

ORDINARY MEETING 23 FEBRUARY 2011	11
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DIVISION OF LOCAL GOVERNMENT AREAS

L. Kirchner : 1/35/5-1: #3065147

RECOMMENDATION:

That Council notes the enrolment figures provided by the Electoral Commission Queensland (ECQ).

That Council note that the votes enrolled as of the 31 January 2011 for Division 7 are -10.5% of the Divisional Quota required for Cairns Regional Council.

That the Chief Executive Officer notify the Minister for Local Government and the Electoral Commissioner that Division 7 does not comply with the reasonable proportion of electors as defined by the Act.

That Council inform the Minister that it does not believe it is in the public interest to change the Division 7 boundaries prior to the 2012 election.

That the Chief Executive Officer be delegated authority under Section 257 of the *Local Government Act 2009* to deal with any and all matters in relation to the subsequent review by the Change Commission.

INTRODUCTION:

The *Local Government Act 2009* requires that each division of the local government area must have a reasonable proportion of electors. Council has now received from the Department of Infrastructure and Planning the electoral enrolment figures as at 31 January 2011 for Cairns Regional Council obtained from the Electoral Commission Queensland (ECQ) (see attached).

BACKGROUND:

Section 15 of the Act states that a reasonable proportion of electors is calculated as the total number of electors in the local government area divided by the number of Councillors (other than the Mayor). For a local government with more than 10,000 electors the Act defines a reasonable proportion as 10%.

COMMENT:

It is noted in the enrolment figures provided by ECQ that Division 7 has -10.5% which is outside the Act's definition of reasonable. It is further noted that Division 9 is +8.22. As such there is a net 17.72% difference in the number of electors in these two divisions.

Council is required to give written notice of the results of Council's review to the Electoral Commissioner and the Minister for Local Government by 1 March 2011 in accordance with Section 16 of the Act.

In accordance with Section 17 of the Act, it is the responsibility of the Change Commission to assess whether a change of any of the divisions of a local government area are in the public interest. It is the role of the Governor in Council to then implement that change. The Change Commission is required to seek submissions from any local government affected by the proposed change and to hold a public hearing.

Law, Justice and Community Safety Committee of the Queensland Parliament review of the Local Government Electoral Act

As advised late last year the Committee has now completed its review and it was tabled in Parliament in on the 30 November 2010. Senior Officers from the Department have advised on the 17 February 2011 that the Minister has yet to respond to Parliament on this report and as such no decision has been made on the Committees recommendations at this stage. Manager Governance will continue to monitor this important Parliamentary decision.

CONSIDERATIONS:

Corporate and Operational Plans:

This report has been prepared in accordance with the Corporate Goal 6 – Striving for Organisational Excellence.

Statutory:

This report has been prepared in accordance with the requirements of the Act.

Policy:

It is appropriate that Council considers whether any change to Divisional Boundaries is in the public interest. As a result of the State Government decision to amalgamate Cairns City and Douglas Shire there were significant changes to Divisional Boundaries and this resulted in confusion for the electors within those divisions. It is therefore proposed in the recommendation that Council inform the Minister that it does not believe an adjust to divisional boundaries is justified at this time.

Financial and Risk:

It is noted that budget provisions will be made in the 2011/12 for the conduct of the 2012 elections.

Sustainability:

It is important that the community is informed of any changes in a timely manner. It is therefore proposed to delegate to the Chief Executive Officer the power to progress discussions with the Minister and the Change Commission based on the direction provided by Council at the time of adoption of this report.

CONSULTATION:

Any change will require public consultation by the Change Commissioner.

OPTIONS:

1. That Council inform the Minister that it believes a change to divisional boundaries is not justified or in the public interests.
2. That Council inform the Minister that Council believe a change to divisional boundaries is required because of the inequity in vote numbers across a number of divisions.

CONCLUSION:

It is recommended that Council lobby the Minister and the Change Commission not to change divisional boundaries prior to the 2012 election.

ATTACHMENTS:

Divisional Voters as at the 31/1/2012.

Linda Kirchner
Manager Governance

Sarah Philpott
General Manager Corporate Services

Council	Div No.	Voters	Councillors	Average	Low	High	In/Out	Quota
		31/01/2011		Enrolment	Quota	Quota		Percent (%)
Cairns	1	9,248	1	9,120	8,208	10,032	ok	1.40
Cairns	2	8,994	1	9,120	8,208	10,032	ok	-1.39
Cairns	3	8,633	1	9,120	8,208	10,032	ok	-5.34
Cairns	4	9,067	1	9,120	8,208	10,032	ok	-0.59
Cairns	5	9,221	1	9,120	8,208	10,032	ok	1.10
Cairns	6	9,329	1	9,120	8,208	10,032	ok	2.29
Cairns	7	8,163	1	9,120	8,208	10,032	out	-10.50
Cairns	8	9,116	1	9,120	8,208	10,032	ok	-0.05
Cairns	9	9,870	1	9,120	8,208	10,032	ok	8.22
Cairns	10	9,563	1	9,120	8,208	10,032	ok	4.85
(10%)	Total	91,204	10	9,120	8,208	10,032	Status	OUT