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submission form - A new Local Government Electoral Act: Review of the local government electoral system (excluding BCC)

A copy of the issues Paper is available here.

Your Details

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Electoral Divisions (Issues paper pages 2-3)

Local governments can be either undivided whole council areas, or divided into 'divisions'. Sections 284 – 288 of the Act outline the requirements for councils to divide the local government area into divisions.

1) Are the current arrangements for the division of local government areas sufficient?

No

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

No comment

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 comment

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?

No. All should be divided as that promotes a government representative 'closer' to the people.

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

Yes. Effects on affordability by individuals to run for office; would enhance the chances of more women candidates (both in terms of money and time).

Conduct of elections (Issues paper pages 3-4)

Administration of elections
The Chief Executive Officer (CEO) of a local government is automatically the returning officer for elections unless he/she appoints another person.

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?

ECQ should run elections.

7) If the ECQ is to be responsible 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.

Timing of the elections and closing of the electoral roll
Local Government elections are held every four years on the last Saturday in March, unless the Government directs otherwise; as occurred in the 2008 elections where the date was brought forward to 15 March. The electoral roll closes on 31 January in the year in which the local government election is to be held. This timeframe allows for approximately eight weeks between the closing of the polls and the election being held. All voters must be enrolled by the close of the roll to be eligible to vote.

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

> No. Should close 4 w eeks prior.

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

> None.

Candidates – requirements and conduct (Issues paper pages 4-6)

Nominations and candidature requirements
To stand as a candidate for election in a local government election a person must:

- be an Australian citizen,
- live in the local government area, and
- be on the electoral roll for that area or division.

Mayors
All electors in the local government area vote in the mayoral election. The same system of voting used to elect councillors is used to elect mayors. Deputy mayors are chosen by the elected members of the council at the first council meeting.
The Act prohibits dual candidature. This is where a candidate stands for election as both mayor and a councillor, or for election as a councillor in more than one division of a local government area.

10) Is the nomination process adequate? Why?

> Yes- allow s for individuals to decide w hether to run w ithout any 'blocks' by eg. political parties.

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

> Yes.

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 the whole four year term?

> Yes

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

> Yes

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

> Absolutely not.

Campaign funding and disclosures

Candidates, groups of candidates, third parties and donors must disclose funding, donations and gifts of $1000 or more given and received during a 'disclosure period' for an election. The Act prescribes a number of disclosure periods for different circumstances regarding funding, donations and gifts etc. Candidates and donors and third parties must provide a completed return which outlines the nature and amount of their donation or other funding or gift to the returning officer no later than 15 weeks from the conclusion of the election.

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

> No comment

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

> Yes- before, during and after. There should be a printed/collated record of all donations by candidate published following an election, and it should be on the public record.

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

> Yes.

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

> Yes

Electoral signage and advertising material

Candidates can produce promotional material including posters, billboards and how-to-vote cards to advertise their candidacy. How-to-vote cards are generally distributed at polling booths to advise the voter about the voting system, whilst also promoting individual candidates. Sections 392-392B of the Act outline the requirements for how-to-vote cards.

The amount and placement of candidates' election campaign material, including billboards and posters, is governed by council by-laws, with each local government deciding how candidates can advertise in that particular area.

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

> Absolutely, yes.

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?

> Yes.

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?

> All legal materials during election but bunting (limited to a certain metreage) and how to vote cards only at polling booths on election day.

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

> Yes.

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

> Yes. Three days prior- enough time would have elapsed already for sufficient advertising.

Voting (Issues Paper pages 6-8)

Compulsory voting

Voting is compulsory in Queensland local government elections. Over 81% of those enrolled voted in the 2008 local government elections. Voting is also compulsory for the Queensland State and the Federal elections. Other States vary on whether electors must vote at local government elections. Voting is compulsory for local government elections in New South Wales, Victoria and the Northern Territory whereas Western Australia, South Australia, and Tasmania do not enforce compulsory voting and allow people to decide for themselves if they wish to partake in a local government election.

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

> Yes.

Postal Voting, pre-polling and absent voting

If a local government area includes a large rural sector, large remote areas or extensive island areas, the Governor-in-Council may direct that a poll be conducted by postal ballot for the whole local government area, one or more divisions, or a defined part of the local government area.

Pre-poll voting is casting a vote prior to the polling day. This may occur because a person is going to be overseas or interstate on polling day, or they may not be able to attend a polling booth due to a disability, or for other reasons such as religious beliefs.

