting rights for residents on the electoral role should remain. It is clear for Councillors that they represent the public interest. Should a system be introduced that allows for non-resident property owners to have a vote, a Councillor could become conflicted between the public interest and the property interest. I believe that it serves no purpose and the argument could easily be put that any person who has a business in the local government area should also be entitled to a vote. Property and businesses are commercial interests and that carry weight against the will and desires of the people who live their lives, day in and day out, in the area.

RECOMMENDATION:

- 1. That local government elections be made by postal polls.**
- 2. That voting rights should only be available for residents who are on the electoral role in that area.**

VOTING SYSTEMS

The current "optional preferential" system works well. It allows for genuine community candidates to gather support of the people of the area and be elected to represent them. Other systems that favour party and/or group candidates do not have a place in local government. Council is really the only level of government where independent people can aspire to representing their community, unless they are a sports star or rock star and have a mega profile. The voting system should be one that recognises the community's overwhelming desire to have an **independent local resident** to represent them (ie, one of their own) - and the current optional preferential system allows this to happen.

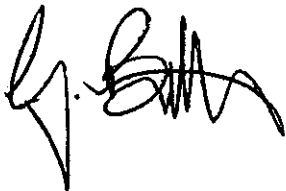
RECOMMENDATION:

That the voting system for local government remain as the optional preferential system.

Every electoral system has it's own flaws, especially when human behaviour is involved in the process. Although the system will never be perfect, I believe that there are some areas where small improvements can be made. I have put forward this submission in what I believe to be the public interest. Although I am a current Councillor and probably a future candidate, these suggestions are not based on what I think will help me at the next election. They are genuine issues that, in my opinion and based on my personal observations of elections, will make for a system that is fair to all and acceptable to the general public.

I would be happy to discuss these issues further should the committee be interested.

Yours sincerely



Greg Betts
COUNCILLOR FOR DIVISION 12