

GOLD COAST CITY  
OFFICE OF THE MAYOR

CRIME AND MISCONDUCT

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COMMISSION



Gold Coast City Council

2 February 2006

Mr Robert Needham  
Chief Commissioner  
Crime and Misconduct Commission  
GPO Box 3123  
BRISBANE QLD 4001

Facsimile: 3360 6333

Dear Commissioner

FAXED

3.2.06

CMC CLASSIFICATION

- ( ) Highly Protected  
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( ) Unclassified

Initials:.....

Date:...../...../.....

Reg No: 0206/02037

**RE: GOLD COAST CITY COUNCIL INQUIRY ITEMS (2) AND (3)**

- (2) *To examine the adequacy of existing legislation in relation to the conduct of local government elections and local government business, including provisions relating to:*
- (a) *misleading voters*
  - (b) *electoral bribery*
  - (c) *returns about election gifts*
  - (d) *declaring and dealing with conflicts of interest or material personal interest by councillors*
- (3) *To make any recommendation as may be considered appropriate in relation to (2), including recommendations for any necessary changes to current policies, legislation and practices.*

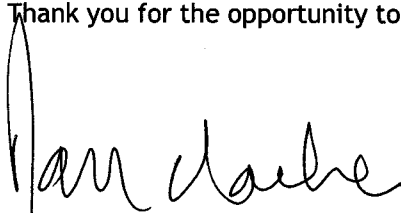
From my experience as one who had never taken much notice of municipal elections before I stood for the Gold Coast Mayoral election in 2004 and after listening to the evidence submitted in the above inquiry, herewith my suggestions for Items (2) and (3):-

(a) **Election finance:**

- o All candidates should establish a separate bank account so that all contributions to their electoral expenses, and all expenses incurred, could then be displayed on a weekly basis (via the internet) on a common electoral site set up by the Council/Shire concerned.
- o Any third party contributions should also be listed during the campaign as they occur.
- o No contribution accepted after the election day with a cut off for these, one week before the date of the election.
- o No single person, group or corporate entity be permitted to contribute to campaigns of candidates in more than 1/3<sup>rd</sup> of the electorates (this is to save later problems with conflicts of interest and quorums).

- The same rules that apply for normal contributions should be applied to those contributions, whether directly in cash or in kind from goods and services, involved with special efforts of any sort such as theatre parties, functions, raffles, auctions or the like.
  
- (b) Disclosure during an election:**
  - Financial accounts via an internet site to be updated weekly including goods and services provided "in kind".
  - All media statements regarding finances to match those displayed accounts with any errors or omissions in either the account on the media statements to be punishable by ineligibility to stand, or if detected after the election, then the candidate who finished second should be appointed to Council if the guilty candidate was successful in the election.
  
- (c) Groups**
  - There needs to be a better and clearer definition of a group which should include specific inter-connections between the candidates within the group such as:
    - i. Identical or similar electoral promises, and
    - ii. Frequent meetings with general agreement about political principles.
  
- (d) Material personal interest.**
  - Current provisions are adequate.
  
- (e) Conflict of interest.**
  - Contributions to an election campaign should be proscribed as representing a conflict of interest in any future debate that involves interests of the contributor.
  - A clear distinction needs to be made in the Act between material personal interest and conflicts of interest.
  - Where a conflict occurs then the Councillor concerned should be permitted to take part in any debate, after first declaring the conflict, but should not participate in the voting.
  - If this can be shown as having not occurred then the particular resolution should be declared invalid and subject to a further vote, and the Councillor concerned disciplined under the Code of Conduct.
  
- (f) Electoral Supervision**
  - I believe the State Electoral Commission should supervise major municipal elections in addition to their State and Federal duties for all those cities/shires above a certain size, say with more than 100,000 eligible voters.
  - This should include some responsibility for checking electoral returns of candidates after the event.

Thank you for the opportunity to submit these proposals.



**RON CLARKE MBE AASA ACIS**