

**Submission 126**

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**From:** darryl.rosin  
**Sent:** Thursday, 12 August 2010 8:13 PM  
**To:** Law, Justice and Safety Committee  
**Subject:** Queensland Greens submission to the "A NEW LOCAL GOVERNMENT ELECTORAL ACT: REVIEW OF THE LOCAL GOVERNMENT ELECTORAL SYSTEM (EXCLUDING BCC)" Inquiry  
**Attachments:** Qld Greens PR submission.pdf

Dear Committee Members,

Attached is the Queensland Greens submission to the "A NEW LOCAL GOVERNMENT ELECTORAL ACT: REVIEW OF THE LOCAL GOVERNMENT ELECTORAL SYSTEM (EXCLUDING BCC)" Inquiry.

Our submission has two parts, a response to the questions raised by the issues paper, and a more detailed proposal for how Proportional Representation could be implemented across Local Government Areas in Queensland.

We appreciate the opportunity to make this submission and we are available to respond to any questions the Committee may have about our submission and the issues it addresses.

Yours Faithfully,

Darryl Rosin  
Convenor of the Economics and Democracy Policy Working Group  
The Queensland Greens.

# **SUBMISSION BY THE QUEENSLAND GREENS TO THE LAW, JUSTICE AND SAFETY COMMITTEE REVIEW OF THE LOCAL GOVERNMENT ELECTORAL SYSTEM (EXCLUDING BCC)**

## **Section One - response to issues paper.**

### **Divisions**

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

Decisions about the structure of local government should be made democratically by the people of a local government area. Plebiscites should be held to determine whether an LGA will be divided or undivided.

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

See above

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

Thanks to modern information systems, it is possible to apply tighter margins of error. The 10% margin of error permits divisions to have a relative difference of 20%. The requirement for Commonwealth electoral districts is 3.5%. The potential difficulty of districting in LGAs with a very low population density should be a factor considered by voters when deciding whether or not the LGA should be divided.

**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 divide a local council should be made by the voters in that council.

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

No response

### **Conduct**

**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 ECQ should have ultimate responsibility for the administration of local government elections to ensure elections are conducted to the standards Australians expect.

**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 response.

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

Rules for the conduct of elections should be standard across the state and between state and local levels of government. State rules should permit enrolment on polling day and the subsequent casting of a provisional vote.

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

Quadrennial elections should be staggered into different years, to balance annual workloads for the ECQ and LGAs

## **Candidates**

**10) Is the nomination process adequate? Why?**

Yes. The nomination process does not differ significantly from the practice at State elections.

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

The nomination process is not a significant discouragement to diversity. The electoral system of single-member electorates is the most significant barrier as it discourages potential candidates by providing an enormous advantage to incumbents and political parties.

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

Yes.

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

Residency requirements are adequately addressed through the nomination process

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

Yes. If elected as Mayor, the candidate can be removed from the count for the council position and preferences distributed accordingly.

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

Directly elected Mayors provide for a strong executive authority in LGAs. This better enables council to serve its representative function.

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

Disclosure rules should be the same as for State elections. The currently state rules are woefully inadequate, and Queenslanders deserve to know how candidates are being funded \*during\* election campaigns. A process of 'continuous disclosure' is needed.

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

Disclosures should be made before and during election campaigns. Candidates should disclose all funding sources at the time of nomination, then continuously during the campaign.

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

Yes. Disclosure requirements should be standard across the state and between state and local levels of government. Current state disclosure requirements are inadequate.

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

Fundraising should be governed by the same rules for State and Local government elections

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

The current practice of producing and distributing How to Vote cards is expensive and wasteful. Information and assistance should be available to all voters to assist them in casting a valid vote that reflects their preferences.

**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?**

The practice of parties and individuals printing and distributing how to vote cards should be stopped.

**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?**

Signs have an important role in raising community awareness about candidates during an election campaign. Bunting is typically used only on polling day and is then discarded. The use of bunting should be restricted, if not prohibited.

