

## OSCAR President

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**From:** Cr Jenny McKay <Jenny.McKay@sunshinecoast.qld.gov.au>  
**Sent:** Tuesday, 12 March 2019 09:48  
**To:** president@oscar.org.au  
**Subject:** FW: Media comments on LG reforms

Dear Greg

Thank you for your email and your kind words on my retirement. I greatly appreciate it.

I am not going to get into an ongoing debate with you in relation to my comments to the Sunshine Coast Daily, other than suffice to say that I am not happy that these extensive changes have not been consulted with councils more broadly and nor have they been consulted with the general community. I appreciate that you believe OSCAR and other groups like SCEC may have been consulted, but with the greatest respect, I believe that the broader community also needs the opportunity to understand the proposed changes.

I am also aware that both OSCAR and SCEC are members of the Local Government Reform Alliance, which is an organisation which is focussed on dismantling many aspects of the local government system. I think there would be many people who would question why the government is basing its consultation arrangements on such important matters on feedback from an organisation and its affiliates whose objectives are less than impartial.

When governments start tinkering with voting systems – and particularly when there is no evidence of any problem with the voting system in question – then rightly these matters should be the subject of independent review first, all options should be considered, the reasons for any change properly explained to the community and the community at large should have the opportunity to provide input before proposals become legislation. I am advised that Cabinet has already given approval to draft the legislation to give effect to these changes and that the drafting has commenced. That does not give me any confidence at all that the government has any intention of taking seriously, any feedback that it receives.

In fact, the Minister and his department haven't asked for feedback. What the Minister released is not a discussion paper (as you suggest) but rather an information package. No where in the document does it invite councils or the community to make submissions or provide feedback. It only offers a mechanism to answer any questions.

As I said to the Sunshine Coast Daily, there are many proposals in the Minister's package of reforms that are good and long overdue. These include:

- the introduction of registers of interests for all candidates contesting elections – although this should go further and require all candidates to publish registers of interest in the same manner as is required by Councillors, so there is a level playing field;
- introduction of campaign expenditure caps for campaigns;
- requirements for mandatory training for anyone nominating as a candidate;
- tightening up of campaign donation disclosure arrangements, arrangements for campaign accounts and more stringent requirements on electoral finance records; and
- clearer and more transparent arrangements around groups of candidates.

Clearly however, the introduction of compulsory preferential voting is politically motivated and it is well known this will advantage the ALP in contesting the election for Brisbane City Council. Again, this is hardly an objective basis for introducing this change.

My major concerns with compulsory preferential voting are that they promote the "two party" system, are detrimental to independents and voters are forced to express a preference for someone whom they do not want to vote for – and this can contribute to that person ultimately being elected. It has been widely recognised that this was overcome when Queensland adopted the optional preferential voting system recommended by the Electoral and Administrative Review Commission (which was established as a recommendation of the Fitzgerald Inquiry). To this day, no authoritative or credible independent review has suggested that optional preferential voting is an unfair or inappropriate system for local government elections. That you cannot deny.

While I note your suggestion that party politics plays little part in electoral outcomes on the Sunshine Coast, I firmly believe we need to keep it that way. We have already seen the Greens involve themselves in the 2016

local government elections – actively supported by some of your members. If the voting system is changed to make it easier for political parties to participate in council elections, then we will have opened the door too far and the horse will have bolted. That is not something I want to see happen on the Sunshine Coast, but I believe it would be inevitable if the system is changed to introduce both compulsory preferential voting and public funding of election campaigns.

I also think you should be aware that polling done by the LGAQ across Queensland in the last week shows that only 17% of Queenslanders favour public funding of local government election campaigns – which is even more reason why the Minister should have properly consulted the community before taking this proposal to Cabinet.

Finally, I would like to remind you of the eminent Professor Colin Hughes, Australia's first independent Electoral Commissioner and a Commissioner of the Electoral and Administrative Review Commission (EARC). He was in fact, the EARC Commissioner who led the electoral reform work that EARC undertook in 1990-1993. He was also widely regarded as having been Australia's leading authority on electoral law and related matters.

Professor Hughes recognised optional preferential voting was fairer than either first past the post or compulsory preferential voting, especially given the compulsory requirement to vote. In his own words, "Electors should not have either to invent preferences or arbitrarily assign rankings to candidates about whom they know nothing and care less, or otherwise accept that their ballot will be informal". Despite the major political parties at that time wanting to stick with compulsory preferential voting, optional preferential voting – as recommended by EARC – was ultimately adopted.

I am always happy to share a coffee as I'm sure you understand that this is just one of the major issues the Sunshine Coast is facing.

