

1 March 2013

Mr John Sosso
Director-General
Department of Justice and Attorney-General
PO Box 149
BRISBANE QLD 4001

Dear  Mr Sosso

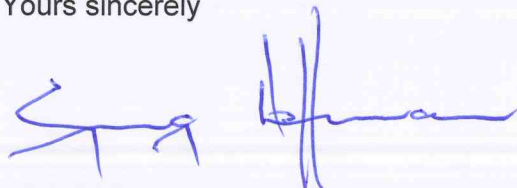
Electoral Reform in Queensland

I refer to the Discussion Paper released on 2 January 2013 on Electoral Reform in Queensland, inviting feedback on proposed options for reform in relation to political donations, public funding for elections and election campaign expenditure, as well as a range of other related issues including the voting system, voter enrolment, postal voting and political advertising.

The Local Government Association of Queensland (LGAQ) is grateful for the opportunity to provide comments, and would also request direct consultation regarding any implications or amendments for local government electoral arrangements arising from the review.

If you would like further information about the Association's feedback, please contact Mr Stephan Bohnen, LGAQ's Principal Advisor – Intergovernmental Relations, on (07) 3000 2203 or at Stephan_Bohnen@lgaq.asn.au.

Yours sincerely



Greg Hoffman PSM
GENERAL MANAGER – ADVOCACY



Electoral Reform in Queensland

Discussion Paper

Submission to the Department of Justice and Attorney-General

Local Government Association of Queensland Ltd
1 March 2013

The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association setup solely to serve councils and their individuals' needs. The LGAQ has been advising, supporting and representing local councils since 1896, allowing them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places that count; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and delivering them the means to achieve community, professional and political excellence.

Introduction

LGAQ welcomes the Queensland Government's January 2013 discussion paper on electoral reform. Although the paper focuses on the *Electoral Act 1992* and does not cover local governmental electoral arrangements, which are governed by the *Local Government Electoral Act 2011*, there has been a general trend to align electoral arrangements for state and local government. As a result, the two Acts generally mirror each other.

The trend for aligning the two systems may give rise to changes at the local government level if changes at the state level occur. It is for this reason that LGAQ has decided to make a submission.

Many of the issues raised in the discussion paper have been canvassed previously, including in the context of the 2010 review of the local government electoral system in Queensland. Furthermore, LGAQ undertook a survey of all Queensland mayors in February 2013 with a series of specific questions around the key issues raised in the discussion paper, as they apply to local government electoral arrangements.

LGAQ requests that it be consulted regarding any implications for local government electoral arrangements from future changes to state electoral arrangements or proposals for consequential amendments to local government electoral arrangements arising from this review.

The following are LGAQ's comments and positions on a number of issues raised in the discussion paper.

Caps on electoral donations

The regulation of political donations and gifts is an area where differences between state and local government persist, justifiably so, in LGAQ's view, and where there is thus only limited scope for alignment between the two. There are some very real differences between candidates running for the state election and those contesting local government elections, including public campaign funding for state candidates and the dominance of political parties.

As the CMC's recent comparison of Queensland electoral arrangements with those in other jurisdictions (CMC 2012) shows, there are no caps on electoral donations for local government elections anywhere in Australia, not even in New South Wales where the same legislative provisions on donation prohibitions and restrictions apply to both state and local government elections.

90 per cent of the mayors surveyed in February 2013 are opposed to the introduction of a cap on electoral donations for local government elections unless it was accompanied by the introduction of electoral funding for candidates at local government elections. Some mayors are opposed to public campaign funding for local government candidates as a matter of principle (as well as the introduction of caps on donations).

For these reasons, the LGAQ opposes the introduction of caps on electoral donations for local government elections.

Donor prohibitions and disclosure provisions

Even though New South Wales is currently the only state where the donation prohibitions and restrictions align between the two spheres, the CMC report suggests that, having the same donor prohibitions and disclosure provisions for both state and local government “may help to reduce any confusion about inconsistencies between the two schemes, and ensure that no reportable gifts fall through gaps caused by the differing obligations on different participants at each level” (CMC 2012 p. 58).

In LGAQ (2010), LGAQ supported closer alignment of donor prohibitions and disclosure requirements for state and local government. Such alignment was also supported by 90.32 per cent of the mayors surveyed in February 2013.

Therefore, LGAQ would be prepared to discuss with the Queensland Government the merit of aligning more closely the donor prohibitions and disclosure requirements for state and local government and thus simplifying the reporting (disclosure) processes so that they are as clear and transparent as possible.

How-to-vote cards

Views among Queensland councils about the regulation of how-to-vote cards at local government elections differ. LGAQ’s consultations with councils for the 2010 review of the local government electoral system revealed that the only common view on the issue was that how-to-vote cards should continue to be approved/registered by the returning officer and content regulated to ensure that no content could possibly confuse or mislead an elector.

A motion at the most recent LGAQ Annual Conference in Brisbane in October 2012 calling for a ban of how-to-vote cards was rejected by the majority of delegates. Such a ban was also rejected by a majority of the mayors surveyed in February 2013 (69.70 per cent).

