



NORTH BURNETT REGIONAL COUNCIL

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

July 2010

ISSUE PAPER HEADING - DIVISIONS

Issue Paper Questions

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

The wheel and spoke methodology is not necessarily suitable for divided Council areas as the pure numeric consideration of the divisions does not necessarily reflect the community of interest within those divisions.

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

The recent City of Brisbane Bill 2010 amended the Local Government Act to clarify the 2010 quadrennial elections so that a Local Authority must review their electoral quotas no later than 2011. One year may be appropriate for this review for high growth area Local Authorities in stead of the two years contained in section 16 of the Local Government Act 2009. In making this point, adequate time needs to be put in place to inform the community of any changes to divisional or local authority boundaries.

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 change recommended.

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?

It is the belief of Council that each local authority area should have the right to choose. Factors that need to be taken into consideration include not only population numbers but also geographical distribution of that population. It is understood that a number of larger Councils (Cat. 5 or 6 for eg) may wish to maintain a divisional structure.

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

Issues such as multi-member divisions should be the decision of the individual Council. Consideration needs to be given to the apparent high cost of elections by running them through ECQ and the cost effectiveness of conduction the electoral process through the Local Authority. The committee may also wish to look at the naming of divisions.

ISSUE PAPER HEADING - CONDUCT OF ELECTIONS

Issue Paper Questions

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?

It is believed that the conduct of elections should rest with Councils. The apparent rise in costs for the conduct of the elections through the ECQ was significant. If an individual Council chooses to outsource the conduct of the elections, then ECQ could be contracted through that decision. The Australian Electoral Commission (AEC) should also be available as an option to Councils as well should the choose option be adopted.

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?

Extra consultation required with each Council. If ECQ involved, there will be a need to review roles and procedures for Local Government better than the 2008 elections and ensure that Local Government forms and procedures are used and not generic State documents as this is more convenient to the ECQ.

ECQ should conduct the elections, if involved by permanent postal ballot and make full use of mark rolls and/or electoral visitation rolls. Section 27 forms require a date of birth section added.

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

Consultation with the AEC and standard time frames for Federal, State and Local Governments to avoid confusion for the public.

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

It is understood that the 2012 election will be held in March. Given that lack of success previously in attempting to change the date of the elections this questions seems mute even in this context.

ISSUE PAPER HEADING - CANDIDATES - REQUIREMENTS AND CONDUCT

10) Is the nomination process adequate? Why?

Yes it would appear so. If ECQ is requested to run the election than that agency should collect the deposit and refund the deposit at the conclusion of the election process.

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

The main deterrent that may exist is the cost of an election campaign in larger divisions and the cost of campaigning across a whole local government area for the position of Mayor.

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

The candidate should live within the local authority external boundaries and not necessarily the division though.

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

Yes.

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

No.

On the issue of candidacy of a Councillor for either State and Federal Government, this should be standardised with the Councillor being required to stand aside on leave without pay for both State and Federal elections and should be automatically considered terminated as a Councillor upon successful election at the conclusion of the electoral process. This would save costly by-elections for Councillors standing for State Parliament where they are unsuccessful in that attempt.

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

No.

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

Yes - already rigorous.

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

Post election only.

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

If standardisation is to occur it should be holistic requirement for Federal, State and Local Government.

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

None known.

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

This submission would support the abolition of how to vote cards. If they are to remain they should be standardised and promote best practice recycling.

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 submission would support the abolition of how to vote cards. If they are to remain they should be standardised and promote best practice recycling.

By conducting Local Government elections by postal ballot, a candidate statement could be forwarded with the ballot where all candidates gain equal space and position on the supporting material would be arranged by ballot, similar to the position on the ballot paper.

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?

This issue should be controlled by the local authority's local laws. Postal ballot would eliminate polling places. Where polling places or booths continue to be provided, continuous signage and bunting should not be allowed.

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

Controlled by individual council local laws.

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

Media blackout now ineffective due to the use of social media and sms for example, and would be impossible to stop internet and electronic distribution of material.

ISSUE PAPER HEADING - VOTING

Issue Paper Questions

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

Yes.

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

This submissions supports the option of a postal vote being extended to all voters in all areas though respects each individual Council making its own decision on the application of postal voting.

Closing date for postal vote should also be review, for example the acceptance of postal votes up to 10 days after the election, to ensure that this timeline is still relevant.

Where full postal ballot is conducted, the counting of votes in strict privacy and strictly confidential, could be allowed to commence from 8:00 am on the nominal day of the ballot.

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

This submissions supports the option of a postal vote being extended to all voters in all areas though respects each individual Council making its own decision on the application of postal voting.

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

Yes and the permanent postal vote list and/or marked rolls be made available to local authorities.

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?

Full postal voting would address this issue. Restrictions should be removed within local government boundary - ie where divisions and polling booths are in place voters should be allowed to vote for their division at any polling booth within the Council area. Costs incurred would be the extra distribution of ballot papers to cater for this aspect.

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

As per question 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?

No.

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)?

No.

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)?

No.

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

No.

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

Not required or wanted.

ISSUE PAPER HEADING - VOTING SYSTEMS

Issue Paper Questions

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?

Preferential and/or optional preferential voting is the preferred system. Voters understand this system and it is consistent with both State and Federal voting in the lower houses of Parliament. It is an easy system to operate and often provides quick results.

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

It is believed that the system of voting should remain consistent to avoid voter confusion and less confusion could be argued to reduce informal voting rates.

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?

No. Preferential voting is preferred.

ISSUE PAPER HEADING - OTHER

Issue Paper Questions

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

The issues associated with the indigenous Councils should be considered and their individual needs be taken into consideration.