

Submission on the local government electoral process: discussion paper.

***Does the existing Queensland legislation sufficiently maintain
the integrity of the local government electoral process?***

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The Gold Coast City Council Inquiry
Crime and Misconduct Inquiry
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Background:

I am editor of *The Redland Times/Bayside Bulletin* newspapers. The newspapers circulate in Redland Shire. I joined the newspapers in 1984 as a reporter and was appointed editor in 1989.

During this period I have been closely involved with each local government election in Redland Shire as well as reporting on the proceedings of Redland Shire Council. My submission is based on my experiences and observations during that period and covers some of the subject areas raised in the discussion paper.

I am willing to present my views at public hearing

Unique disclosure provisions for local government

I would say that in nearly every Redland local government election campaign that I have covered there have been candidates who have publicly claimed to be independents.

However, on most occasions, there was often a link between the independents. On some occasions, they were members of a political party. However, political parties locally didn't think it was advantageous to run as a team. They believed that electors didn't think there was a place for political parties in local government.

On some occasions, the candidates would admit they were a members of the ALP or the Liberal Party, but stressed they were standing independently of the party and were not being funded by the party.

In recent years, there have been a number of elections where so-called independents were loosely aligned as part of a ticket or team. Publicly, the ticket or team was never mentioned or promoted. It was only after a period of campaigning that we, as a newspaper would learn of the link.

It has certainly been my experience that the so-called independents, across the local government divisions, rarely jointly campaigned on specific policy matters that linked them.

The impression they gave to the electors was that they were their 'own person' and would vote on council according to their local (divisional) needs and policies.

As well as political parties, there has been an absence in Redland Shire of many publicly named major interest groups in campaigns. So in the majority of elections, the candidates in each division were invariably so-called independents. It was nearly impossible for the electors to know of links with other candidates.

Given the resources available to our newspapers at each election to cover the campaign, I couldn't be sure that any such links would be uncovered and reported.

A statutory requirement to declare such links and any election gifts should be different to State and Federal requirements because of the subtleties of relationships and inter-candidate links at local government elections.

False or misleading statements of candidates

Election campaigns invariably contain false statements of fact about the personal character or conduct of a candidate.

Usually, these statements emerge in anonymous leaflets distributed in the electoral division of the candidate. I have made it a policy not to publish any stories on these leaflets.

Clearly, the current law does not deter people from circulating such material. Or perhaps there is not enough awareness of the law. There needs to be a clear direction that the local government election returning officer promptly deals with any cases of false statements. It is not acceptable for the process to wait until after an election

It would be a quantum leap to suggest that candidates would be legally required to tell the truth about themselves. It might be more difficult to prove false statements by the candidates about themselves.

However, any change to the legislation to include statements by candidates about themselves would assist electors of having a clearer understanding of the candidates.

Period in which election gifts have to be disclosed and The lodgment date for returns

Disclosure periods should cover the period since the last election for all candidates. Those gifts received prior to nomination should be lodged with the local returning officer at time of nomination.

Any gifts received during the election campaign should be reported to the returning officer on the Monday prior to election and any gifts received during that week should be reported to the returning officer by noon on the day before the election.

Any gifts received on Election Day or after the election should be reported at the same time the returning officer's report is presented to council. All of this information should be publicly displayed. Any other election gifts received by a candidate after an election should be reported annually in Council's annual report.

Groups of candidates

Clearly so-called voting blocs need to be regarded as a group for the purposes of the Local Government Act. There are numerous examples in any election campaign where like-minded candidates have an arrangement to campaign together but are not regarded as a group of candidates under the LGA. Some of these loose arrangements may be just a sharing of some resources, while others may share funds.

The test should be whether the candidates have any made any arrangements whether formally or informally to vote in a certain way if elected. In some cases, these loose arrangements may not exist a nomination time, but may develop during the campaigns. Should the electors be aware of this arrangement?

There is also the connection between candidates in a division and the candidates for mayor. Candidates need to declare if they have any voting arrangement with a mayoral candidate.

Third parties and parallel campaigns

While I have not witnessed major or effective campaigns by third parties in Redland Shire Council elections, there is significant potential for such campaigns in the Redlands.

There have been a number of active lobby groups that could quite easily form into a strong campaign force. Consequently to counter these groups, fictitious groups could be formed.

Such groups can be very active in division election campaigns where a letterbox drop of a leaflet could adversely affect a candidate.

I think all third parties should be required to disclose their expenditure under the same guidelines as any candidate. For example, if those guidelines require disclosure before the election, this rule should apply to third parties.

The donation threshold should be lowered to \$250 because in a divisional campaign such an amount can go along way. I concede that a \$250 donation may not be construed as sufficient to apply influence to the elected candidate. However, the aim of the reform should be to develop as much transparency as possible.

The subject of authorising advertisements needs some examination. There are many occasions when a third party pays for an advertisement and the authorisation is by the candidate or his/her representatives. It is not clear in this case, whether the newspaper should require the person paying for the advertisement to authorise it or allow the candidate.

However, there are still occasions when third parties take advertisements supporting or opposing a candidate and the group uses its name as part of the advertisement.

Conflicts of interests

The current provisions relating to conflict of interests and the declaration of material personal interest could be improved by the register of interests and register of election donations being cross linked with any matters before council. That is, when an application is before councillors, the Council CEO (or representative) would search the database of material personal interest and elections donations and match them to any councillors or senior Council officers.

Under this system, the onus of discovering any potential conflicts of interest is taken away from a councillor declaring the interests at a meeting and incorporated in assessment procedure of any application or agenda item.

The action of abstaining from voting would be up to the councillors, in accordance with current provisions.

Donations through political parties.

To be fair, candidates for political parties should be subjected to same rules as independent candidates in terms of the reporting of donations in terms of amounts and time periods. Administrative problems for the parties should not be taken into consideration. The returns could be lodged locally. There is no public funding of candidates in local government, so perhaps the paperwork for returns does not need to be as complex as State and Federal elections requirements.

Brian Hurst, February 9, 2006