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

> No.

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

> No- a postal vote should be granted to those w ho meet the criteria set by the electoral office (such as for state elections).

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

> ??? maybe the criteria should be changed but the capacity for pre-polling and postal voting retained.

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?

> Not if they could apply for absentee or postal votes.

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

> Yes - if the process can be managed by the Electoral Commission (eg. cost). Polling stations may need to have 'electronic' absentee voting facilities.

Property franchise

In Queensland local government elections the eligibility to vote is restricted to residents. This mirrors the situation in State and Federal elections where people are only able to vote in the seat in which they reside. Persons who own property or a business away from the area where they reside do not currently have the ability to also vote in seats where that property or business is located.

In local government elections in other States however, persons who have made a financial investment in property in an area may enrol as a non-resident voter for that area. This means that they get a vote both where they live and where they own other property.

The '*property franchise*' theory recognises that non-residents who have a financial 'stake' in an area have a legitimate interest in the operation of its local government, the provision of services to the area, and the future of the district.

A property franchise opens up the ability for property owners to vote in the elections of two or more local governments as well as potentially two or more elections within a local

government (e.g. in multiple divisions within a larger council). It also means that some properties within a local government area will attract multiple-eligibility. This could result in the non-resident owner of a property being eligible to vote in local elections, as well as the residential or commercial occupiers of that property.

If a property franchise was established, all residents (owners and renters) of an area would keep their right to vote plus non-residents who own property in the area might also be eligible to vote.

31) Should the right to vote in Queensland local government elections be extended to also allow non-resident property owners within an area to vote? 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 commercial lessees of a property)?

> No.

34) Should people, based on the number of properties they own in an area, 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?

> Should not be one.

Voting systems (Issues Paper pages 9-11)

Section 283 of the Act provides that the voting system for a councillor is optional preferential where the local government area is divided into single member divisions, and first-past-the-post in all other cases.
A discussion of Optional Preferential, First-Past-The-Post, and Proportional Representation voting systems is contained in the Issues paper at pages 9-11.

36) Which voting system is most appropriate for local government elections and why?

(Optional Preferential voting, Compulsory Preferential voting, First-past-the-post, Proportional Representation)

> Optional Preferential - it lets voters decide absolutely re candidates.

37) Do different voting systems work better in different sized local governments?

> No.

38) Should proportional representation be introduced for Queensland local government elections? Why? If so:

(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?

> Absolutely not.

Other

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

> See attached page.

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

(a). The focus should be on the distinguishing features of local government , the elections to date and the desire for community representation /input. We do not need to change to systems which reduce democratic participation by citizens, such as preferential voting which would have the effect of a move to political party politics and/or a grouping of candidates to maximise votes. Democratic participation by individuals is conducive to a 'politics of ideas' of individuals. Also, apart from a few examples, local government has not hitherto been overtly party political and should stay that way.

Burdess and O'Toole (2004) articulate, most succinctly, the distinguishing features of local government political representation as, *inter alia:*

- Communication between councillors, mayors and constituents in a face-to face situation (p. 69);

- Voting in local elections is a basic way for citizens to exercise some participation in a democratic process where the choice is of 'individual candidates' not political parties;

- Local constituents perceive elected local government representatives as their personal advocates thus emphasising the 'closeness' between elector and representative;

- 'corporate representation' (a principal-agent model) is where the representative body(local council) seeks to protect and enforce a collective interest; this probably has more credence in the 'at large', amalgamated councils;

- 'mirror representation' occurs when specific interest groups in society are represented according to their ratio in the community – a sense of identity which is not tied to political party or geographic location. This process allows for minority views

This latter approach was favoured by John Stuart Mill and represents the politics of ideas which revolve around how best to obtain a fair representation of opinions and preferences. Given the emphasis placed by the State government on representation of community interests, this current system of individual candidature rather than political party representation would seem to best serve the community and to ensure that there is a diversity of interests represented.

Most electoral system studies have been of state or federal/national systems, not local government where party politics do not dominate. The findings in these studies are not necessarily transferable.

If party politics, not electorates, control the selection of candidates and, therefore, the composition of governments, then individuals are disadvantaged and electors ' choices may be limited by this process. Any shift t to proportional representation can be seen as a strategy to determine the electoral viability of the ruling parties into the future (via preference exchange). Representation merely becomes an end in itself.

