

The Gold Coast City Council inquiry
Crime and Misconduct Commission
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The Discussion Paper is excellent and has made it easier for me to make this submission to the inquiry.

By way of introduction, I advise that my first experience of local government began in 1958 when I became an unopposed member of a Division of the Stanthorpe Shire Council. I was a grazier at the time and 28 years old.

The late Fred Rogers was the Chairman at the time and his service to local government is legendary. The Shire Clerk (now known as CEO) at that time impressed on me the importance of accuracy in minute taking and that has helped me immeasurably over the years in the various executive positions I've held in a variety of organisations.

My wife of 56 years Ethne, our two sons now aged 55 and 53 years respectively and I, sold our grazing property west of Stanthorpe in 1967 and purchased a graingrowing farm at Cambooya in 1968.

In 1970, I was elected to a Division of the Cambooya Shire Council and later in 1973 was elected Chairman. They were interesting times because the Federal Government of the day was most controversial and the idea of regional councils, which appealed to me personally, were denounced by conservatives generally.

My term as Chairman was relatively short-lived principally because I was supportive of “townplanning” for all shires which was advocated at that time by the Department of Local Government. Most rural property owners saw this course of action as very threatening, including the other farmer members of the Council at that time - *“Nobody’s going to tell me what I can do with ‘my land’ was a common retort”*

As well as my interest in local government, I was also politically inclined and I have been a member of the ‘old’ Country Party, National Party and the Australian Democrats. *That slogan about keeping the bastards honest had a big appeal!!* I’ve been “through the mill” let me tell you with the former two parties - You really do need to put yourself in a particular position to ‘find out’ how some things work! e.g. pre-selection procedures! I have however been a “name on a ballot paper” in two Federal elections in the seats of Kennedy and Ipswich for the A D’s back in 1983 and 1984. I received several thousand votes on each occasion although I did not campaign in either electorate. I relied entirely on newspaper editorial coverage in each case for promotion.

My wife and I sold our Cambooya property in December 1984 and moved into a high rise unit at Runaway Bay at the Gold Coast. Early in 1985 we became the owner/operators of “The Chocolate Kingdom” - a confectionery business specialising in hand-made chocolates. We had only a few staff and it was in our ownership for fourteen enjoyable years. Actually, just prior to the above purchase, I considered nominating for a ward of the then Gold Coast Council but the appeal of the chocolates was ‘too much’. I still have the nomination paper!

Other interests of mine are quite numerous and most are included in a separate “About me” document that I will try and email with this submission as an attachment.

Time to get down to business!

What follows are some of the changes which I would like to see happen as a result of this inquiry being commissioned.

I would NOT like to see amendments made to the LGA to *try* and close up existing or perceived ‘loop-holes’ in that section of the Act dealing with electoral donations. It is impossible, in my opinion, to draft flawless legislation. My only concession in this regard is that, the current provisions *may* have to be retained for those council elections which have party politics involved BUT there again, for those, the State electoral act may suffice.

I am of the opinion that, any kind of donation to a candidate’s electoral campaign should be prohibited AND THAT instead, every council be separately responsible for funding the campaign of each nominee equitably.

This would not apply to those councils which have party politics involved.

The required legislation would have to make it clear that heavy penalties would apply to anyone who breached the amended provisions of the Act.

Now that there are quadrennial elections for councils, it should be quite feasible for each council to budget over a four year period to raise sufficient funds to meet all the expenses associated with a POSTAL BALLOT form of election to determine who will be elected for the next term of the council.

It is my recommendation to the inquiry that, the LGA be amended to read that every council MUST make provision in each year’s budget for the raising of an amount estimated as being sufficient to cover the cost of the next election. That, in effect means, to cover the cost of promotion of each nominee and the administrative cost of conducting the poll in the postal ballot format.

As I see it, every candidate, whether an incumbent councillor or a candidate nominating for the first time, would have his/her promotional costs involved paid for from the funds raised by the council over the preceding years. Incl. e.g. the media etc

3.

In the case of candidates nominating for the first time (must be inexperienced as a councillor), an additional allocation of up to 20% more could be approved by each council by resolution.

It would be mandatory that each Council **MUST** hold at least one public meeting of candidates for election with a view to attendees assessing the public speaking ability of each nominee. IF a council didn't require an election, obviously there would be no need for a public meeting.