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

Rules for the conduct of elections should be standard across the state and between state and local levels of government

**24) Should a 'media blackout' period apply for local government elections?**

**Why? For how long?**

Rules for the conduct of elections should be standard across the state and between state and local levels of government

## **Voting**

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

Participation in local elections is no different to any other election and compulsory voting is a cornerstone of Australian democracy. A majority of Australians support compulsory voting.

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

Yes. All reasonable steps should be taken to maximise turnout.

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

Voters should always have the option to present at a polling place on or before polling day.

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

All reasonable steps should be taken to maximise turnout.

**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?**

Any restriction on where and when one can vote will naturally have an impact on turnout. Information systems such as an electronic roll, electronic voting and digital printing could make local government absentee voting feasible and would improve electoral administration.

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

See the previous question.

**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. One person one vote, and you vote where you live.

**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. One person one vote, and you vote where you live.

**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. One person one vote, and you vote where you live.

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

No. One person one vote, and you vote where you live.

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

Such a roll should not exist. One person one vote, and you vote where you live.

## **Voting Systems**

**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?**

If an elected assembly is to be a representative democracy it should meet two criteria:

1. that the members of the parliament retain a connection to their community and needs of their local area, or electorate; and,
2. that the membership of the assembly itself should also reflect the intentions and will of the voters as a whole.

Proportional Representation describes methods of allocating seats based on votes. Optional preferential, Compulsory preferential and first-past-the-post are methods for marking ballot papers and counting votes. Proportional Representation is discussed in question 38.

'First-past-the-post' and its variation currently used in undivided council, Bloc voting, is incredibly deficient in terms of providing an election result that meets the second criteria. The deficiencies of FPTP voting are well documented, see Section Two for more details.

Preferential voting is vastly more likely to return a result that better reflects the preferred outcome for voters as a whole. Optional preferential voting permits voters to express their preferences more completely by not requiring them to rank candidates about whom they know or care little. All in all, OPV gives greater choice to electors than full (or exhaustive) preferential voting. It does so without making voting more complex; indeed it saves some votes that might otherwise be wasted either through accidental misnumbering or by electors who cannot decide how to rank all the options.

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

We propose a population threshold for implementing proportional representation, unless a smaller Council chooses to implement it. All LGAs with a population greater than 10 000 will use a form of proportional representation, whether they are divided or undivided.

**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?**

All LGAs with a population greater than 10 000 will use a form of proportional representation, whether they are divided or undivided.

A divided council will hold elections under a Mixed Member Proportional and an undivided council will hold elections under the Single Transferable Vote. To ensure a fair and proportional result, councils will have to consist of at least 10 councillors (as well as the directly elected mayor). A council may apply, as it currently can, to have the number of councillors increased.

More details can be found in Section Two of this submission.

## **Other**

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

No response.

**Section Two - Proportional Representation in Queensland's  
Local Government System**



# 1 Introduction

The recent amalgamations of local government bodies in Queensland by the Beattie government have led to discontent amongst rural electors due to a perceived lack of consultation. Additionally, the amalgamated councils may have an electoral system which does not take into account the traditional boundaries (undivided, where previously divided into wards) or character of previous councils.

The Queensland government has missed a golden opportunity for genuine electoral reform at the local government level which would improve the quality of representation and the congruence between how voters vote and the composition of councils after an election. Within this paper, we outline a way to implement various proportional representation systems across Queensland's local government system.

## 2 Motivation

When Peter Beattie amalgamated numerous local government bodies in Queensland, it quickly became apparent that many councils and their residents were unhappy about the changes being made without consultation. Further to this, the electoral systems introduced are woefully inadequate in allowing individual voters to have their voices heard. As a result of the amalgamations, voters who were previously in small, close knit councils found that their votes would be almost meaningless when added to those from other councils with which they had been amalgamated.

