



Submission 062

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Law, Justice and Safety
Committee

ENQUIRIES: Ms Linda Kirchner
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29 July 2010

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

Dear Sir/Madam

REVIEW OF LOCAL GOVERNMENT SYSTEM

Council considered its position for Electoral Division arrangements at its Ordinary Meeting on 28 July 2010. Attached for your information is a copy of the report presented to Council and an extract from the minutes of the meeting showing the resolution.

Should you have any questions please do not hesitate to contact Ms Linda Kirchner who will be happy to assist.

Yours faithfully

Sarah Philpott
GENERAL MANAGER CORPORATE SERVICES

**34. COUNCIL POSITION – PROPOSED REVIEW OF COUNCIL
ELECTORAL DIVISION ARRANGEMENTS497**

Linda Kirchner: 1/3/87: #2652596

BLAKE / COOPER

1. That Council notes the Law, Justice and Safety Committee will be undertaking a public hearing in Cairns later this year in relation to local government elections in Queensland.
2. That Council resolves to advise the Department that it reaffirms it's position and supports a divided framework for Councillor representation for Cairns Regional Council for the reasons as previous advised in November 2009.

carried

COUNCIL POSITION – PROPOSED REVIEW OF COUNCIL ELECTORAL DIVISION ARRANGEMENTS

Linda Kirchner: 1/3/87: #2652596

RECOMMENDATION:

1. That Council notes the Law, Justice and Safety Committee will be undertaking a public hearing in Cairns later this year in relation to local government elections in Queensland.
2. That Council resolves to advise the Department that it reaffirms it's position and supports a divided framework for Councillor representation for Cairns Regional Council for the reasons as previous advised in November 2009.

INTRODUCTION:

In late 2009, Cairns Regional Council considered whether Council would support divided or undivided local authorities. A report was tabled at the November Finance and Administration Committee meeting in which officers recommended that Council's position should be undivided. The majority of Elected Members did not support this position and the following alternative resolution was passed

1. That Council notes the Minister for Local Government and Planning has indicated that the Department of Infrastructure and Planning will be undertaking a review in 2010 of the current provisions relating to Divisional representation on Council.
2. That Council resolves to advise the Department that it supports a divided framework for Councillor representation for Cairns Regional Council.

Rationale:

- The elongated shape of Cairns Regional Council makes it logistically difficult for a Councillor to have detailed knowledge of, and provide representation for, the whole community.
- Undivided council fails to recognise the diversity of the different communities within the region.
- The residents of Division 10 who have opposed the amalgamation in 2008 have expressed fears to the Divisional Councillor and the Mayor about the potential adverse impact on the residents of the former Douglas area.
- That Councillors can still provide strategic policy direction whilst continuing to be connected locally to their specific communities.

- Undivided Councils weakens individual councillor's connection with the community and therefore their specific accountability to the community.
- Undivided council fosters the development of teams / parties over independent councillors.
- Divisional Councillors will have a greater understanding of the history in a specific matter and knowledge of complex issues.

carried with Councillors Forsyth and Lesina voting against the motion.

BACKGROUND:

In June 2010, Council was formally advised by the Law, Justice and Safety Committee of the Queensland Parliament that they had commenced community consultation on issues pertaining to local government elections in Queensland (excluding Brisbane City Council). That Committee is calling for submissions by the 30 June 2010. It is noted that a public meeting will also be conducted in Cairns later this year.

On the 29 June, 2010 at a facilitated Councillor workshop, Councillors were again invited to consider Council's position with respect to divided / undivided Councils. A discussion sheet based on the Parliamentary Committee's Issues Paper questions was also given to Councillors for comment. At that workshop, the majority of Councillors indicated that they strongly supported a model based on Council divisions.

COMMENT:

As reported in November 2009, there are currently 73 local governments in Queensland, 21 of which are divided and 51 are undivided and Brisbane has 26 wards. However, it is important that the differences between Council's is understood.

