



Submission 081

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30 JUL 2010

Law, Justice and Safety
Committee

TORRES STRAIT ISLAND REGIONAL COUNCIL

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29 July 2010

Dear Committee Members,

RE: INQUIRY INTO LOCAL GOVERNMENT ELECTORAL SYSTEM

The Torres Strait Island Regional Council provides a submission to the Law, Justice and Safety Committee in relation to the inquiry into the Local Government Electoral System.

Council has not answered all the questions.

Questions 1 to 5

Council has made submissions to all the Local Government Act and Regulation consultation, particularly on this matter of divisional representation to be told that it will be dealt with under the electoral act.

The Torres Strait Island Regional Council requires that the New Local Government Electoral Act provides for the continuance of 15 Divisions (Section 14(2) LGA 2009)

Council requests this because of the unique nature of the Torres Strait Islands, particularly when it comes to dealing with trust decisions on land. (Part 4 LGA 2009)

Question 6 to 9

No comment

Questions 10 to 15

The candidate should be required to live in the division for which they stand, not only the Local Government Area.

The Mayor should be required to live in the Local Government area.

Local Government is the closest form of representation to the people and the community. A candidate needs to live and breathe local issues to be effective.

Council suggests that this provision go further and mandate that the candidates to be eligible must have resided in the division of Council for at least two years.

Questions 16 to 19

No Comment

Questions 20 to 24

No Comment

Question 25

Yes, voting should remain compulsory.

Questions 26 to 30

No Comment

Questions 31 to 35

None of the provisions proposed should be given any consideration.

Questions 36 to 38

Voting should remain as provided for in the repealed Local Government Act 1993

Yours Sincerely,


John Scarce
CHIEF EXECUTIVE OFFICER

Attached: extracts *Local Government Act 2009*

Local Government Act 2009

Part 2 Divisions of local government areas

14 What this part is about

- (1) This part is about the number of electors that are to be in each division of a local government area, to ensure democratic representation.
- (2) This part does not apply to an indigenous regional council.

Part 4 The business of indigenous regional councils

Division 1 Introduction

81 What this part is about

- (1) This part contains provisions that relate only to a local government that is an indigenous regional council.
- (2) An indigenous regional council is—
 - (a) the Northern Peninsula Area Regional Council; or
 - (b) the Torres Strait Island Regional Council; or
 - (c) an indigenous regional council prescribed under a regulation.

85 Community forum input on trust change proposals

- (1) This section applies if—
 - (a) a trustee council wants to consider a trust change proposal; and
 - (b) a community forum has been established for the division of the local government where the trust land is located.
- (2) A trust change proposal is a proposal to make a decision—
 - (a) to put an improvement (including a structure, for example) on trust land; or
 - (b) to create an interest in trust land (including a lease or mortgage, for example); or
 - (c) that the trustee council has decided, by resolution, must be dealt with as a trust change proposal.
- (3) The trustee council must give the community forum an opportunity to give input about the trust change proposal.

Note—

See division 3 for more information about community forums.

- (4) The trustee council must give the community forum a written notice that gives the community forum—
 - (a) reasonably sufficient information about the trust change proposal; and
 - (b) reasonably sufficient time; to allow the community forum to give input about the trust change proposal.
- (5) The trustee council must have regard to any input that is received from the community forum within the time specified in the written notice.
- (6) If the trustee council proposes to make a decision that is contrary to the community forum's input, the trustee council must give written notice of the reasons for the proposed decision to the community forum.
- (7) If the community forum advises the trustee council that it does not support the trustee council's proposed decision, the trustee council must take reasonable steps to let the community know.
- (8) If the trustee council proposes to make a decision that is contrary to the community forum's input, the decision has effect only if—
 - (a) the decision is approved by a majority of the councillors (other than the mayor), regardless of how many councillors take part in any meeting about the decision; and
 - (b) the councillor for the division of the local government area in which the trust land is situated does not vote against approving the decision.