## 3 The properties of the various councils

The councils can be grouped according to two criteria

1. Number of Councillors
2. Whether or not the council is divided into wards/divisions.

Councils with eight or fewer can generally be described as "small" councils as opposed to councils which have upwards of ten, such as Brisbane and Gold Coast City Councils, which can be thought of as "big". Undivided councils are currently elected by a process known as "plurality" or "bloc" voting, whereby each voter casts a certain number of votes and the  $n$  seats are filled by the  $n$  candidates with

the highest number of votes. Divided councils elect their members by dividing the council into wards and filling one seat in each ward by optional preferential voting.

It is desirable to come up with a system of proportional representation for each of the various combinations of divided/undivided and small/large councils. This will be explored in Section 6.

In line with the notion of Indigenous self-determination and in recognition of the small populations of Indigenous council areas, this paper does not make any suggestions for the reform of Indigenous councils.

## **4 Current voting systems**

### **4.1 Plurality or bloc voting**

This voting method provides a list of candidates for whom the electors cast a certain number of votes showing their approval of candidates. The winning candidates are chosen by arranging the candidates in order of their share of the vote and selecting the top  $n$  candidates to fill the  $n$  seats (Amy, 2000). Typically, plurality voting gives each voter  $n$  votes to cast, making it a multi-member version of “first past the post” (FPTP).

This voting method is incredibly deficient in terms of providing a fair election result. Imagine that two candidates from the same group run in a multi-member plurality vote against three candidates who form another group. Say there are to be three councillors elected and one of the group candidates receives, say, 45% of the vote and their running mate receives 10% of the vote with the other three candidates each receiving 15% of the vote. Despite the first group receiving a majority of the vote, only their first candidate will be elected. The remaining two seats will go to the second group. While the first group won a majority of the vote between them, the second group won a majority of the seats.

While this problem is quite simplistic, it illustrates the point that a popular candidate may in fact harm their group’s chances of success by drawing votes away from the other candidates in their group. This is a clear example of the disproportionality of plurality voting.

## **4.2 Instant Runoff Voting**

In the larger councils such as Brisbane City Council and Rockhampton Regional Council, the council is divided into a number of wards, each of which elect a single representative. The single member Instant Runoff Voting (IRV) method provides a level of geographic representation, the “local member” (in that every voter belongs to a certain ward which elects a councillor), and the preferential voting system ensures proportionality within any given ward.

IRV, though, acts against groups which are unable to concentrate their support geographically. In the example of the 2008 Brisbane City Council election, the Greens are able to gain approximately 8% of the city-wide ward vote yet, because this vote is not concentrated, the Greens are unable to gain any representation (ECQ, 2008a). While the Greens are a minor party, the IRV doesn’t just act to discriminate against minor parties. In the Gold Coast City Council election in 2008, the Liberal Party were unable to gain a single seat despite running a candidate in all of the 14 divisions (ECQ, 2008b). The Liberal Party are by no means a minor force in politics yet go completely unrepresented in the Gold Coast City Council, an area where they hold many state and federal seats.

While IRV is certainly preferable to FPTP, it still falls short of ensuring the representation of voices other than those belonging to the majority. Further to this, it is possible that the majority vote does not translate as a majority of seats. In the 2004 Brisbane City Council elections the Liberals won a majority of the Two-Party Preferred (2PP) vote, against the ALP, yet only won 9 of the 26 wards with the other 17 going to the ALP (ECQ, 2004). The situation may easily be reversed, as can be seen from the results of the 1998 Australian federal election where the ALP won a majority of the 2PP yet did not win government.

## **5 Proposed PR systems**

### **5.1 Mixed Member Proportional**

MMP was introduced in New Zealand in 1996 as a way to ensure that the votes of the citizenry matched up with the allocation of the seats in the House of Representatives (Boston, 1996). Volumes have been written on New Zealand’s move to MMP (Boston, 1996; Vowles, 1998) so here we will merely attempt to outline how the voting system works.