- Torres Strait Island Regional Council (TSIRC) has the largest number of Councillors at 15 plus the Mayor and is divided. However, TSIRC is a conglomeration of separate island communities with a diversity of cultures and concerns.
- Cook Shire has the greatest land area, 106,188 km² and is undivided with 0.0036 people per Km². The topography of Cook is such that undivided representation is the only option given the concentration of population to relatively small locale.
- Toowoomba Regional Council is undivided, with a population of 155,124 (projected 30 June 2008) and has a land area of 12,973 km² with 12 people per Km².
- Cairns Regional Council is divided, with a population of 158,653 (projected 30 June 2008) and has a land area of 4,128 km² with 38 people per km². It would be difficult to argue that cultural diversity or geographic barriers are sufficient to warrant divided representation.

Officers have been in discussion with the Local Government Association of Queensland's who are also currently preparing a submission regarding the Commissions Issues paper. A copy of their submission will be provided to Councillors once it has been released on their web site.

CONSIDERATIONS:

Corporate and Operational Plans:

This report was prepared in accordance with Corporate Plan Objective 6 – To ensure that Council is open, accountable, ethical and financially responsible.

Statutory:

In drafting the *Local Government Act 2009* the state has placed all of the provisions in relation to Elections in Schedule 2 rather than in the body of the Act. It is officers understanding this is for ease of future drafting if this section is removed from the Act and placed in another Act as a result of the current review by the Queensland Parliament's Law, Justice and Safety Committee.

Policy:

Officers will continue to monitor this matter and report to Council on future policy changes as and if required.

Financial and Risk:

The potential budget implications for the conduct of future elections and bi-elections are noted. Cairns Regional Council was billed \$480,450 by the State for the cost of the Electoral Commission of Queensland undertaking the 2008 election. This was not the full costs as the Queensland government also contributed \$1.2 million to the overall cost of the elections and some Council resources (eg officer time re signage) were also involved but not costed. It is further noted, that unlike State and Federal elections there is no public funding for local government candidates.

Sustainability:

In facilitating the workshop, it was emphasised that Councillors need to think and act strategically and to put the interests of the whole community above the interests of specific sectors or geographic communities. However, whilst officers continue to support an undivided model, the November 2009 resolution stands as Council's official position.

CONSULTATION:

It is noted that a public meeting will be held by the Parliamentary Commission later this year.

OPTIONS:

1. That Council supports Cairns Regional Council becoming an undivided Council.
 2. That Council supports Cairns Regional Council remaining as a divided Council.
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CONCLUSION:

The purpose of this report is to reaffirm or change Council's position on this matter.

ATTACHMENTS:

1. The Commissions discussion paper questions (2626242).
2. Discussion table from the November workshop

Linda Kirchner

Acting General Manager Corporate Services

Lyn Russell PSM

Chief Executive Officer

Review of Local Government Electoral System

	Question	Yes	No
	Divisions		
1.	Are the procedures for the division of councils adequate?	Yes	
2.	If the procedures for the division of councils are not adequate, what changes are required?		
	No comment		
3	Are the error margins of 10% in local government areas with more than 10,000 electors and 20% in all other cases sufficient?	Yes	
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	
5	Are there other matters the Committee should consider in regard to local government divisions?	No	
	Conduct 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?	Yes	
	ECQ to conduct elections		
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?	No	
	Conduct of the 2008 Election by ECQ was sound.		
8	Is the time for the close of the rolls and the date of the elections appropriate?	Yes	
9	What changes, if any, should be made to the timing of local government elections?		
	Elections should occur after the budget process in June rather than before because of the difficulties with a new Council completing the budget process		

Candidates – requirements and conduct			
10	Is the nomination process adequate? Why?	Yes	
11	Does the current system encourage a diverse range of candidates to stand?	Yes	
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?	Yes	
15	Should the new Act allow mayors to be appointed by their fellow Councillors? This should be a decision of the whole community	No	
16	Are the requirements for disclosure of campaign funding sufficient?	Yes	
17	Should candidates make disclosures before, progressively during, and after an election period?	Yes	
18	Should all disclosure requirements, such as values, disclosure periods and who must comply, be standardised?	Yes	
19	Should particular fundraising activities for local government elections be prohibited?		No
20	Should how-to-vote cards be free from promotional content?	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 Electoral Commission of Queensland?	Yes	
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? Should be standardised across the state and incorporate visual amenity / potential for pollution controls and reflect provisions for State and Federal elections.		

