

Response to the review of the Local Government Electoral System

To the Research Director
Law Justice and Safety Committee
Parliament House
BRISBANE QLD 4000

Submission 101

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Law, Justice and Safety
Committee

Please find below my response to the white paper regarding the review of the Local Government Electoral system.

Division of Councils

Q1 Are the procedures for the division of Councils adequate?

Yes the current provisions appear adequate

Q3 Are the present error margins adequate?

Yes

Q4 Should the decision to divide a local Government area remain with the Local Council?

YES

Conduct of elections

Q6 Should the Electoral Commission be responsible for the conduct of local Government Elections or should the responsibility remain with Council's CEOs?

The electoral Commission should conduct elections as the commission has both the staffing and resources to conduct elections. It is likely that the commission will in the future have available technology that would not be available to Councils. Also the conduct of elections takes up a substantial amount of time and resources which Councils can ill afford.

Q8 is the time for the close of rolls and the date of the elections appropriate?

The present system of holding elections in March needs to be altered. As it does not allow the newly elected council to review the direction of Council and limits the ability for the elected council to make adequate budget provision for the policies that the new council advocated during the election. A more appropriate date would be in October.

This however would mean that the next election could be in October 2011 or October 2012. However if the Committee is not in favour of altering the date of the next election it should clearly indicate what the length of the term for following election. With the term be either for three and half or four and a half years. The electorate is entitled to know the length of time for the newly elected council.

Candidates – requirements and conduct

Q10 is the nomination process adequate?

Yes the current process appears to work well so why change.

Q11 Does the current system encourage a diverse range of candidates to stand?

The present system allows any elector to stand as a candidate provided that they are not excluded due to provisions in electoral act. The current provisions should remain.

Q12 Should a candidate is required to live in the Local Government area in which they stand for election?

Yes candidates should reside in the Local Government area for which they stand. However this principle need not apply to candidates for divisions within a Local Government area. Provided that candidates reside in the local Government area they should be permitted to stand for any division in the Local Government area. The proviso being that they are only permitted to stand for one division.

Q13 Should a candidate is required to live in the local Government area for the whole four year term?

Yes the candidate should be required to live in the Local government area for the whole term. If a councillor moves away from the Local Government area they should resign their position on council.

Q14 Should a person be able to stand as a dual candidate for both mayor and councillor?

No, as this would allow candidates to hedge their bets. Also if the person who stands as a Councillor is elected as Mayor it could dramatically change the composition of the new council which may not be in line what the voters wanted.

Q15 Should the new Act allows mayors to be elected by their fellow councillors?

No. The community has the right to vote for the mayor. To have councillors appoint the mayor in undemocratic. The situation in which the prime minister of Australia was removed from office should not be allowed in Local Government. This could allow a group of vested interests to determine who will represent the community. Also this could lead to alliances within council that could determine who is elected as mayor and then when the alliances change a mayor could be removed from office.

Campaign funding and disclosures

Q16 Are the requirements for disclosure adequate?

Yes

Q17 Should candidates make disclosures before, progressively during, and after the election period?

Yes there is a need for transparency in the funding of the election process by candidate. The present system does not provide for expenditure and electrical contribution prior to the date that the election is called.

Q18 Should all disclosures be standardised?

Yes all disclosure requirements should be standardised.

Q19 Should particular fundraising activities for local Government elections are prohibited?

Yes, fundraising functions held by existing Councillors prior to the election to raise funds for an upcoming election. This could lead to favours by existing councillors to vested interests that have matters before council.

Electoral signage and advertising.

Questions 20to 24 the current provisions under the electoral act appear appropriate.

Voting

Q25 Should voting remain compulsory for local Government elections?

Yes local Government election should remain compulsory so as to remain in line with the election of the other tiers of government.

Q26 Should the option of a postal vote be extended to all voters in all areas?

No. As this would complicate the electoral process.

Q27 Should the option of a postal ballot be automatic for some local government areas?

Yes-In remote shire where a significant proportion of electors live on remote properties.

Q28 Should the criteria for pre-polling and postal voting be abolished?

No.The criteria for obtaining a postal vote should remain. The present system of completing an application for a postal vote should remain.

Q29 Does the restriction on voters to attend only polling booths in the 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.

To allow voters to vote for any division in any other division than where they are registered would add an extra layer of difficulty in counting the vote with the result being that voters would not know who the successful candidates were for some time. The present requirement for voter to vote in the division that are enrolled in should be retained. For those not in the division on polling day can obtain a postal ballot.

Q30 Should the new Act allow absent voting? If so, should this be restricted to absent voting within a local government area only?

NO.- Absent voting should not be allowed as each local government area has their own electoral roll and to implement the suggestion it would require a state wide database of the rolls for each local Authority. There

will also need to be process of advising the various local government areas the tally of votes or this may require a central tally room similar to the state and federal elections. The current system of postal voting is adequate. In very few cases does the outcome of an election depend on the postal votes.

Property franchise

Questions 31 to 35 the answer is No.

The Local government election should reflect the state and federal election where only the people who reside in the area are entitled to vote.

Voting systems

Q36 which voting system is most appropriate for local Government elections. Optional preferential voting. Compulsory Preferential voting. First past the post or proportional representation.

Optional preferential voting should be introduced for the election of mayors and for councils that have divisions where there is one candidate to be elected for each division. The present situation where last election some councils that previously had division were made undivided resulted in Councillors dividing the Local Authority into locations for which councillors would be responsible and were promoted as the contact for a particular area or suburb. Where a local Authority is divided into divisions there should be one councillor per division. The election for both mayor and councillors should be optional preferential. First-past-the-post should remain for the election of councillors in undivided Local government areas. I appreciate that this makes counting difficult whoever local Authorities have devised a number of systems to facilitate the counting of votes.

Q37 Would different voting systems work better for different sized Queensland local governments. WHY?

The above suggestions would achieve the best electoral outcome.

Q38 Should proportional representation be introduced for Queensland Local Government elections?

No as it is too complicated and time consuming. Also it gives preference to party politics and in general the community does not want party politics in Local government.

Submitted by Marc Tack