(b) .The current Government prides itself on its actions to promote more women to stand for election, yet has not analysed the impact of recent institutional changes on women in local government. There was a significant decrease in the number women mayors and councillors from the 2004 to 2008 election due to amalgamation due to the reduction in the number of mayoral and councillor positions but also to the increased magnitude of councillor positions in amalgamated, 'at large' electorates.

Table 1. attached shows the comparison between 2004 and 2008.

Table 2 (attached) gives a comparison from 2000 to 2004 and 2008 and shows the success rate for women in 2008 decreasing below the 2000 results.

(c). The comments earlier in relation to 'divided' electorates can be assessed against the results for the 2008 results for women candidates (See Tables 3 and 5 attached). In table 5, women have done best in 'divided' councils, some of which were amalgamated. Interviews done with a number of women councillors and mayors since the 2008 election, have highlighted the fact that women are more keen to contest divided areas as they can manage the task more easily in terms of workload and time, as well as 'afford' to contest an election. The postage costs alone of mail-outs for 'at large' electorates is huge (for anyone) and this is a disincentive, particularly for women who do not want to 'risk' family money or have to seek /take corporate donations. In the 2008 elections, EVERY divided council have women elected and 6 of the 11 women mayors are in divided councils.

If the government is still committed to attracting women to contest local government elections (and in some electorates women outnumber men) then it has to consider the negative effects of any decision to make changes from a gender perspective.

Interestingly, a number of male councillors are also finding it very difficult to be 'across' a Portfolio for an electorate the size of Toowoomba or Roma (now Maranoa). Institutional change for financial reasons does not necessarily result in better or more democratic governance and this was lost sight of when a decision was taken to declare all electorates 'at large' or undivided.

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Table 1 Data on Women Elected to Local Government, Queensland Pre-Amalgamation 2004 Election; Post-Amalgamation 2008 Election

Data	2004 Election	2008 Election
Number of Councils	125	59
Indigenous Councils	32	14
Total Councils	**157**	**73** [a]
Women Mayors (including Indigenous councils)	26	11
Women Councillors	301	170
Total Elected Positions (Mayors and Councillors)	**1,286**	**553**
Women Mayors not standing	1	12 [b]
Women Sitting Mayors defeated	4	6
New Women Mayors	8	7
Women Candidates for Mayor	55	46
Total Candidates for Mayor	**315**	**271**
Percentage Women Standing Elected as Mayor	**38.2%**	**23.9%**
Women Mayors elected	21	11
Women Candidates for Councillor	598	423
Total Candidates for Councillor	**2,084**	**1,363**
Women Councillors elected	301	170
Percentage Women Standing Elected as Councillors	**50.3%**	**40.2%**
Sitting Women Mayors contesting Amalgamated Councils	n/a	6 [c]
Sitting Women Mayors elected in Amalgamated Shires	n/a	1

Sources: ECQ, 2008; LGAQ, 2004; 2008.

Notes:
n/a (not applicable)
a) 34 councils are unchanged including 10 Indigenous councils; 3 have boundary adjustments; 36 are amalgamations of previous councils.
b) 5 female Mayors ran for councillor positions in amalgamated LGAs; 1 former Mayor ran as a new candidate for Mayor in another LGA
c) Includes 3 from Indigenous councils

TABLE 2. LOCAL GOVERNMENT QUEENSLAND ELECTION RESULTS, 2000, 2004, 2008

	Male		Female	
	No.	**%**	**No.**	**%**
2000				
Mayors	106	85%	19	15% (of total)
Candidates	271	39.1%	58	**32.8% (success rate)**
Councillors	832	72%	328	28% (of total)
Candidates	1836	45.3%	656	**50% (success rate)**
2004				
Mayors	104	83%	23	18.4% (of total)
Candidates	260	40%	55	**41.8% (success rate)**
Councillors	694	70%	301	30% (of total)
Candidates	1485	46.7%	598	**50.3% (success rate)**
2008				
Mayors	62	84.9%	11	15.1% (of total)
Candidates	225	27.5%	46	**23.9% (success rate)**
Councillors	310	64.6%	170	35.4% (of total)
Candidates	940	31.2%	423	**40.2% (success rate)**

Category	Male Candidates		Males Elected		Women Candidates		Women Elected	
	New	Sitting	New	Sitting	New	Sitting	New	Sitting
	no.	no.	no.	no.	no.	no.	no.	no.
Electoral Status								
At Large/Undivided	288	221	72	108	134	98	40	52
Divided	262	168	34	94	103	87	26	51
Total	**550**	**389**	**106**	**202**	**237**	**185**	**66**	**103**
Review Status								
Amalgamated/Adjusted	307	268	50	117	110	124	31	60
Non-Amalgamated	243	121	56	85	127	61	35	43
Total	**550**	**389**	**106**	**202**	**237**	**185**	**66**	**103**
Urban/Rural Status (a)								
Urban	411	236	70	121	168	122	49	68
Rural	139	153	36	81	69	63	17	35
Total	**550**	**389**	**106**	**202**	**237**	**185**	**66**	**103**

Source: LGAQ 2008 data analysis.

