



DUAL ROLES: COUNCILLORS AS MEMBERS OF PARLIAMENT IN NSW¹

GLEBE SOCIETY SUBMISSION

The Glebe Society submission is strongly supportive of the current arrangements allowing councillors to be members of parliament and notes that the DLG Discussion Paper fails to produce credible arguments or evidence of the need for change.

We oppose any change to the long standing, effective arrangement whereby individuals may hold dual roles.

The fundamental principle of democracy is that the voters decide who will represent them

1. The Glebe Society

The Glebe Society was established in 1969 as a non party-political, community advocacy body. Since then, it has been extensively involved in planning, environment, heritage and community issues. Of necessity, it has worked closely with local government (Leichhardt and the City of Sydney Councils) as well as state and, to a lesser extent, federal governments and their agencies across a wide range of matters.

We have a solid reputation for our professional approach as a community advocacy group. That is, in part, because we have zealously maintained our non-party-political stance over the years. This submission is firmly in that non-party political tradition.

Over forty-two years of community advocacy, we have developed a strong understanding of political processes across the three levels of government. We have extensive experience of working with local members and councillors and observing how they go about representing their communities and how they perform.

It is from this solid, experience-based perspective that we register our strong objections to the proposal to prohibit concurrent roles as councillors and state members of parliament.

¹ NSW Division of Local Government, Discussion Paper November 2011

The Glebe Society is disappointed that the NSW Government is now expressing concern about dual representation at state and local government level - a very longstanding tradition in NSW - when it gave no indication of such concern before the elections. Nonetheless, we welcome the opportunity to present our views in response to the Discussion Paper. We are hopeful that our views will be carefully considered by the Minister for Local Government in his consideration of the issue.

2. Summary of Our Position

The Glebe Society submission is strongly supportive of the current arrangements allowing councillors to be members of parliament and notes that the DLG Discussion Paper fails to produce credible arguments or evidence of the need for change.

Like many others in the community, we are deeply concerned that this proposal is motivated by mainstream political parties' concern about the growth in representation (at all levels of government) of independents and small parties, rather than by any genuine concerns about effectiveness, conflicts of interest, potential for corruption or equity.

In our view, this proposal is about protecting the mainstream political parties and has nothing to do with protecting the democratic rights of the community.

Since the community currently gets to exercise its democratic right to judge the performance of its councillors and members of parliament (including the 29 who currently hold dual roles) every four years we regard the proposed change as a diminution of our democratic rights.

We oppose any change to this long standing, effective arrangement.

We would be particularly concerned were any changes to be made during this term of Government. If the Government persists in its wish to change the current arrangements which have served communities well, it should seek a clear mandate at the next election.

3. Detailed Comments

3.1. The Discussion Paper

We are responding to the discussion paper ***Dual Roles: Councillors as Members of Parliament in NSW***, the stated intention of which is to seek the views of the public and stakeholders on the matter as part of an 'investigation' by the Minister for Local Government.

We are concerned at the low key nature of the 'investigation' and have concluded that

- The discussion paper is of poor quality.
 - It offers no evidence whatsoever to demonstrate the validity or otherwise of any of the arguments presented.
 - Most of the arguments for change are patently flimsy

- We can be forgiven for wondering if the superficiality of the paper reflects the reluctance of Government to present the real reasons it want to act on dual representation ie their concern at the growth of independents and small party representation at all levels of government
- The response period has been over the summer holidays

The issue is too important for a low key, speedy process. Whatever the outcome we would be strongly opposed to any action within this term of government.

3.2. Arguments presented against allowing councillors to be members of parliament

Conflict of duties:

No examples or other evidence are given to support the assertions regarding conflict of interest. When we consider the kinds of conflicts of interest that abound in our political system, this seems a laughable objection.

In our experience, the potential for conflict is much more evident where either Party loyalty or Cabinet/Ministerial solidarity prohibit a councillor or an MP from advocating a local issue that is contrary to party or government policy.

We live with this kind of conflict of interest all the time. How it plays out depends on the interplay of a myriad of factors, including the standing and integrity of the representative, the issue and the margin by which seats are held.

Blurring of the complaints process:

While there is potential for issues in this area, it is not a matter with which we have had difficulty.

Again we have to point out there is nothing unique about this in our political process. Management of complaints to a councillor or an MP about their own, or another level of government, is more likely to be influenced by party membership and/or control of government or council.