I am firmly of the opinion, having experienced POSTAL BALLOTING for the election of councillors, **it should be legislated THAT, every Council MUST conduct its quadrennial election of candidates by the current postal balloting provisions as outlined in the LGA.** Maybe, party political councils as well!!

A huge number of councils determine who will be elected by this method each time an election comes around and, to my knowledge, it is virtually flawless in operation. AND, it can be said, on occasions, when it suits the government of the day, they will conduct a referendum(a) via the postal service and include/enclose whatever "propaganda" as is necessary to put both sides of a particular issue so that the electors have a choice. I will have more to say about this further into this submission.

I envisage every candidate for election preparing a personal CV (say, of 2 X A4 pages with a limit of a certain number of words permissible) and it **MUST** include a photograph. The nominee's CV itself **MUST** outline his/her's appropriate personal details and **MUST** outline the qualifications and experience which they possess that they regard as sufficient for them to participate in the good governance of the council they are seeking to serve.

Each candidate's CV would be printed at the cost of the Council and enclosed in the same envelope being mailed to each elector with their ballot paper(s). Every elector receives the same material/advice to enable them to vote **FORMALLY** for whom they choose. It is understood that, in the case of a ballot for Mayor and an election for councillor more than one CV will be required. There being different forms of elections in some areas which are divided for electoral purposes, it may well require a number of CV's to be mailed to each elector. Any ballot papers returned as result of electors negligence or change of address are adequately dealt with under existing legislation. The percentage return of ballot papers using the Postal Balloting system is excellent whereas, on occasions, the number of people who don't vote at the ballot box is in excess of 10% AND they are not fined for it! **In my opinion, EVERY COUNCIL SHOULD elect their Mayor and Councillors by POSTAL BALLOT.** It is not feasible to introduce electronic voting at this time.

In my opinion, even IF the per capita cost per elector were to approximate \$50 -\$60 per person, it is a small cost taken over four years - the term of the council.

4.

I wish to advise readers of this submission that, I attended the Commission's hearings on Friday 14th October 2005 and Thursday 15th.December 2005. In addition to the above, I watched every 'episode' of the inquiry televised at 4.30 a.m. by channel 9 AND I've read most of the transcripts of the inquiry's proceedings.

I would expect most people would agree that I have more than a passing interest in local government and in what should happen in the future here on the Gold Coast in particular.

Now, to the Discussion Paper

Pages 6/7 Unique disclosure provisions for local government

My response to the proposition is definitely YES. The explanatory notes says it all! The legislation was/is totally inadequate and I stand by my previous comment earlier in this submission – **there will be no need for disclosure if donations are prohibited.** Developers generally contribute more in annual rates than most ratepayers. Their contributions could be described as an anonymous donation towards the campaign of all candidates for election and NO conflict(s) of interest can arise.

Pages 7/8 False or misleading statements of candidates

The explanatory notes clearly identifies a flaw in the legislation which would be removed if ALL statements are to be authorised through the Returning Officer appointed to conduct the election. IF during the course of a Public Meeting misleading or defamatory comment were made, appropriate legal action is open to whomever is/has been offended.

Pages 8/9 Electoral bribery

I have perused the relevant pages on the CMC web site regarding the above topic and decided that, although I am not a lawyer, in my opinion, some of the candidates for the 2004 Gold Coast City Council election may well have been in breach of the law as it pertains to bribery. Removal of certain provisions in Section 385 of the LGA is not seen as a remedy. I maintain that, if all funds are disbursed from the Council itself, the chances of electoral bribery will be significantly reduced.

Candidates who disclose prior to the election, which some believe actually happened, their intent to donate a substantial amount of their remuneration to a worthy cause following their election MUST surely be "sailing close to the wind".

Candidates receiving financial assistance from ANY source (other than their own OR as is proposed from the Council itself) to enhance their chances of election are in effect the recipients of 'tainted' funds in my view.

Page 9 **Period in which election gifts have to be disclosed**

Another example of inadequate/flawed legislation. Since I am proposing that all promotional costs are to be disbursed through the council itself, the deletion of any provisions in the Act covering this subject is appropriate.

Pages 9/10 **Fundraising**
& 11

The explanatory notes clearly shows how flawed legislation can be and attempts to amend it may not rectify the problem of disclosure. My proposal that, ALL contributions towards the cost of council elections MUST be implemented stands to ensure that there can not be ANY ambiguity as to it's receipt or disbursement.

