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**Law, Justice and Safety
Committee**

Submission 077

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

Dear LJS Committee Members

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

I am making this submission in relation to selected key matters identified in your Issues Paper of June 2010.

1. Should the mix of divided and undivided councils remain? If so, should the decision to divide a local government area remain with individual councils?

Divided local governments, especially in the larger cities and regional councils, are the key to proper local representation. Large, undivided councils give the opportunity to some councillors to either hide behind the façade of the other councillors over unpopular decisions or to grandstand across the entire local government area in order to advance their populist ideas.

Single member divisions are the most appropriate form of representation, at least in the larger cities and regions.

The City of Ipswich is a classic example with a population of 170,000 – and set to exceed 320,000 in the next 20 years – where community Electorate Offices have been established in each of the 10 divisions, serviced by the local councillor and highly accepted by the local community.

Abolishing single member divisions in large local governments would be akin to electing the Queensland Parliament at large across Queensland.

Ultimately, the decision should be made by each local government with perhaps, a residual power vested in the Minister to overturn a perverse decision made by a particular local government for opportunistic political reasons.

2. Should a candidate be required to live in the local government area in which they stand for election?

Yes.

3. Should a councillor be required to live in the local government area for their whole four year term?

Yes.

4. Should a person be able to stand as a dual candidate for both mayor and councillor?

The New South Wales Local Government Act states:

Section 283

(1) A person may be a candidate for election as mayor and a candidate for election as a councillor at the same time.

(2) If a person is elected by the electors as mayor and the person is also a candidate for election as a councillor, the votes cast for the person as a councillor are not to be counted for that person but are to be distributed as prescribed by the regulations.

As an alternative to councils appointing the mayor, serious consideration should be given to introducing the NSW system. In Queensland, under-performing mayors are unlikely to be challenged by sitting councillors who have to face the consequences of forfeiting their council position and local government career in the event they fail to win the mayoralty. This can protect average mayors from being challenged by highly-qualified, and sometimes better-qualified, candidates who are "lost" to local government for at least 4 years. Examples spring to mind such as Brisbane, the Gold Coast and other large regional councils where the ability for a sitting councillor to nominate for the position of mayor, without automatically losing his or her councillor position, would actually enhance the local government election process and increase the pool of potential candidates for mayor. Mindful of the fact that this current Inquiry does not examine the City of Brisbane, my submission provides a good example of how the Brisbane City Council Opposition Leader would be able to nominate for Lord Mayor without automatically forfeiting their current position as a ward councillor. The people would be the beneficiaries of such a system. This dual candidature provision works well – and with community support – in New South Wales.

5. Are the requirements for disclosure of campaign funding sufficient?

Yes.

6. Should candidates make disclosures before, progressively during, and after an election period?

Disclosure should be required only within a nominated date after the conclusion of the election. Otherwise, candidates could easily circumvent progressive disclosure requirements by delaying the receipt of fundraising contributions until a day or so prior to the election, or even after the election. What might sound good in theory could be farcical in practice.

7. Should all disclosure requirements, such as values, disclosure periods and who must comply, be standardised?

Yes. In this regard, all candidates should be required to disclose their membership of a political party, just as sitting Councillors must do on their MPI Register. Why should some candidates have to go into an election publicly disclosing their membership of a political party (ie the sitting councillors) whereas their opponents are not required to do so? This discriminates against sitting councillors and helps some candidates hide their political affiliation until after the election.

8. Should particular fundraising activities for local government elections be prohibited?

No. Given the size of many local governments and the expensive election campaigns which must be conducted, it would be contrary to the Australian idea of a "fair go" to further regulate fundraising activities.

If anything, local government in Queensland – which is now a full-time position for many mayors and councillors across the state - should be subject to public funding of election campaigns. This occurs at State and Federal level across Australia and its extension to local government would raise the professionalism and standing of local government and would encourage increasingly better-qualified candidates to nominate.

9. Should how-to-vote cards be free from promotional content?

No. Apart from the normal indication of how a voter should actually vote, candidates should be able to continue to include information about themselves and their credentials etc. Any diminution of a candidate's right to do this would be an affront to democracy.

10. 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?

No. This would be the very antithesis of a free and democratic society where candidates are entitled to properly promote themselves to the voting public,

11. What promotional material, such as bunting (continuous signage) and coreflutes, should be allowed during the campaign period and at polling booths on election day?

All of the above should be permitted – subject to relevant Council local laws.

12. Should the placement and amount of election campaign material be standard across all local government areas?

No. This should be left to each Council to regulate under its own local laws.

13. Should a 'media blackout' period apply for local government elections? Why? For how long?

No. Assuming that this refers to an electronic media blackout, such as the 3-day blackout for state and federal elections, this is regulated under Commonwealth law and any decision to extend its operation to local government should be a matter for the Commonwealth under its power under Section 51 of the Australian Constitution to regulate the electronic media.

14. 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. Reintroducing a property franchise would set Queensland back 100 years to the dark, old days when the privileged few ruled over the working class.

15. 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.

16. 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.

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

No – no property franchise votes at all.

18. Which voting system is most appropriate for local government elections - Optional Preferential voting, Compulsory Preferential voting, First-Past-The-Post or Proportional Representation? Why?

Optional preferential voting should be the starting point for the larger cities and regional local governments. Combined with single member divisions, this is the only practicable alternative. First-past-the-post voting is seen as an inappropriate, winner-takes-all system in which a candidate could win an election on 25% of the primary vote (or less) if there were a number of strong candidates contesting the election. Proportional Representation might work in some councils but could introduce permanent instability in many council areas where a hotch-potch of rag-tag candidates could win office on as little as 9% of the vote in a 10-member council. On the Gold Coast, a candidate would need only 6.7% of the vote to win one of the 14 councillor positions.

**19. Would different voting systems work better for different sized local governments?
Why?**

Possibly. It would depend on if they were divided or not.

20. 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?

You only have to take a cursory look at the Australian Senate and the Tasmanian Parliament to see that PR has more whiskers on it than Bob Abbot from the Sunshine Coast.

Yours sincerely



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