Note:
a)   Based on classification in Local Government Annual Report 2006-07, (Appendix D), Department of Infrastructure, Transport, Regional Development and Local Government (2009).

TABLE 4. 2008 ELECTIONS – AMALGAMATED / NON AMALGAMATED

Council Review Status	Male Candidates		Males Elected		Female Candidates		Females Elected	
	New	Sitting	New	Sitting	New	Sitting	New	Sitting
Amalgamated/Adjusted	307	268	50	117	110	124	31	60
Non-Amalgamated	243	121	56	85	127	61	35	43
TOTAL	550	389	106	202	237	185	66	103

Amalgamated Councils (% Women Elected)		Seats	
60%	Cairns Regional	(10)	Mayor
70%	Fraser Coast Regional	(10)	(2 women ex-Mayors elected as councillors)
50%	Gympie Regional	(8)	
50%	South Burnett Regional	(6)	
50%	Maranoa (Roma) Regional	(8)	
50%	Scenic Rim Regional	(6)	
41.7%	Townsville City Council	(12)	
41.7%	Sunshine Coast Regional	(12)	
40%	Mackay Regional	(10)	(1 woman ex-Mayor from Sarina elected as councillor)
40%	Rockhampton Regional	(10)	

1 Amalgamated Council – no women = Somerset Regional

Non-Amalgamated Councils (% Women Elected)		Seats	
100%	Naprannum Aboriginal Shire	(4)	
75%	Carpentaria Shire Council	(4)	
70%	Redland City Council	(10)	Mayor
50%	Gold Coast City	(14)	
50%	Burke Shire Council	(4)	
50%	Hope Vale Aboriginal Shire	(4)	
50%	Palm Island Aboriginal Shire	(4)	
50%	Paroo Shire Council	(4)	Mayor
50%	Quilpie Shire Council	(4)	
50%	Richmond Shire Council	(4)	
50%	Winton Shire Council	(4)	
50%	Wujul Wujul Aboriginal Shire	(4)	
44%	Brisbane City Council	(25)	

7 Councils – no women (including Bulloo – no women candidates)

TABLE 5. 2008 ELECTIONS – AT LARGE / DIVIDED

Council Electoral Category	Male Candidates		Males Elected		Female Candidates		Females Elected	
	New	Sitting	New	Sitting	New	Sitting	New	Sitting
At Large	288	221	72	108	134	98	40	52
Divided	262	168	34	94	103	87	26	51
TOTAL	**550**	**389**	**106**	**202**	**237**	**185**	**66**	**103**

At Large Councils (% Women Elected)		Seats	
100%	Naprannum Aboriginal Shire	(4)	
75%	Carpentaria Shire Council	(4)	
70%	Fraser Coast Regional Council	(10)	2 former women Mayors ran as councillors
50%	Gympie Regional Council	(8)	
50%	Hope Vale Aboriginal Shire	(4)	
50%	Palm Island Aboriginal Shire	(4)	
50%	Paroo Shire Council	(4)	
50%	Quilpie Shire Council	(4)	
50%	Richmond Shire Council	(4)	
50%	Maranoa (Roma) Regional Council	(8)	
50%	Winton Shire Council	(4)	
50%	Wujul Wujul Aboriginal Shire	(4)	

+ 8 Councils – no women.

Divided Councils (% Women Elected)			Seats	
70%	Redland City Council	M	(10)	major 'turnover' of sitting councillors and Mayors
60%	Cairns Regional Council	M	(10)	
50%	Gold Coast City Council		(14)	
50%	Scenic Rim Regional Council		(6)	
50%	South Burnett Regional		(6)	
44%	Brisbane City Council		(25)	
41.7%	Sunshine Coast		(12)	

All divided councils had women on their councils, 3 only having 1 woman (Banana, Blackall Tambo, North Burnett).

6 of the 11 women Mayors are in divided councils.