23	Should the placement and amount of election campaign material be standard across all local government areas?	Yes	
24	Should a 'media blackout' period apply for local government elections? Why? For how long?	Yes	
	Same as State and Federal election provisions		
	Voting		
25	Should voting remain compulsory for local government elections in Queensland?	Yes	
	Same as State and Federal election provisions		
26	Should the option of a postal vote be extended to all voters in every area?	Yes	
	Same as State and Federal election provisions		
27	Should a full postal ballot be automatic for some local government areas? If so, why and for which areas?	Yes	
	All areas as it enables greater ability for many sectors of the community to be able to easily cast their vote.		
28	Should the criteria for pre-polling and postal voting be abolished?	No	
	Same as State and Federal election provisions		
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?		
	It would be much easier if voters could also vote in adjoining divisions.		
30	Should the new Act allow absent voting? If so, should this be restricted to absent voting within a local government area only?	Yes	
	Same as State and Federal Government provisions.		
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
	Overseas investors should not be entitled to vote.		
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
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)?		No

34	Should people, based on the number of properties they own, be entitled to more than one vote per division?			No
35	Who should be responsible for the creation, verification and maintenance or a non-residents' electoral roll? Should be the same as State and Federal election provisions			
	Voting systems			
36	Which voting system is more appropriate for local government elections – Optional Preferential voting, Preferential voting, First-Past-The-Post or Proportional Representation? Why? Optional Preferential.	Compulsory		
37	Would different voting systems work better for different sized local governments? Why? Should be the same across the State			No
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?			No
	Other			
39	What other issues should the Committee consider in relation to this inquiry?			

DISCUSSION FINDINGS FROM NOVEMBER 2009 WORKSHOP

DIVIDED		UNDIVIDED	
PRO'S	CON'S	PRO'S	CON'S
POTENTIAL FINANCIAL IMPLICATIONS FOR COUNCIL			
If a bi-election is required the cost to Council is likely to be significantly less. However this will depend on the provisions relating to replacement of councillors during the term in the new Act.		More strategic decision making for funding / resource allocations.	Councillors would be required greater resourcing (eg travel costs) to move around the whole Council area.
POTENTIAL FINANCIAL IMPLICATIONS FOR A CANDIDATE			
It would be physically easier for a candidate to cover all booths on the day of the election if they were restricted to a divisional footprint.			The cost to an individual could be significantly more. Costs would be better borne by a party / group than an individual / independent candidate.
ABILITY TO REPRESENT THE INTERESTS OF THE WHOLE COMMUNITY			
Community may prefer independents rather than parties or teams which undivided could foster.	Potential for a Councillor to focus on divisional rather than strategic decisions.	Would foster team / bonds between candidates prior to the election.	Portfolio approach weakens the need for Councillors to develop a breadth of knowledge of Council activities (particularly a new councillor).
Need to have an easily recognisable point of contact.	Potential for parochialism and "pork barrelling".	Portfolio approach gives a Councillor ability to gain a deeper knowledge of key strategic issues and could have several or rotating portfolio responsibilities.	Policy platform of specific candidate may not be sustainable for the term of office.

ABILITY TO REPRESENT THE INTERESTS OF SECTORS OF THE COMMUNITY			
Distinct interests / community character requires detailed knowledge & understanding	Encourages residents to think the Councillor prioritise operational work (eg influence the timeframe for fixing a pothole).	Community less likely to ring a Councillor about a local operational matter which should be handled through CRM or other operational mechanisms.	Sense of community within locale could be lessened and networks based on Councillor role could be affected.
Councillors act as a one stop shop / first point of contact for their division	Community perception that they should approach "their Councillor" to get a decision overridden.	Greater choice of representation / candidate pool.	Enables Candidates to develop specific policy platform to address significant / strategic issues.
Other Councillors acknowledge & respect the Divisional Councillor's knowledge of and opinion on a divisional matter.	If portfolio role is not well managed it could foster greater Councillor involvement in operational rather than strategic issues.	Popular or well known candidates have a greater voting populace to gain support from (ie all the voters not just the 8,000 persons in their division).	Loss of accountability by a Councillor – not my issue and potential for knowledge gaps to develop.
Electors have a better knowledge of the candidates and can make a more informed decision.		If a constituent is unhappy with the views of a specific Councillor they may feel more comfortable going to another Councillor.	
Constituents like the concept of "My Councillor".		Portfolio responsibility would ensure equal representation for minority groups or those sectors of the community that in the past have struggled to have a voice.	