Voters are provided with two chances to cast a vote. The first vote is for their local candidate, just as currently exists under IRV. The second vote is for a “group

list” similar to the Australian Senate ballot paper’s “above the line” vote, although there is no flow of preferences in this case.

The share of the seats is governed by the proportion of the group list vote, as if the question were posed “*Which group of candidates would you like to have represent you?*” Which individuals are present is governed not only by the group lists but by the individual candidates contesting electorate seats. The question of local representation is covered by asking each voter, with the electorate vote, “*Who do you want to represent your electorate?*”

The number of group list seats is usually roughly equal to the number of electorate seats and the list seats are used to restore proportionality in terms of the number of seats each group wins. That is to say that if a group wins 25% of the group list vote then that group should expect to be allocated approximately 25% of the seats. Similarly, a group winning 10% of the vote should expect to win 10% of the seats.

### 5.1.1 An Example

A brief example of an election under MMP can be shown using the 1999 New Zealand election. New Zealand’s House of Representatives contains 120 seats of which 67 are electorate seats and 53 are list seats. A brief outline of the results is given in Table 1.

Party	Electorate Seats ( <i>s</i> )	List Vote ( <i>V</i> )	List Seats	Total Seats
Labour	41	38.74%	8	49 (40.83%)
National	22	30.50%	17	39 (32.5%)
Alliance	1	7.74%	9	10 (8.33%)
ACT	0	7.04%	9	9 (7.5%)
Greens	1	5.16%	6	7 (5.83%)
NZ First	1	4.26%	5	6 (5.0%)
United	1	0.54%	0	1 (0.83%)
Total	67	93.98	53	120 (100%)

Table 1: Summary of Results of the 1999 NZ election. The electorate seats sum to 67 but the list vote doesn’t sum to 100% as the table only shows parties which gained representation.

As can be seen by comparing the Alliance vote to the National vote, there is a disparity between the four-fold increase in party vote and the twenty-two-fold increase in electorate seats won. To rectify this, the 53 list seats are allocated to

Party	Electorate Seats	List Seats	Tot. Seats	List Vote	Quotient
Labour	41	0	41	38.74	0.4667
National	22	0	22	30.5	0.6778
Alliance	1	0	1	7.74	2.58
ACT	0	0	0	7.04	7.04
Greens	1	0	1	5.16	1.72
NZ First	1	0	1	4.26	1.42
United	1	0	1	0.54	0.18

Table 2: Allocation of the first list seat in New Zealand’s 1999 MMP election. Initially, no party has won any list seats and the electorate seats are used to calculate quotients.

restore proportionality.

The list seats are allocated using the Sainte-Laguë method which computes each group’s “quotient” as

$$q = \frac{V}{2s + 1}$$

where  $V$  is that group’s list vote and  $s$  is the number of seats that list has won. In MMP, the  $s$ ’s will be the number of electorate votes won whereas for an undivided council these would be set to zero. List seats are apportioned one at a time to the group with the highest quotient. After a seat has been allocated, the quotients are recalculated and the next seat is allocated. This process repeats until all seats have been allocated.

To determine who is allocated the first seat, we take each party’s vote,  $V$ , the number of electorate seats won,  $s$  and apply the Sainte-Laguë quotient formula for each group. We then arrive at the results in Table 2.

The party with the highest quota is ACT, who are allocated the first of the list seats. Recalculating the quotients with ACT’s single list seat, we obtain the results in Table 3 where we prepare for the second list seat’s allocation.

After ACT’s quotient has been recalculated, the party with the next highest quotient is Alliance. Alliance is allocated the seat and their quotient is recalculated as 1.548. The allocation of list seats continues until the all 53 list seats have been allocated. The final count, then, is given in Table 1 and we can see that the proportionality has been restored, with each party’s share of the seats roughly equivalent to their share of the party vote.