Not practical for one person:

No statistics are presented to show dereliction of state or council duties from dual representatives over the last 150 plus years. We accept that the roles – particularly of councillors - have become more demanding in recent years. Nonetheless, it would seem that many individuals manage both roles satisfactorily and their communities agree.

As councillors are able to continue in full time employment outside council and members of parliament are able to continue other occupations and roles, there is nothing unique in the dual representation roles in terms of work load and responsibility.

One can confidently expect that at state or local government election time the voters will make an informed judgment on an individual representatives's success in carrying two roles.

The Glebe Society's experience is that the dual representation of councillors in state parliament has brought valuable synergy and effectiveness. In our experience this interaction has been a positive. We are confident that should that change, our community would register its dissatisfaction at the next election.

Not equitable:

It is difficult to believe that this is being put forward as a serious objection.

The on-the-ground reality is that councillors or MPs who are not members of the governing party are not able to have the same access to ministers as those who are members. In addition, councillors and members who have built up influential networks have more access than those who lack such networks. Local areas which have ministers (and especially cabinet ministers) have more capacity to influence outcomes than areas represented by backbenchers. This is a fact of life.

3.3. Arguments presented in favour of allowing councilors to be members of parliament

The paper offers five arguments in favour of the current arrangements – again, unfortunately, with no supporting or informative evidence to allow the community to make well-founded responses to the issues raised.

From its own experience over more than 40 years, The Glebe Society supports the argument that dual representation delivers valuable efficiencies and improves the quality of governance.

Most of all in regard to dual roles, we support the democracy in action argument.

Clearly local communities with dual representation have direct experience of this arrangement are in the best position to judge the positives and negatives of the arrangements. This is likely to be different depending on the individuals who holding two roles. However, under current arrangements we are able to exercise our democratic rights and judge candidates on their performance.

We are not aware of any evidence of ill effects to democracy or good governance from the current dual representation arrangements which would justify the changes the Government seems to favour.

4. Comments on Current Dual Representation for Glebe Electors

Our argument is one of principle and is not based on support for any member, councillor or party. We have, however, had extensive experience of dual representation in this community and offer some assessment of that for the Minister's consideration.

In recent times, Verity Firth (for a limited time), Clover Moore (for eight years Mayor of Sydney as well as MP for Sydney) and Jamie Parker² have all held simultaneous dual roles and have represented the Glebe community in at least one of these.

² Clover Moore has held dual representation for considerably longer than this, but our direct experience has only been for the period that Glebe has been incorporated into the City of Sydney Council area. Jamie Parker is a Councillor of the Leichhardt Council and has been the Member for Sydney since the 2011 state elections. We understand that Jamie will not be contesting the 2012 council elections.

Our experience through these representatives has been very positive. We can cite numerous examples where the community has benefited from the knowledge, access and leverage that comes from dual representation. For example:

- Jamie Parker has been able to give prominence to matters of importance to his local government electors (and to us in neighbouring Glebe) through his parliamentary role. Most notable has been his questioning of Government on its intentions for the Bays Precinct Planning process.
- We have benefited in many contexts at the local government level from Clover Moore's extensive parliamentary experience, knowledge and relationships. Recent examples of the positive synergy include: the significant role she has played in generating support and action around light rail in Sydney; promoting and delivering on a long overdue strategy for cycling paths; support for an integrated Bays Precinct Strategy and proper community consultation; support for much needed affordable housing in the inner city areas and more broadly effective advocacy within parliament as well as in her mayoral role of the urgent need to reform the highly compromised NSW planning legislation.

We have no experience of either councillor's or member's role being neglected or compromised.

We note that Clover Moore has been a very active independent parliamentarian for 23 years. She has been an exceptionally energetic, independent, Lord Mayor of Sydney for eight years. The community has benefited from her decision to allocate one of her salaries to a trust which supports community projects. The electors of the City of Sydney LGA and the State Electorate of Sydney have repeatedly passed their judgement on her performance in her dual roles.

This is robust democracy in action. We see no valid reason for our democratic choices as electors to be reduced by blocking the practice of dual representation at local and state governments which has now been in place for over 150 years.

5. Conclusion

The Glebe Society opposes anything that would lessen the field of representatives from which voters may choose, unless there is overwhelming evidence and law that such people are unfit. This is our strongest objection to the suggestion that the practice of dual representation be terminated.



Mairéad Browne
President