The discussion paper’s option that how-to-vote cards be registered on the ECQ website and then displayed in the polling booths only on polling day may have merit as a compromise position, although this is unlikely to satisfy those who see the handing out of how-to-vote cards as an essential part of the democratic process and expression of freedom of speech.

In line with the majority view of its members, LGAQ opposes a ban on how-to-vote cards.

Proof of identity

LGAQ’s consultations with councils for the 2010 review of the local government electoral system revealed support for the introduction of a requirement that electors present identification to confirm their identity at a polling booth. It was argued that this could reduce electoral fraud. The introduction of such a requirement for both state and local government elections was also supported by a majority of mayors surveyed in February 2013 (62.50 per cent).

However, those opposed to the introduction of a proof of identity requirement (37.50 per cent of mayors surveyed) put forward valid arguments in support of their position, including that:

- there is no evidence of widespread electoral fraud through identity theft;
- there is no such requirement in other Australian states and territories;
- there is no requirement in Australia to carry identification;
- many voters in rural and remote areas do not have proof of identification; and
- it leads to increased administration costs and slows down the voting process at electoral booths.

Even those supporting the introduction of a proof of identity requirement argue that any such introduction would need to be accompanied by a comprehensive education campaign.

In light of the divergent views of members, LGAQ considers that further consultations would be required with local government should the Government wish to pursue the introduction of a proof of identity requirement at local government elections.

Postal voting

Under the current Local Government Electoral Act 2011 provisions (Section 68), any elector in a local government election other than a postal ballot election may cast an ordinary vote, a pre-poll vote or an absentee vote in another division of the same local government area. However, the casting of a postal vote in an election other than a postal ballot election is only permitted if one of a series of specified conditions is met (Section 68(4) of the Act).

LGAQ's 2010 submission argued that every opportunity should be made available to make the election process as simple, easy to understand and convenient for the elector as possible to allow the community the best chance to cast their vote for the candidates they believe will best represent them. It argued that easy access to pre-poll and postal voting should therefore be made available.

In the February 2013 survey of mayors, there was also strong support for expanding the grounds upon which a person can apply for a postal vote in both state and local government elections (87.88 per cent of responses), with the argument that voting should be made as easy and convenient as possible.

LGAQ would thus encourage the Government to consider expanding the scope for postal voting at state and local government elections.

Compulsory voting

LGAQ's consultations with councils for the 2010 review of the local government electoral system revealed that councils are overwhelmingly of the view that voting should remain compulsory for local government elections in Queensland. There was also overwhelming support in the February 2013 survey of mayors for continuing compulsory voting for state and local government elections (93.94 per cent of responses). Many mayors argued that voting was not only a right but a responsibility.

In the interest of alignment between the two systems, LGAQ thus submits that compulsory voting should continue for state and local government elections.

Voting system

In LGAQ's view, any discussion about the voting system should be based on facts and the merits of each system and avoid politically motivated calls for changes to the system.

LGAQ (2010) contains a comprehensive analysis of the pros and cons of various options for voting systems for local government elections. The submission concludes that the current voting systems (optional preferential for divided and first-past-the-post for undivided councils) are the most appropriate because the other systems identified (compulsory preferential and proportional representation):

- a) do not demonstrate more democratic outcomes will be delivered;
- b) are more complex voting systems, particularly proportional representation, that are less likely to be understood by electors
- c) are more appropriate to and encourage party political elections, particularly proportional representation; and
- d) are less complementary to the local government principles contained in Section 4 of the *Local Government Act 2009*.

90.32 per cent of mayors surveyed in February 2013 agreed that there should be no change to the status quo.

For these reasons, and in the interest of alignment between the voting system between state and local government elections, LGAQ would thus like to submit that there should be no change to the voting systems at the state and local government level.

This was also the view of the then Opposition members on the Law, Justice and Safety Committee, Mr Jarrod Bleijie MP, Mr Andrew Cripps MP and Mr Ray Stevens MP, which LGAQ supports (see Dissenting Report in Law, Justice and Safety Committee (2010), pp. 88-92). If anything, the argument that different voting systems at the three levels of government cause voter confusion would support a change to optional preferential voting at the federal level, although, as the Dissenting Report argues, this argument can be overstated given that the informal vote in Queensland is relatively low both at state and federal elections compared with other states and territories (Law, Justice and Safety Committee (2010), p. 92).

Other issues raised in the discussion paper

Mayors surveyed in February 2013 also commented on a number of other issues raised in the Government's discussion paper:

Several mayors emphasised the importance of appropriate controls to ensure truth in political advertising.

A number of mayors called for the introduction of electronic voting, while others were opposed. Some called for a thorough review of electronic voting as a future option for Queensland.

Summary of resources used in preparing this submission

1. Queensland Government (2013): Electoral Reform - Discussion Paper; January 2013
2. Crime and Misconduct Commission (CMC) 2012: The Regulation of Political Donations and Gifts in Queensland – A Comparative Analysis; December 2012
3. Law, Justice and Safety Committee (2010): Report No.78: A New Local Government Electoral Act - Review of the Local Government Electoral System (Excluding BCC); November 2010
4. LGAQ (2010): Submission to Law, Justice and Safety Committee on a New Local Government Electoral Act - Review of the Local Government Electoral System (Excluding BCC); July 2010