

The Gold Coast City Council Inquiry,
The Crime and Misconduct Commission,
GPO Box 3123

Brisbane. Qld. 4001

Email: mailbox@cmc.qld.gov.au

Dear Sir or Madam,

I make the following preliminary comments to the CMC discussion paper: Does existing Queensland legislation sufficiently maintain the integrity of the local government electoral process? Note, I have also made a submission to the Department of Local Government, Planning, Sport and Recreation (DLGPSR) discussion paper Local Government Electoral Arrangements. refer:
http://www.lgp.qld.gov.au/docs/local_govt/elections/review/discussionpaper.pdf

Overview

While political parties do not contest most local government elections, there are councillors who are members of political parties and political parties have allegedly supported and resourced some candidates. This support is not transparent and I believe political branch records would not document such support or involvement. However, it seems to me that development opportunities rather than political party alignment dictate the formation of voting blocs and decision-making habits. My opinion is that development issues are the driving influence in most local governments in southeast Queensland.

Again in my opinion, the current legislation does NOT adequately maintain the integrity of local government processes, which includes the electoral process

Regarding development applications, in my own area I have noted a lack of resources dedicated to investigations of suspect developments when this has been pointed out to the Dept. of Environment, Planning etc. It seems there has been little support up to this point re certain suspect developments where zoning is incorrect, in my opinion, for the type of development applications which have been presented to the Council.

Unique disclosure provisions for local government

The laws relating to the disclosure of election gifts for candidates at local government elections should NOT differ from those applying to candidates at state government elections. Legislation relating to disclosure at state and local government requires an overhaul. Undoubtedly, both should be consistent.

The results of a local government election can readily be influenced by a well-financed campaign. Greater expenditure on advertising, electoral publications and supply of human resources will easily out-class poorer resourced candidates. It would appear that in some cases, these human resources are members of political parties (local branches) but the support is not overtly identified or recorded.

False or misleading statements of candidates

The protection of democratic processes is paramount. Local governments make decisions on matters that can total into millions of dollars particularly with regard to land use, planning and development assessment. Such decisions create major financial windfalls for those involved.

The current laws pertaining to local government and the propriety of candidates and councillors are inadequate. It would appear that the Local Government Act expects candidates and councillors to be lower caliber political representatives and open to making misleading statements. The implications are that ratepayers' funds (rates) are worthy of a lesser level of protection than funds paid to the State Government (taxes), and that Local Government Authorities are dealing with petty matters (as compared to Brisbane City Council and the Queensland State Government) when in fact the reverse is true. Local councils can be confronted with land use planning decisions where potential dollar values in the tens of millions could be involved.

Regardless of the level of government, misleading or false statements about candidates or made by candidates should not be tolerated and significant penalties should be applied for breaches for making such statements.

Election donations

All candidates must provide details of all donations received toward their electoral campaign, regardless of the person or group who made the donation to voters at the polling booth. The community is entitled to know before and on voting day what donations and gifts have been made to each candidate, not just after the event.

Disclosures should equally apply to all electoral candidates.

All candidates should be required to disclose third party donations, gifts, loans or any other matter that would benefit a candidate during an election campaign.

I support the view that the making of a payment or contribution at a fundraising function, which is over the amount of \$200, is a gift/donation.

I support the view that money paid to a fundraising activity is a donation if the payment exceeds the commercial value of the goods or services provided.

Conflict of Interests

The definition of conflict of interest under the Local Government Act is needs to be widened and there is, I believe, not enough legislative detail on improper Council behaviour - there should be more sections and more offences in the Local Government Act.

Conflict of interest is neither acknowledged by some councillors or council officers in their daily duties and it is most important, in my opinion, that this needs to be addressed.

Yours sincerely,

Mrs. Jan Smith.