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**Law, Justice and Safety
Committee**



When telephoning or calling
please ask for:

Mr J Carleton
Our Ref: JC: JC 26.1(316528)

30 July 2010

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

Dear Sir/Madam

REVIEW OF THE LOCAL GOVERNMENT ELECTORAL SYSTEM IN QUEENSLAND

Balonne Shire Council welcomes the opportunity to comment on the review of the local government electoral system in Queensland and provides the attached comments for your consideration.

For further information on this matter, please contact Mr John Carleton, Council's Director of Corporate and Community Services on telephone number 4620 8888.

Yours sincerely

John Carleton
**ACTING CHIEF EXECUTIVE OFFICER
DIRECTOR CORPORATE & COMMUNITY SERVICES**

Encl.

Issue Paper Questions

The Local Government Association of Queensland's submission in relation to the review of the local government electoral arrangements is supported and similar comments are reflected in this submission.

The *Local Government Act 2009* is referred to as the LGA 2009.

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

*The recommendations regarding divisional boundary arrangements of a local government made to the electoral commissioner and the Minister in accordance with Section 16 of the LGA 2009, where supported by evidence of community support and considered deliberation by the local government, should be supported and endorsed by the Minister and electoral commission when referred to the **change commission** (Section 19(2) of LGA 2009).*

*The legislation should be amended to provide that the **change commission** may, if it is satisfied it is appropriate in its determination of a reviewable local government matter, adopt an error margin of allowance but the error margin must not be departed from—*

- (a) for a local government area with more than 10000 electors—by more than 20%;
or*
- (b) for another local government area—by more than 40%.*

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

See response to Question 1

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

See response to Question 1.

The LGA 2009 should be amended to allow deferral for one term of redrawing electoral division boundaries if one-third or less of the divisions are outside the error margin.

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 to move from un-divided to divided or vice versa should remain with the local government involved following community engagement on the issue.

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

No 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?

The proposed Local Government Electoral Act provide that the Chief Executive Officer of a local government be the Returning Officer for any of the elections required for the local government (quadrennial, by-elections and polls) and that the Returning officer can opt to:

- (a) *conduct the election him or her self;*
- (b) *contract with the Electoral Commission Queensland to conduct the election; or*
- (c) *contract with some other qualified and experienced provider for the conduct of the election.*

If it is decided that the ECQ is to conduct quadrennial elections for all local governments,

- (a) *the ECQ should also be responsible for the conduct of by-elections, and*
- (b) *must be required to arrange consultation with the local government about the arrangements for the election, including seeking advice about the site of polling places and other matters where local knowledge and experience should be considered, and*
- (c) *must negotiate cooperatively the handover of responsibility for post-election matters (electoral gift and donation returns, refund of nomination deposits etc) to the Chief Executive Officer of the local government.*

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?

The new Act retain the rules for conduct of local government elections built up over decades of local government election experience and that these be applied consistently across all local governments.

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

The cut off periods currently applying for voter rolls for quadrennial and by-elections be retained.

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

The Local Government Act 2009 should be amended to change the date of the Local Government quadrennial elections to a date in October to take effect from 2012.

10) Is the nomination process adequate? Why?

The nomination deposit for all but Special category local government elections be increased to \$250 and be aligned in the future to the nomination deposit required for candidacy for election to the Legislative Assembly.

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

It is considered that the current system does encourage a diverse range of candidates, although there is a view that the cost of campaigning may be a deterrent to some possible candidates. That expenses incurred by candidates at Local Government elections should be tax deductible in the same manner as are those incurred by Federal and State election candidates.

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

A candidate should be required to live in the local government area in which they stand for election.

13) Should a councillor be required to live in the local government area for their whole

four year term?

A candidate should be required to live in the local government area for the whole of their four year term.

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

The current system of separate candidacy for either mayor or councillor should be retained as being matched and suited to the Queensland system of local government.

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

The current system of election at large of the mayor should be retained as being matched and suited to the Queensland system of local government.

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

All electoral funding disclosures for local government election should be aligned with those imposed on candidates and other relevant stakeholders in state and federal elections.

The elections third party disclosure and donor registers for local government election expenditure be repealed.

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

All electoral funding disclosures for local government election should be aligned with those imposed on candidates and other relevant stakeholders in state and federal elections.

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

All electoral funding disclosures for local government election should be aligned with those imposed on candidates and other relevant stakeholders in state and federal elections.

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

Without some indication of what "particular fundraising activities" might be considered to need prohibition, it is difficult to respond.

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

How-to-vote cards should continue to be approved/registered by the returning officer and content should be regulated to ensure that no content could possibly confuse or mislead an elector.

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?

This question seems to assume that the Electoral Commission of Queensland will in fact be conducting all local government elections in Queensland, and as seen in the response to Question 6, this is not seen as the preferred outcome.

