

## **SUBMISSION TO THE REVIEW OF LOCAL GOVERNMENT LEGISLATION**

It is with some cynicism I participate in this Review having provided a submission to a similar review in 2003 of the then 1993 Local Government Act and noting the disappointing outcome emanating from that Review, particularly in respect of ignoring the results of the public survey included with it.

I wonder whether such Review's are seriously worthwhile however in good faith, and being an eternal optimist, I have persuaded myself to participate in this current Review and wish to express my appreciation to those involved for enabling me to do so.

### **COMPULSORY VOTING IN LOCAL GOVERNMENT ELECTIONS: Reform Direction 8**

THE DISCUSSION PAPER (factsheet 5) states that there was '*high community interest*' in the 2018 Local Government elections however I disagree with this statement.

It is my opinion that a voter participation rate reflecting a state average of only 58.73 per cent can only be described, at best, as ...**PATHETIC!**

Particularly in my own Municipality of West Tamar where participation was only 53.19 per cent.

A good participation rate with a voluntary voting system is 75 percent, anything less than that is poor and disappointing.

Voting is compulsory in State and Federal elections and there is no valid reason why it should not be in Local Government elections.

There is no doubt the introduction of compulsory voting would reverse lower voter participation.

In a study entitled: "Electoral and Policy Consequences of Voter Turnout: evidence from Compulsory Voting in Australia" by Anthony Fowler of Harvard University it is stated:

*"Moreover, because compulsory voting caused a substantial increase in voter turnout, ..."*

The voting public are naturally apathetic and lethargic in respect of Local Government, though nothing will stop them from having a good whinge about their local Council, even if they didn't vote!

The Discussion Paper states; '*...the public have become increasingly passive and disengaged with traditional engagement mechanisms, but more active in social media.*' and this may well be true however it is an undeniable fact that they simply don't vote in great numbers reflecting a total lack of interest in local affairs, with the occasional exception.

Compare this with the genuine interest reflected in state and federal elections where voters are compelled to vote.

The right to vote has been a long and hard fought for privilege, especially for women and working class people, to the extent people have sacrificed their lives in the struggle to obtain this right.

Voters would certainly soon become extremely angry if their right to vote was withdrawn, it is their moral duty to vote but sadly many don't in local government elections.

In 2003 the Tasmanian Government conducted a similar Review to this one into the Local Government Act of 1993.

As part of the Review it conducted a survey in November 2003 containing a number of questions the results of which showed, in respect of compulsory voting, that:

***“On a statewide basis 56% were in favour of voting for Local Government being made compulsory, 40% were against and 4% had no preference.”***

...a clear majority in favour of compulsory voting!

The survey also showed that

***“A majority of those interviewed were in favour of compulsory voting in 22 out of the 29 municipal areas.”***

In other words 22 of Tasmania’s Council’s ratepayers were in favour of compulsory voting; ...again a clear majority!

Despite this the Government of the day decided NOT to introduce compulsory voting because they had *“...received a number of representations from local government which have made it clear that 25 of the 29 Councils remain strongly opposed to the introduction of compulsory voting.”* (Letter from Director of Local Government dated 1 December 2004)

This attitude is indicative of the obvious fact that past, and current, Local Governments have a vested interest in maintaining the status quo consequently if the current State Government decides, again, against implementing compulsory voting such a decision should be put to the people through a referendum before implementation.

Kenneth Gregson of Swansea, in a ‘letter to the editor’ (The Examiner, 5th August 2018) said: *“All council elections to be compulsory to eliminate (especially with small councils), the potential of undue influence by advocacy groups, business lobbyists, and political parties, due to the small number of enrolled voters, and the possibility of a low participation rate.”*

In a similar letter Peter O’Malley of St. Mary’s, (The Examiner, 21 Jan 2019) said; *“That it’s non-compulsory to vote in council elections encourages the apathetic to not vote, something that of course suits the office seekers, developers, real estate agents and other associated life forms to feed and flourish on the body politic.”*

I would like to point out, while completely unrelated, in the recent United Kingdom referendum on whether that country should leave the European Union 51.9 per cent voted to leave and 48.1 per cent voted to remain.

The current UK government sees this majority, small that it is, to be binding and has accepted the result, despite the turmoil it has created, and is attempting to implement the change; ...this philosophy should have been applied to the results of the local government survey referred to above.

To reiterate, and as letter writers Kenneth Gregson and Peter O’Malley indicate, the lack of compulsory voting again leaves the system open to possible manipulation and corruption through the organisation of block, or group, voting by those of a particular persuasion.

The only guaranteed way to ensure this actually happens is to make voting in Local Government elections **COMPULSORY!**

## **MINUTE TAKING AT COUNCIL MEETINGS**

It is ludicrous that in this modern age, the high tech age of space flight, computers, smart phones, tablets (most of the latter equipped with electronic recording) that Council minute taking still occurs by hand.

If nothing else, given the technology available, basic common sense indicates minute taking should be electronically recorded.

To ensure Councils 'are' transparent and accountable to the community which elects them Minutes of any meeting should provide a true and accurate account of what is said and transpires at such meetings.

The 'only' way to ensure this happens is through compulsory electronic recording of council meetings which subsequently are made available to ratepayers and the general community.