The major benefit of MMP is that it ensures a fair and proportional result while retaining the “local member”. The number of councillors can be increased sim-

Party	Electorate Seats	List Seats	Tot. Seats	List Vote	Quotient
Labour	41	0	41	38.74	0.4667
National	22	0	22	30.5	0.6778
Alliance	1	0	1	7.74	2.58
ACT	0	1	1	7.04	2.3467
Greens	1	0	1	5.16	1.72
NZ First	1	0	1	4.26	1.42
United	1	0	1	0.54	0.18

Table 3: State of the seats after allocation of the first list seat. This data is used for the allocation of the second list seat.

ply by adding more list seats, thus avoiding the issue of redrawing boundaries to accommodate new electorates or divisions.

Rather than filing a separate list which may contain candidates not contesting wards, it is suggested that the “strongest loser” criterion be applied to set the order of the lists under MMP. That is, the candidates at the top of a group’s list must be comprised of those who have contested a ward; the order in which they appear within the list, however, shall be decided by the party. In this way, the candidates who have contested the wards are the ones most likely to be elected, with supplementary seats potentially available to others within their group should candidates at the top of the list win their electorates.

This ensures that people with support (at least in their electorate) are elected in place of candidates who may not have contested a ward, done no campaigning to convince voters to vote for their group, and relied on the strength of the list vote to get elected.

The MMP system guarantees, then, that a group winning 50% of the vote obtains around 50% of the seats. The above modification goes some way to ensuring that the elected councillors are those who have worked to be elected or in some way have the support of their group.

While MMP in New Zealand uses FPTP for the electorate seats, there is no reason that IRV can’t be substituted. Many modifications to MMP could be put forward, such as multi-member electorates, which are still workable.

## 5.2 Single Transferable Vote

The Single Transferable Vote (STV) is currently in use in the Australian Senate (Healey, 2003) and so it is not unfamiliar to Queenslanders. It is the most common

PR system in Australia and gives a substantial improvement over Plurality voting in fairly apportioning seats in undivided councils.

The voting for the NSW Legislative Council contains an important modification to STV which allows greater flexibility when compared to the federal Senate. When voting for the NSW Legislative Council, voters are able to vote either “below the line” or “above the line”, as in the federal Senate. The improvement is that voting both below and above the line is done by the optional preferential system. This means that whole groups can be voted for at once in a preferential system, removing the restrictions associated with the federal Senate (the choice between numbering all boxes or having a group decide your preferences for you).

Groups need only lodge tickets which outline where they rank their own candidates. A “1” vote above the line for a group will be counted as numbering that group’s list from 1 down to the number of candidates that group has fielded. This removes the Group Ticket Voting which has introduced preference deals and muddied the waters in Senate voting. *A group may only allocate the votes within its own list.*

As a result of groups not being able to direct preferences, the registration of fake groups and microparties for preference harvesting is unlikely to occur given that the preference allocation is in the hands of the voter, not the group, and that voters are unlikely to give a preference to a group with which they are unfamiliar. Further, the presence of groups will likely reduce the amount of space a ballot paper takes up because like-minded candidates will want to organise themselves into groups to feed off each others’ support and thus increase their chances of being elected.

The STV method works as follows: For an election with  $n$  seats to be allocated and  $T$  votes cast in total, the (Droop) quota is calculated as

$$Q = \frac{T}{n + 1} + 1.$$

Any candidate receiving a full quota of votes is elected. If there are still vacant seats, the count continues. (It is possible, though unlikely, that all seats are filled on the first count.) If an elected candidate had more votes than the quota, the surplus votes are distributed according to the next preference on each of the ballot papers. If no one meets the quota after a count, the candidate/group with the fewest votes is eliminated and the votes transferred at their full value to the next preference on the ballot paper.