Therefore this question will be responded to as if the words "Electoral Commission of Queensland" were replaced by the words "Returning Officer".

The submission to Question 20 seems to be the only common view on the issue of how-to-vote

cards.

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?

No comment

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

See response to Question 22.

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

A "media blackout" should not apply to local government elections.

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

Voting should remain compulsory for local government elections in Queensland.

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

The option of a postal vote should be extended to all voters in every area, and

The system that applies in State and Federal elections also apply to local government elections, whereby the electors who have registered for the permanent postal vote service, automatically receive a postal vote pack.

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

Each local government should be empowered to determine, after reasonable community consultation/engagement (a requirement entrenched in the local government principles), whether a full postal ballot, attendance voting or some mixture is best for their community.

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

The option of unrestricted access to pre-poll and postal voting should be extended to all voters in every area.

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?

Absentee voting should be able to be offered within the local government area for any divisions of the local government area.

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

It is impractical for absentee votes to be provided in other local government areas across the state, and

Absentee voting should be able to be offered within the local government area for any divisions of the 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?

A property based franchise should be completely rejected as being undemocratic and likely to distort the fair and equitable delivery of local government services to the resident community.

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)?

See response 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)?

See response to Question 31.

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

See response to Question 31.

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

See response 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?

The current voting system arrangements for local government elections (First-Past-The-Post and Optional Preferential – dependent on whether the election is for multi-member or single member divisions) are the most appropriate because the other systems identified (Compulsory Preferential and Proportional Representation):

- (a) do not demonstrate more democratic outcomes will be delivered;*
- (b) are more complex voting systems, particularly proportional representation, that are less likely to be understood by electors;*
- (c) are more appropriate to and encourage party political elections, particularly proportional representation, and*
- (d) are less complimentary to the principles and operational requirements contained within the LGA 2009.*

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

The current voting system arrangements for local government elections (First-Past-The-Post and Optional Preferential – dependent on whether the election is for multi-member or single member divisions) are the most appropriate because the other systems identified (Compulsory Preferential and Proportional Representation):

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- (d) *are less complimentary to the principles and operational requirements contained within the LGA 2009.*

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?

See response to Question 36

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- (b) *are more complex voting systems, particularly proportional representation, that are less likely to be understood by electors;*
- (c) *are more appropriate to and encourage party political elections, particularly proportional representation, and*
- (d) *are less complimentary to the principles and operational requirements contained within the LGA 2009.*

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

FULL POSTAL VOTE ELECTIONS

The processing and counting of voting papers received as at last mail on the Friday before the Saturday election day be able to occur from 8.00am on the Saturday election day and not be delayed until 6.00pm as at present.

RECEIPT OF POSTAL VOTES AFTER ELECTION DAY

The postal ballot papers received after the election day shall only be processed and counted if the outer envelope has markings indicating that the papers were posted before 6.00pm on the Friday prior to election Saturday.

IDENTIFICATION OF ELECTORS

Electors be required to present identification, such as driver's licence, proof of age card or letter from the ECQ to confirm their identity at a polling booth and

Applications for pre-poll or postal votes require date of birth to be supplied.

MAYORAL BALLOT COUNTED WHERE COUNCILLOR BALLOT REJECTED

Where ballot papers for both mayoral and councillor elections are set aside for separate custody and further investigation as to the elector's eligibility to vote in both elections, and it is subsequently found the elector is entitled to vote in only the mayoral election, that the Returning Officer be required to treat the Mayoral ballot paper as a properly made vote.

NUMBER OF ELECTED REPRESENTATIVES

The wide ranging and sweeping reforms of local government in Queensland that commenced in April 2007 radically altered the electoral landscape which was already trending towards a more streamlined and whole of community focussed approach by councils.

While, Balonne Shire Council was not amalgamated, there was a reduction in elected members from ten to five, which has had the very real potential to impact on the efficient and effective performance of the Council. Since March 2008, there have been occasions when Council meeting have had to be adjourned until a quorum of elected members was met. In addition, concerns can be raised regarding impacts on elected members' increased responsibility to satisfactorily represent the community.

The LGA 2009 prescribes principles for the operation of the system of Local Government in Queensland. Of specific relevance is Principle 4 which highlights the importance of good governance of and by the local government. To support the achievement of this principle LGA 2009 prescribes the roles and responsibilities of councillors. In particular, section 12(6) states – "When performing a responsibility, a councillor must serve the overall public interest of the whole local government area". The legislation expects a collaborative model to apply to the operation of the local government. This can be affected more efficiently when there are a sufficient number of elected representatives appropriate to the community they serve.

It is suggested that an increase in the number of elected members would be most appropriate for the Balonne Shire Council and consideration given to other local governments as appropriate.