



Submission on Tasmania's Local Government Reform Directions Paper

http://www.dpac.tas.gov.au/__data/assets/pdf_file/0007/468592/190132_DPAC_Local_Government_Directions_wcag.pdf

Summary:

This submission, also accessible at http://www.prsa.org.au/2019-09-30_local_government_tasmania.pdf, responds to the following sections of the Reform Directions Paper of July 2019 above:

- Reform Directions 6, 7 and 9 in Chapter 2, Part B, “Representative and democratic councils”, and
- Chapter 3, “Consideration of other key issues raised”.

AREA - ELIGIBILITY TO VOTE

Reform Direction 6 in Chapter 2, Part B:

“Reform the voting franchise to reflect ‘one person, one vote’ principle in any one municipality.”

PRSAV-T Inc. supports this proposed reform.

AREA - INCREASING VOTER PARTICIPATION

Reform Direction 7 in Chapter 2, Part B:

“Simplify the election process for the positions of mayor and deputy mayor.”

Mayoral election

Detail 7A, which is the *status quo*, is a **world-leading exemplar** for implementing what is often seen as a popular desire for an absolute majority of municipal voters to directly elect the Mayor without in any way distorting the proportionality of the result achieved by the **Hare-Clark** electoral system used. Tasmania’s present requirement that the Mayor must have also stood for election as a councillor is the provision that ensures that voters have the fullest and fairest choice of candidates for both councillors and Mayor.

It is noted that such a desire for a popular and direct election of the Mayor is not a serious proposition for the selection of the corresponding positions in the State or Federal Governments of Speaker, a Premier or a Prime Minister. It is also noted that - if either the Mayor or Deputy is not elected as a councillor - the present law sensibly provides that the office in question is filled by a councillor elected by the Council.

The disadvantage of enabling the above desire to be effected is that it deprives the Council of a function - that of Detail 7D, of electing the Mayor - that can be seen as more appropriate for the councillors than the municipality’s voters, as they are the responsible elected representatives that:

- work closely and directly with the Mayor,
- are much more likely to know and be aware of each other’s qualities and character, and
- are the people most directly affected by an individual Mayor that turns out to be at odds with a majority of his or her fellow councillors, although adverse effects of such animosity could well extend much further.

Detail 7B, if adopted, would have Tasmania abjectly surrender its practice of giving voters a properly-balanced Council as well as the freedom for voters to choose which of the candidates that achieved a quota of votes should be the Mayor, and which should sit as non-Mayoral councillors. Instead of each councillor owing his or her election to the same-sized quota, one of them would require a quota of 50%, and the quota of each of the others would become slightly higher because there would be one person fewer to be elected as an ordinary councillor.

Adoption of Detail 7B would - contrary to the Area title above (Increasing voter participation) - hamstring voter participation, as it already does in [Queensland](#) and [South Australia](#), rather than increase it, by rigidly compartmentalizing candidates into being either solely Mayoral candidates or solely non-Mayoral candidates at the time of their nomination. At present Tasmania alone has the good sense to flexibly let that choice be made by all candidates having to stand for councillor positions, but with those that seek to take on the additional role of Mayor being required to nominate for that, without losing their opportunity to be a non-Mayoral councillor.

The most unfortunate part of Detail 7B - which only Tasmania's present system of popular election of Mayors avoids - is that unsuccessful candidates for Mayor are not able to become councillors even though the vote for one, for the more demanding position of Mayor, after transfer of preferences may be just short of 50%, which is well above the much smaller quota for election for each of the non-Mayoral councillors.

Detail 7C is a **seriously-flawed proposal**, as it would decide the position of Mayor by means of an indicator that is in no way a measure of the will of an absolute majority of voters, which is at least part of Detail 7B. Never in all the implementation of proportional representation using the single transferable vote (**PR-STV**), of which Tasmania's very highly-regarded Hare-Clark system is the longest-operating, has any significance or merit been attached to the order in which candidates are elected.

Detail 7D is a democratic proposal that is not opposed by PRSAV-T Inc, but its adoption would most unfortunately remove from operation the working example of the very best way in which what is seen as a popular practice, namely the popular and direct election of the Mayor, is conducted. That would make it harder to convince jurisdictions that want Mayors to be popularly and directly elected that they should not compartmentalize Mayoral and non-Mayoral electoral arrangements, but should instead look to the present Tasmanian model as the ideal.

Deputy Mayor: In principle the present arrangement follows the logic of the arrangement for electing the Mayor. As there seems to be a perception that the use of three ballot papers is over-complicated, it might well be reasonable to dispense with the present arrangement, and revert to the election of the Deputy Mayor by the councillors. Such a sacrifice would be worthwhile if it enabled Tasmania's excellent method of providing for the popular and direct election of the Mayor to continue as a living model for others.

Whatever Tasmania does, it should not adopt the appalling arrangement for the election of the Deputy Mayor of the City of Melbourne where the Act requires that the Mayor and the Deputy Mayor **must be nominated jointly**, which results in the Deputy Mayor being essentially an unelected councillor, and erodes the proportionality of the election outcome.

Reform Direction 9 in Chapter 2, Part B:

"Simplify the voting process to reduce informal voting rates."

PRSAV-T Inc. supports the proposed reduction to five of the number of highest preferences that must be marked on ballot papers so that the number is uniform throughout Tasmania rather than having the present variation between councils that **corresponds to the number of vacancies to be filled**.

Chapter 3, "Consideration of other key issues raised":

"Maximum Councillor terms"

PRSAV-T Inc. considers term limits to be an unjustifiable constraint on voters' choice, which might be to keep re-electing a councillor that voters prefer, and it agrees with the Paper's paragraph here that reads, *"Limiting councillor terms was considered undemocratic and inconsistent with other levels of government and local government in other jurisdictions. The councillor turnover rate at the 2018 elections was around 40 per cent, indicating at a broad level that a reasonable balance between councillor renewal and stability is being achieved, without the need to set maximum terms."*