Pages 11/12 **The lodgment date for returns**

The notes clearly show how flawed the legislation is at present. I recommend the deletion of any provisions in the Act relative to the returns since, under my proposal, there will not be any gifts/donations details to disclose.

Pages 12/13 **Groups of candidates**

This is another area which is a potential disaster waiting to happen! Since it is generally accepted, by and large that, nominees for local government election are independent(s), it would seem to me that, each candidate through their personal CV can disclose any links with other *bodies* which they may have. In my opinion, simply legislate to disallow groups to occur for council elections.

Pages 13/14 **Donations via solicitors'/accountants' trust accounts**

The Minister will have to be brave when it comes to making changes to the LGA. In my opinion, the matter referred to above should definitely NOT be permitted in the future. Therefore, my answer to the proposition is, do not include any new provisions in the Act – NOT NECESSARY!

Page 14 **The origin of candidates' donations**

My response to each of the propositions is a very definite NO. The potential to cause general mayhem is huge whilst-ever candidates place themselves in the position of creating potential conflict(s) of interest AND creating a perception of electoral bribery.

Page 15 **Anonymous donations**

There is no need to consider the two propositions beyond saying that, IF there were to be a provision written into the LGA to cover anonymous donations, it would be only legal provided that it/they were made directly to the council itself and identified as such and, placed to the credit of that part of the council's budget reserved for electoral receipts and expenditure.

Pages 15/16 **Third parties and parallel campaigns**

Just how much easier life would be if such propositions were to be made completely illegal! It can't get any simpler than, in my view, for every council itself to budget each year to raise sufficient funds to conduct an election WITHOUT all of these issues becoming a part of it all. Let's wipe the slate clean and keep it that way!

Pages 16/17 **Limits on election expenditure**

&18

My response to the first proposition is NO provided that when council is discussing the matter of raising money to defray the cost of it's quadrennial election, the meeting MUST be open to the public for complete transparency reasons.

The above pre-supposes that there will no more donations etc like there has been in the past - the Council runs the election and pays for everything associated with it doing so!! It is noted in the explanatory notes that, "limits" are placed on some individual candidate's expenditure. What I am aiming for is, **is a level playing field** And the matter of 'first time' candidate's allowance was dealt with previously in this submission.

The last mentioned proposition under this caption only needs me to say - NO auditing will be required other than that done normally each year as provided for in the Act.

Page 18 **Loans to candidates**

Since we are only dealing with local government here, it would be my opinion that, candidates should not be permitted to borrow money to enhance their chances of being elected to a council. There is no simpler way to deal with the costs of an election than for the money needed to do that adequately, it MUST be raised and disbursed by the council in a fair and reasonable manner. IF there are any loans required, the council should be the one to do the borrowing!

Page 19 **Enforcement**

In the explanatory notes there appears to be several choices available to the Minister IF the government wants to still have trouble with flawed legislation

7.

In my opinion, the whole electoral proceedings should be under the scrutiny of a Returning Officer appointed by the council a reasonable time prior to each quadrennial election. Should a by-election be required to fill a vacancy, obviously the legislation would have to have appropriate provisions to cover that circumstance.

Page 20 **Penalties**

Generally, in my opinion, penalties are NOT a deterrent. In the case under review here, I believe there would be little or no need for a penalty provision in an amendment to the Act **IF notice is taken of what I have been advocating herein.**

Just get rid of all the offending Sections in the LGA causing problems and embrace my idea of having the Council “running the whole show”!!

Page 20/21 **Conflicts of interest**

&22

You would have to wonder where they would come from IF only the Minister can see the whole merit of what I have proposed throughout this submission and legislated accordingly. There’s nowhere for a conflict of interest to arise so far as I can see.

Just remove ALL the avenues for people to be deceitful and “you are home and hosed”!

Page 22 **Donations through political parties**

We seem to have a knack of ‘making a rod for our own back’ it would appear from this section of the discussion paper. It is probable that, those councils which already have party political elections, they will be able to continue for the foreseeable future. In my opinion, I would like to see them ‘phased out’ of that method of conducting their governance. It would be desirable if, by 2012, each one of the councils (excepting Brisbane) presently party political, were to have the same procedures as all other councils in Queensland, AND, that is elect independent councillors who have “NO strings attached”.

In conclusion, I advise my contact details are available in the attachment called “About me” and would consider contributing further to the debate if invited to do so.

Yours sincerely,

George Hannaford