



Submission 072

Office of the Mayor

Phone: (07) 5481 0668
Email: mayor@gympie.qld.gov.au

RECEIVED

30 JUL 2010

**Law, Justice and Safety
Committee**

PO Box 155
Gympie QLD 4570
Phone: 1300 307 800
Fax: (07) 5481 0801
ABN: 91 269 530 353

Our Ref: DS001071
Your Ref:

27 July 2010

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

Dear Sir

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

Please find attached, the Gympie Regional Council Submission on the above
paper.

Yours faithfully

Cr Ron Dyne
Mayor

Enc: Submission

**QUEENSLAND PARLIAMENT
LAW, JUSTICE AND SAFETY COMMITTEE**

**A NEW LOCAL GOVERNMENT ELECTORAL ACT;
REVIEW OF THE LOCAL GOVERNMENT ELECTORAL SYSTEM
(EXCLUDING BCC)**

This Issues Paper identifies a number of discussion points in relation to the New Local Government Electoral Act. From the outset it is difficult to apply a one size fits all, and issues such as divided or undivided Councils should be left to each Council for a decision as circumstances vary greatly in each Council area, regardless of size of area and population.

Answers to Issue Paper Questions follow:

- 1) *Are the procedures for the division of councils adequate?*
Procedures are adequate if councils are able to determine the most appropriate style of council for that council area. One size and style does not fit all council areas.

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

- 3) *Are the error margins of 10% in local government areas with more than 10,000 electors and 20% in all other cases sufficient?*
Once again no one solution fits all. In a large number of cases this error margin will establish divisions as a 'hub and spoke' model because there is one large town. The only way to overcome this would be multi member divisions.

- 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?*
The decision should remain with council as council is best placed to understand the most appropriate system for use in that council area.

- 5) *Are there other matters the Committee should consider in regard to local government divisions?*
Not applicable
- 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?*
The experience in Gympie Regional Council (GRC) use of ECQ was nothing but positive. Council has heard a variety of complaints from other areas and this perhaps indicates the ability of ECQ personnel. GRC would be more than happy to utilise ECQ for future elections given the experience of 2008.
- 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?*
Not applicable
- 8) *Is the time for the close of the rolls and the date of the elections appropriate?*
Two months prior to an election would seem an appropriate time for the closing of rolls.
- 9) *What changes, if any, should be made to the timing of local government elections?*
Council is of the opinion that October is a more appropriate month for an election. October takes away the necessity to develop a budget early in a council cycle and removes elections from the summer wet months when voters could be cut off from the poll.
- 10) *Is the nomination process adequate? Why?*
Council is of the opinion that a nomination fee of \$150.00 is inadequate. A low fee permits dummy candidates running to disrupt the voting process. The process is adequate but the fee is considered too low and should be \$500.00

- 11) *Does the current system encourage a diverse range of candidates to stand?*
The low nomination fee encourages a very diverse range of candidates to stand.
- 12) *Should a candidate be required to live in the local government area in which they stand for election?*
Yes, Council is of the opinion that residents are best served by candidates who live in the local government area, who understand all issues and who are accessible to residents.
- 13) *Should a councillor be required to live in the local government area for their whole four year term?*
Yes, a candidate should be accessible to residents therefore a councillor should live in the local government area.
- 14) *Should a person be able to stand as a dual candidate for both mayor and councillor?*
No, in life, decisions have to be made, and an each-way bet for local government is not appropriate. A council comprised of a mayor and a failed mayoral candidate is a recipe for disaster.
- 15) *Should the new Act allow mayors to be appointed by their fellow councillors?*
No, residents identify with their mayor and should be responsible for the election of the mayor. Election from within council could make it difficult for the mayor to lead.
- 16) *Are the requirements for disclosure of campaign funding sufficient?*
These are adequate at present.
- 17) *Should candidates make disclosures before, progressively during, and after an election period?*
All disclosures should be made after the election period, or should align with the current State requirements.

- 18) *Should all disclosure requirements, such as values, disclosure periods and who must comply, be standardised?*
As much as possible, all procedures should be standardised between State and local government election requirements.
- 19) *Should particular fundraising activities for local government elections be prohibited?*
No, standardised with State.
- 20) *Should how-to-vote cards be free from promotional content?*
Yes, once again, standardise with State requirements.
- 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?*
Standardisation with State would seem appropriate. We should have standardisation between State and Local Government.
- 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?*
Standardisation with State would seem appropriate.
- 23) *Should the placement and amount of election campaign material be standard across all local government areas?*
Standardisation with State would seem appropriate.
The number and location is a local government local laws matter and should be determined by each council.
- 24) *Should a 'media blackout' period apply for local government elections? Why? For how long?*
Yes, standardisation with State would seem appropriate.

- 25) *Should voting remain compulsory for local government elections in Queensland?*
Yes, and the same should apply for State.
- 26) *Should the option of a postal vote be extended to all voters in every area?*
This should be determined by individual councils as one size does not fit all, and with future postal arrangements, ie no house letter boxes, circumstances may change in the future.
- 27) *Should a full postal ballot be automatic for some local government areas? If so, why and for which areas?*
This issue should be determined by each individual council.
- 28) *Should the criteria for pre-polling and postal voting be abolished?*
This should be standardised with State.
- 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?*
This should be determined by individual councils as they are in the best position to determine what is practical and economically suited for the individual council area.
- 30) *Should the new Act allow absent voting? If so, should this be restricted to absent voting within a local government area only?*
Absentee voting should be permitted. However, from a practical and economical point of view it should be available only within a local government area.

- 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?*
This should be standardised with State.
If State is happy for residents of NSW to determine policy for Queensland then it may be acceptable for council. What other country in the world gives non citizens of that country the right to vote (in the local government area in which you reside).
- 32) *Should voting rights be extended to non-resident occupiers (eg commercial lessees such as business owners who lease premises within an area but live outside of it)?*
This issue should be standardised with State.
Council does not support multi voting in a council area.
- 33) *Should multiple persons be able to claim non-resident voter eligibility for one property (eg two or more non-resident owners or lessees of a property)?*
This issue should be standardised with State.
Council believes that non-resident voting should not be permitted in any form, be it Australian non-residents or foreign non-residents.
- 34) *Should people, based on the number of properties they own, be entitled to more than one vote per division?*
This needs to be standardised with State.
Surely the determining factor in Australia is one person one vote. The ability of councils who elect to conduct elections be they quadrennial or bi-election, are in doubt to adequately perform this duty if multi-personal votes are permitted.
- 35) *Who should be responsible for the creation, verification and maintenance of a non-residents' electoral roll?*
If a decision is made to progress the issue of non-residents being able to vote, then the ECQ is the only organisation with the capacity to conduct this duty.

- 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 should remain first past the post, because of its simplicity and in the interest of achieving an outcome in a short time.
- 37) *Would different voting systems work better for different sized local governments? Why?*
No, First past the post for mayoral and councillor elections are preferred for simplicity and achieving an outcome sooner.
- 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?*
Council can see no value in the introduction of Proportional Representation. Residents are looking for councillors who represent them and not party people who have party interests first. Introduction of Proportional Representation will encourage party participation in local government.
- 39) *What other issues should the Committee consider in relation to this inquiry?*
Council, throughout this discussion, has tried to highlight the issue of standardisation of procedures between State and local government as much as possible. Standardisation is seen as a necessity to minimise voter error at both State and local government elections – something that is beneficial to all participants.