To ensure that the counting and redistribution of ballots retains the proportionality, ballots which have been redistributed from an elected candidate are transferred at a partial value. The number of ballots to be distributed from an elected candidate

is the quota plus some surplus. We wish to distribute all of these votes but their “value” must be equal only to the number of surplus votes so we scale the value of the votes so that each vote is transferred at the value of

$$\frac{\text{surplus}}{(\text{total} - \text{exhausted})}$$

where the exhausted ballots are those with no further preferences listed.

This is the system used in the Australian Senate. It is not necessary to set a minimum group size as in the Australian Senate though (which uses a group size of two) because with a small number of electors and an above the line optional preferential system it is unlikely that there will be significantly more groups than seats.

In the Townsville Regional Council election of 2008, approximately fifty candidates contested the twelve seats (ECQ, 2008c). Under a group voting system, it would be expected that the eight ALP candidates would have run as a group, as would the two Greens. Given that group voting encourages like-minded independents (as well as parties) to run together to maximise their chances of election, there could have been substantially fewer “options” while still giving voters the same amount of choice.

Optional preferential voting will mean that it is incredibly likely that the last few councillors to be elected will be elected on incomplete quotas. This isn’t so much of a problem given that the proposed STV system gives voters the option of choosing not only who they vote for but how many candidates they vote for. If they do not express a full list of preferences, it is only fair to assume that they really don’t mind who else gets elected as long as their preferred candidates do.

## **6 Implementation**

Voting would be compulsory but the method of voting is determined by the size of the council as well as the wishes of the citizens. Any council with more than 10,000 voters would be automatically granted proportional representation. Once PR has been granted to a council, a plebiscite will be held across that council so the voters can decide whether they want to be an undivided council or whether they want to divide the council into wards.

This plebiscite gives councils the option to either consolidate or maintain their current wards if divided, divide their council into new wards (through the Electoral Commission of Queensland and in accordance with the Local Government



Act and the permission of the Minister) whether divided or not or to become (or maintain themselves as) an undivided council.

A council's method of division will lead them down one of two roads. A divided council will hold elections under Mixed Member Proportional and an undivided council will hold theirs under the Single Transferable Vote. To ensure a fair and proportional result, councils will have to consist of at least 10 councillors (as well as the directly elected mayor). A council may apply, as it currently can, to have the number of councillors increased.

The number of electorate seats and list seats under MMP will need to be set in such a way that there are enough list seats to go some way to restoring proportionality. It may be most appropriate that a divided council moving to MMP should keep the same divisions as before and use additional seats granted by the Minister as list seats. Given that a council must have at least 10 councillors under PR, it may be that a council of previously six divisions uses its four new seats as list seats to maintain continuity. However many councillors a council elects, there should be at least two list seats to restore proportionality. An ideal number of list seats is roughly one third to one half of the total number of seats.

For councils moving to STV, the minimum of 10 councillors effectively sets a "quota" at 9.09%. A maximum quota of this size ensures that minority groups can have their voices heard but that they will only win representation relative to their support. As the number of councillors increases, the quota drops and the results become more proportional. If Brisbane City Council were to change to STV, a quota would fall as low as 3.7% and this would guarantee the election of at least one Green.

The effective barrier to representation ("quota" of the vote) is more or less the same under MMP and STV for the same number of seats. Large assemblies have artificially imposed quotas under MMP which go some way to ensuring that the assembly is fairly homogenous. New Zealand, with 120 seats, sets a quota at 5%. It is unnecessary to set quotas in Queensland's councils under PR as most councils will have an effective quota (one seat's worth of votes) higher than New Zealand's 5%. The only barrier to representation, then, is the simple qualification of gaining enough votes to win a seat.

It is unlikely in Brisbane, given the number of electorates to be contested and the fact that each party will field a candidate in each seat, that there will be any councillors elected from the list who did not contest a ward. It is inconceivable to believe that either of the ALP and Liberals would choose to not run a candidate. With a full suite of candidates and between a third and a half of the available seats being allocated from the list, it is almost a mathematical certainty that an elected list candidate will have contested a ward. The only way to get around this is by

not fielding candidates in wards (effectively giving them over to one's major party opponent) and relying on the group list vote.

