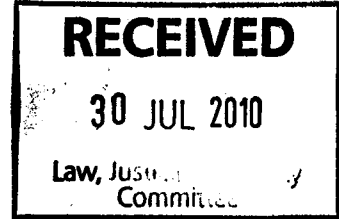


Submission 085



30 July 2010

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

Dear Sir/Madam

Please find attached the submission to the Law, Justice and Safety Committee on A New Local Government Electoral Act: Review of the Local Government Electoral System (excluding BCC) from Mackay Regional Council.

Regards.

Yours sincerely

**Mark Lyons**  
*Executive Manager Governance*



Submission to Law, Justice and Safety Committee on

**A New Local Government Electoral Act:  
Review of the Local Government Electoral System (excluding  
BCC)**

contained in Issues Paper, June 2010

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Submission lodged on behalf of Mackay Regional Council

by:

Mark Lyons, Executive Manager Governance

## Issues Paper Questions

1. Are the procedures for the division of councils adequate?

No specific comment - see Question 4.

2. If the procedures for the division of councils are not adequate, what changes are required?

No specific comment - see Question 4.

3. Are the error margins of 10% in local government areas with more than 10,000 electors and 20% in all other cases sufficient?

No specific comment - refer Question 34.

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?

Mackay Regional Council is of the view that the decision should remain with individual Councils so they can determine what is best for their Local Government area.

In the case of Mackay Regional Council, the continuation of an undivided arrangement is favoured and support retention of this option in the new Act.

Council believes democracy is enhanced through undivided arrangements as:

- electors are able to choose the full set of representatives rather than just on representative in their division;
- it encourages a diverse range and quality of candidates ;and
- where the candidates reside in the Local Government area bears no weight in their ability to represent the Local Government area if they can achieve election.

The Local Government Act 2009 clearly states that Councillors represent the entire community and the best system to ensure this occurs is an undivided arrangement.

5. Are there other matters the Committee should consider in regard to local government divisions?

No Specific comment.

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?

Mackay Regional Council is of the view that the Electoral Commission of Queensland should provide the Returning Officer, and allow the administrative and operational functions to be resourced by Council. Council would like to minimise the cost and time impact of elections and this is seen as the best model to achieve this outcome. Election results for the March 2008 election were held up for a significant time period following polling and this impacted on the efficient operation of Council. Mackay Regional Council would not like to see a repeat of

these circumstances and the ability to manage the operation of the election will mitigate this.

In the specific case of bi-elections this same process should be adopted although with a full postal vote to reduce the impact on Council resources and budgets.

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 specific comment.

8. Is the time for the close of the rolls and the date of the elections appropriate?

Mackay Regional Council is of the view that a reasonable timeframe would be no more than 6 weeks between closing of rolls and conducting of the election. The current federal election will see rolls processed in a much shorter timeframe than that proposed and ensures voters have appropriate opportunity to register and exercise their democratic right.

9. What changes, if any, should be made to the timing of local government elections?

While there was considerable debate around the issue, Mackay Regional Council is of the view that to minimise disruption to Council activities the election should remain in March. In line with question six if Council can resource the operation of the election results can be finalised in an efficient manner and reduce the disruption to Council operations.

10. Is the nomination process adequate? Why?

The cost of nomination should be increased e.g. \$500 - \$1000 to ensure the nomination of genuine candidates and to reduce the administrative burden for an already onerous process.

11. Does the current system encourage a diverse range of candidates to stand?

Mackay Regional Council does believe the current system encourages a 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?

Mackay Regional Council is very strong in its position that a candidate must live in the Local Government area to stand for election.

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

Mackay Regional Council is very strong in its position that a candidate must live in the Local Government area for the entire four year term.

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

Mackay Regional Council is of the opinion that only one nomination for one role should be permitted. The introduction of dual candidacy generates confusion and internal conflicts comprising effective governance.

15. Should the new Act allow mayors to be appointed by their fellow councillors?

Mackay Regional Council is of the opinion that the current system of election of the Mayor be retained and more importantly that they continue to be elected by the electorate.

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

No specific comment.

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

Mackay Regional Council has concern that this would be administratively difficult to implement and is not recommending any change to the current system

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

No specific comment.

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

No specific comment.

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

Mackay Regional Council is of the view that how to vote cards should be regulated to ensure there is no content that could confuse or mislead electors.

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?

Mackay Regional Council is of the opinion that how-to-vote cards should be standard for all candidates.

In terms of availability, how-to-vote cards should not be included in postal vote packs due to the potential cost impacts on Council.

If polling booths are used, an alternative might be that standard and approved cards be displayed in a consistent manner inside the booths thereby reducing paper wastage and improving equity for all candidates.

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?

There must be a mechanism to regulate any activities in this area to ensure equal and fair opportunities for all candidates and this might be as simple as no signage within a one kilometre radius of a polling booth. Breach of these regulations must be supported by strong penalties. Specific legislation (clear set of rules) is needed that specifies what candidates can and can't have, and what the penalties are.

Promotional material should be allowed during the campaign period but not at the polling booth.

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

Mackay Regional Council is of the view that there must be consistency to reduce the risk of misleading electors.

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

No specific comment.

25. Should voting remain compulsory for local government elections in Queensland?

Voting should remain compulsory without question.

26. Should the option of a postal vote be extended to all voters in every area?

Mackay Regional Council supports the option of allowing postal votes in all areas for quadrennial elections and bi elections. If not approved for quadrennial election, the option should be allowed for bi elections to reduce the administrative burden and costs to Council.

27. Should a full postal ballot be automatic for some local government areas? If so, why and for which areas?

Mackay Regional Council is of the view that the option of unrestricted access to postal voting should be extended to all voters in all areas.

28. Should the criteria for pre-polling and postal voting be abolished?

Mackay Regional Council is of the view that any opportunity to make the election process simple, easy to understand and convenient for the elector should be made available. With the option of full postal voting, pre-polling would become redundant.

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?

Refer to Question 28 & 29.

30. Should the new Act allow absent voting? If so, should this be restricted to absent voting within a local government area only?

Refer to Question 28 & 29.

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?

Mackay Regional Council is of the view that a property based system should be completely rejected and that an elector's name should only appear on the role of the local government area of which they reside. Furthermore, each individual person should only have one vote in any election for each level of Government.

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)?

Refer to Question 31.

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)?

Refer to Question 31.

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

Refer to Question 31.

35. Who should be responsible for the creation, verification and maintenance of a non-residents' electoral roll?

Refer to Question 31.

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?

Mackay Regional Council is of the view that any opportunity to make the election process simple, easy to understand and convenient for the elector should be made available and therefore supports First-Past-The-Post as the preferred model.

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

Mackay Regional Council is of the view that all Local Governments should utilise the same system to avoid confusion and complication for electors.

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?

[Refer to Question 36.](#)

39. What other issues should the Committee consider in relation to this inquiry?

[No Specific Comment.](#)