Thank you again for your email.

Best regards

Jenny

**From:** OSCAR President <[president@oscar.org.au](mailto:president@oscar.org.au)>  
**Date:** 9 March 2019 at 6:24:25 pm AEST  
**To:** 'Cr Jenny McKay' <[Jenny.McKay@sunshinecoast.qld.gov.au](mailto:Jenny.McKay@sunshinecoast.qld.gov.au)>  
**Subject:** Media comments on LG reforms

Dear Jenny

I was sorry to learn of your decision to not recontest Division 5 in 2020. I know OSCAR members hold you in high regard and that is certainly my personal view; we will say more publicly about that closer to your "retirement" from that role.

I have just seen your comments as reported in an online article from the SCD.

I realise that media articles are not always accurate or reflective of what you may have actually said but I would like to comment on some of your statements as reported today.

*OUTGOING Sunshine Coast Councillor Jenny McKay has taken a swipe at Stirling Hinchliffe and the State Government for trifling with local government voting processes.*

*In a searing opinion piece sent to the Daily, Cr McKay said Mr Hinchliffe, the Local Government Minister, and Palaszczuk Government had trifled with a "cornerstone of our democracy".*

*"On Tuesday night, when many of us were tucking children and grandchildren into bed, the Minister released 24 pages of sweeping changes to local government legislation that the State government plans to introduce in the next month or so," Cr McKay said.*

**Based on media reports of comments made by the President of the LGAQ on the previous Thursday it is clear that that the LGAQ was aware of these changes before last Tuesday evening.**

*While she acknowledged many of the changes were "good and long overdue" with wide support from council, she said there were many changes that could only be described as "politically motivated and not in the interests of anyone but the Australian Labor Party".*

**Can you identify which changes you deem to be good and more importantly can you clarify which are "politically motivated" and explain how they are in the interests of a particular political party in the case of the Sunshine Coast and Noosa Councils where partisan politics fortunately plays little part in electoral outcomes at the local government level?**

*She said Mr Hinchliffe had lumped the changes in as being aligned with Operation Belcarra, but said changes like introducing compulsory preferential voting for local government elections and public funding of candidates were not recommended by the CCC.*

*She said compulsory preferential voting would encourage greater involvement of political parties in local government and force electors to cast votes for candidates they didn't want to see elected. Again, can you explain why this is the case? I strongly agree with you that it is desirable that we keep political parties out of local government elections but how will compulsory preferential voting (which is consistent with voting at the State and Federal tiers of government) encourage greater involvement of political parties on the Sunshine Coast where that has not been the case in the past?*

*She said the community had not been consulted and slammed the plans for public funding of candidates' campaigns.*

**Obviously I cannot speak to the extent that the LGAQ has been consulted but I do need to point out that the LGAQ does not speak for, or represent, the broader community. The LGAQ rightfully advocates on behalf of its members which are the councils of Queensland - not ratepayers and certainly not the broader community. I do know that the DLGRMA undertook extensive consultation with OSCAR and other peak community organisations (eg Brisbane Residents United, Redlands 2030, South East Queensland Alliance, SCEC, EDO) last year leading up to the release of their discussion paper and it does reflect the range of reforms that community groups were seeking.**

*Cr McKay said under that modelling the 2016 council elections could've cost ratepayers \$410,000, on top of the \$802,000 they paid to the Electoral Commission Queensland to conduct the election. Our view is that the State Government should resource this public campaign funding, not only for the 2020 quadrennial local government elections, but beyond that and will argue that to the Minister. Nevertheless the additional cost you indicate (and I have no reason to doubt your figures), spread over a 4 year period is a small price to pay for reform in this area and we will be putting that case strongly to ratepayers.*

*"I have to say I am sick of this demonising of councils everywhere - all because of the actions of a handful of individuals in one or two councils," Cr McKay said.*

*"Just remember there are 77 councils in Queensland."*

*She said Mr Hinchliffe was running the local government system into the ground and painting "hundreds of hard-working councillors across this state as crooks".*

*"It is high time that this behaviour was called for what it is," Cr McKay said.*

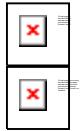
**I do not believe the Minister is demonising councils generally. As you acknowledge, many of these reforms are "good and long overdue" but some do result from the corrupt actions of a minority that have done harm to Queensland councils in general and any reforms that can lessen the likelihood of those situations recurring should be welcome.**

I am happy to discuss this further with you.

Best wishes ... Greg

Greg Smith  
President, OSCAR  
(Organisation Sunshine Coast Association of Residents)

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