In the survey previously referred to those surveyed were also asked if they thought that *"...a Council should be required to tape record meeting and that these tapes be kept as an official record?"*.

The response to this question was that:

***"on a state-wide basis 75% were in favour of tape recording the proceeding of Council meetings, 21% were against and 4% had no preference."***

additionally

***"In all of the 29 municipal areas the majority of residents were in favour of tape recording Council meetings."***

Despite these results it is currently not mandatory for Councils to tape record Council Meeting minutes.

I personally had the experience of where the lack of tape recording showed that inaccurate records were kept at Council Meetings.

After attending a meeting of West Tamar Council, as a member of a local community group (21st March 2017) and subsequently reading the Minutes of that meeting I realised that they were not a true and proper record of questions raised or of what was actually said; ...the minute taker was recording the minutes by hand!

After expressing my concerns in writing to the General Manager in relation to the failure of adequate minute taking by West Tamar Council he agreed that there were 'inaccuracies' conceding

*"...that the manner in which public input time has been recorded in the minutes has not always been fully compliant with the intent of the Regulations. From now on that will change."*

The General Manager then went on to say that:

*"...West Tamar Council has no plans at this time to commence audio recording of meetings."*

Hansard is intended to, and does, provide a true and accurate record of what is said in State and Federal parliaments yet there is, despite the survey referred to, no compulsion on local Councils to tape record council meetings and provide accurate long term records of what transpires or is said at Council and Council thus cannot be held to account by ratepayers or other interested individuals or organisations.

It is understood that there are now 17 out of the current 29 Tasmanian Councils which electronically record their minutes.

This Review should recommend that it becomes mandatory for all Councils to electronically record minutes of Council meetings.

### **PREFERENTIAL VOTING as opposed to majority voting.**

To enable Local Government elections to become truly democratic the current system of preferential voting should be abolished as, while good in its original intent, in actual practice it has proved to be unfair, undemocratic and open to corruption (through manipulation of preferences and organisation of block voting).

The current system should be abolished in favour of a 'first past the post' or majority voting system.

It is accepted federal and state political systems are outside the scope of this Review however there are many examples in both, as well as in Tasmanian Local Government, which highlight the sort of problems than can arise with a preferential voting system.

For example in the Australian Senate there was the situation of some members of Pauline Hanson's One Nation Party holding seats, and very powerful ones too, who were returned holding very little of the national vote.

A particular case in point is that of Senator Fraser Anning (though no longer a member of that party) who, through a variety of circumstances, held a seat in the Australian Senate despite obtaining just **19** primary votes from a population of around 25 million people in the last federal election; ...hardly a significant vote and certainly not one indicative of a true democracy.

Senator Fraser Anning obviously represents an insignificant percentage of the Australian electorate yet due to the quirky electoral preferential voting system and the composition of the previous federal parliament, he wielded enormous power!

In the recent Victorian state elections some long standing members of parliament lost their seats to candidates with significantly less votes due to the distribution of preferences.

'The Age' newspaper published an article on 25th November 2018 reporting that:

*"A new party set up by frustrated taxi drivers appears likely to win two seats in the next Legislative Council, despite winning only a tiny percentage of votes, according to projections using ABC analyst Anthony Green's election calculator."*

The article also indicated that a Rod Barton was likely to win a seat in the Victorian Legislative Council from the Greens despite winning only 0.6 per cent of the vote compared to the Greens' 9.3 per cent.

The article continues with mention of labyrinth deals organised by "preference whisperer" Glen Druery who appears to have the ability "...to persuade all the microparties to exchange preferences with each other, ..." carrying on to state that deals organised by Glen Druery have "...lifted the micro parties to new heights, winning up to nine of the forty seats in the new council - **even though their collective vote went down.**"

In respect of Tasmanian Local Government elections and my own personal experience. After standing for West Tamar Council in the 2018 local government elections I obtained enough first preference votes to be elected to Council however I was prevented from taking up the position defeated by the distribution of preferences.

Consequently a Councillor now sits on Council with 'significantly' (approximately 14%) less votes than I obtained; ...NOT a truly democratic, or desirable, outcome!

There was widespread dissatisfaction with the preferential voting system in the Victorian elections; ...I have yet to meet one person who supports the system in Tasmania often receiving the unsolicited and spontaneous response from those enquiring how I went in Tasmania's local government elections along the lines of "...what a stupid system we have to enable that to happen!" with one person going to great lengths to advise he has never been able to understand how such a system can be considered democratic!

In view of all the above it is imperative, that to truly reflect the will of the majority of people, Australia's electoral system should be changed to a '**majority voting system**' There is no reason why this change cannot commence at Tasmanian Local Government level.

**FURTHER** I also believe:

1. Planning should be shared between state and local government, with local government retaining primary responsibility for local planning and development decision through community consultation.
2. The new legislation should provide councils with more flexibility to allocate resources within their operational budget as required.
3. Councils should manage conflicts when undertaking statutory functions by referring matters to another body, where legally possible.
4. Prescriptive consultation requirements, such as Annual General Meetings and public notices, should be removed from legislation and councils should instead be required to engage with their communities in accordance with their Community engagement strategy.

Submitted by

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