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**From:** Bernard McCarthy [ceo@torres.qld.gov.au]  
**Sent:** Thursday, 16 September 2010 1:29 PM  
**To:** Law, Justice and Safety Committee  
**Subject:** FW: SUBMISSION TO LAW JUSTICE AND SAFETY COMMITTEE - NEW LOCAL GOVT ELECTORAL ACT - URGENT

*Mrs. Barbara Stone  
Chair  
Law, Justice and Safety Committee  
Parliament House,  
Brisbane, 4000, QLD.*

*Dear Ms Stone*

*Torres Shire Council is most grateful for the opportunity to submit the following responses in respect of your current Inquiry into local government electoral systems.*

*If you require any further information or discussion, please contact me*

*Yours faithfully*

*Bernie McCarthy  
Chief Executive Officer*

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**Subject:  
SUBMISSION TO LAW JUSTICE AND SAFETY COMMITTEE  
- NEW LOCAL GOVT ELECTORAL ACT**

***Questions to be responded to:***

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

**No comment, please see Q.39 re. comments on boundaries within Torres Strait (TS) Northern Peninsula Area (NPA) region.**

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

**Yes and the decision should remain with all Councils**

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

**No**

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?

**Administration of elections should remain with Councils provided that the CEO is not a Returning Officer and that he has no involvement with the election counting or declaration.**

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 comment**

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

**Yes**

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

**None**

10) Is the nomination process adequate? Why?

**Yes**

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 their whole four year term?

**Yes**

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

**No**

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

**No, election by local people is most important.**

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

**Yes**

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

**Yes**

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

**Yes, but all disclosure requirements should apply to Councillors only, not their spouse or children.**

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

**Yes**

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

**They should only promote the candidate; no promotion for other purposes e.g. commercial.**

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, in polling booths and if possible in postal vote packs.**

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?

**Bunting signs should be permitted but restricted to one at each booth and maximum dimensions say 2m x 1m.**

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

**Yes**

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

**Yes, 24 hours on day prior to election day.**

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?

**Yes**

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

**Maybe only for remote areas of local government area but not for whole Shire which includes major population centres.**

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

**No**

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?

**Yes. If any alteration, there would be no impact in Torres Shire.**

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

**No. It would probably be beyond the scope of local government.**

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?

**No comment**

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?

**First past the post**

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

**Different voting systems may work better but more information is required to properly respond to this question.**

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, proportional representation is considered to be too complicated and unnecessary for Torres Shire.**

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

Torres Shire Council seeks discussion on municipal boundaries within the Torres Strait and Northern Peninsula Area region. Currently it is most confusing that there are three municipalities, Torres Shire Council (TSC), Torres Strait Islands Regional Council (TSIRC) and Northern Peninsula Area (NPA) Council, located within the boundaries of the Torres Shires Council. Torres Shire considers that a full discussion is required on the existing local government system and boundaries within the TS and NPA region. This is urgently needed to address the complex and confusing local government issues. Torres Shire seeks re-discussion of its previous submission provided for the State Government Community Green Paper in 2006. It is important to note that this submission recommended that there should be only one Council for the TS / NPA region i.e. south of Papua New Guinea and north of the 11th parallel on Cape York. Furthermore, Torres Shire recommended that this total region be subdivided into five wards. These wards would reflect similar cultural and traditional structures and geographical environments. Torres Shire would again welcome the opportunity to present its case to all relevant stakeholders as previously outlined in its Green Paper submission. A copy of the submission can be made available on the request of Law, Justice and Safety Committee.

On behalf of Torres Shire Council,

Regards

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