## **7 A brief summary**

A brief summary of the position and the recommendations put forward in this paper is as follows

1. Introduction of Proportional Representation (with at least ten councillors) for councils of at least 10,000 voters
2. Plebiscites for all councils to decide whether they want to be divided or undivided
3. Mixed Member Proportional in Brisbane City Council and other "large", divided councils (with no fewer than 33% of seats being allocated by group lists)
4. Single Transferable Vote for undivided councils
5. Optional preferential voting within MMP electorates and "above the line" for STV lists

If councils decide they want anything else on top of this framework such as more councillors, multi-member wards, a change in the number of wards or a change in the boundaries of wards then those councils are encouraged to deal with the Minister and the ECQ as they currently do.

No council should be able to decide they want less proportional representation. PR systems ensure that a party that wins 50% of the vote receives 50% of the seats, something which no one could reasonably call "unfair". Because of this, PR guarantees the fairest result in an election and it is up to candidates and groups to convince voters that they're worthy of votes rather than relying on a gamed system for their election.

## **8 Answering some likely criticisms**

### **8.1 If it ain't broke, don't fix it**

This is blatantly untrue given the results of the 2008 elections in the Brisbane City Council where the Greens, with 8% of the vote did not receive 8% of the seats.

Another election where votes were not converted into seats was the 2008 Gold Coast City Council where the Liberals did not win a single division. Support for the Liberals is not as low as 8% yet the voting system worked against them to deny them representation.

Another bizarre result which shows that the system is indeed broken is the 2004 Brisbane City Council result where the Liberals won a majority of the Two Party Preferred vote across the city but only won 9 out of 26 wards. The concentration of votes in “safe” seats means that the people living in those electorates don’t have their votes counted as much. 80% of the people in a ward may vote for a candidate or party but only 50% of the vote is needed to win. Their votes don’t translate into extra support across the city. Similarly, the 20% who voted against the winning candidate in the ward do not have their voice heard at all.

Proportional Representation ensures that the will of the people, expressed through voting, is reflected in the make-up of a council.

## **8.2 Minor parties will be in control**

If a minor party or group were to hold the “balance of power” in a party based council then the mayor may look to the main opposition party for support for the program if the minor party are not supportive of the proposal. Given that under PR the will of the people is reflected in the composition of council, any opposition the mayor faces in council can be viewed as legitimate. If a group or party wins a majority of the group list vote, then they will have a majority in council and the claim of a “mandate” actually holds.

In New Zealand, the government is still formed by either the Labour or National party with the support of one or two minor parties. While the minor parties may hold Cabinet positions and be able to have some input into policies, it is still the larger coalition partner which drives the direction of the nation. No minor party can pass legislation by itself nor with the support of the other minor parties. Proportional representation may grant minority representation but it does not grant minority rule (Uhr, 1999).

## **8.3 Voters won’t have local representatives**

Under STV, every councillor is responsible to the entire council. Under MMP, each voter has a local representative. There is also additional representation under MMP which allows a voter whose views are not shared by his local councillor to seek out the ear of one of the list councillors.

The reverse of this claim is that list councillors are not responsible to any given area. The list councillors are responsible to the *whole of council*.

## 8.4 It's too hard for the voters to understand

Voters using STV will already be familiar with the voting system and will be given greater flexibility without making the process of voting more complex.

Voters under MMP will cast their electorate vote the same as they always have and will have an extra ballot to allow them to choose which group they want to represent them in the overall council. Most voters will vote the same on their group ballot as their electorate ballot and this does not pose a problem. Some will “split” their vote so they vote for a preferred local candidate (perhaps regardless of affiliation) and then cast their list vote for a group with whom they identify. This is common in New Zealand where many voters vote for their local major party candidate and cast their list vote for a minor party with a similar ideology.

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