

BOROONDARA CITY COUNCIL

ELECTORAL REPRESENTATION REVIEW

PRELIMINARY REPORT RESPONSE SUBMISSION

APRIL 2019

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1. EXECUTIVE SUMMARY

The Boroondara City Council (the Council) has considered the Victorian Electoral Commission's (the VEC's) *Preliminary Report* on Boroondara's electoral representation review.

In preparing its *Preliminary Submission*, Council took great care to consider all the relevant issues. Extensive mapping of options was undertaken and Council believes it presented a logical structure which achieved the desired Councillor/elector tolerances and other criteria.

Council is astonished that the VEC has not included the Council's preferred model among the options now presented. The VEC's approach suggests that it had a pre-determined outcome.

Council is opposed to the VEC's Option A (preferred option) and Option B (alternative option) and, along with the community, still prefers a single member ward structure with ten Councillors, a structure which the VEC recommended in its 2008 *Representation Review*.

Faced with a choice of unsatisfactory options, reluctantly Council is supportive of Option C (alternative option) eleven councillors elected from eleven single-councillor wards because this is in the best interests of the community.

Council considers the VEC has:

- a) largely ignored community opinion;
- b) at the very least, been extremely discourteous by not including the Council's preferred model as one of the options to be considered;
- c) demonstrated inconsistency in its approach to the review process;
- d) inappropriately compared Boroondara with other municipalities;
- e) been selective in its use of data;
- f) proposed inappropriate ward structures and boundaries;
- g) incorrectly implied that proportional representation voting is superior to preferential voting;
- h) failed to provide evidence for some of its assertions;
- i) proposed ward structures which have manifest weaknesses;
- j) in the case of Options A and B, proposed a structure that would not comply with the new *Local Government Act*, should the provisions in the *Local Government Bill Exposure Draft* become law;

- k) proposed fundamental changes to Boroondara’s electoral structure despite the fact that *Local Government Bill Exposure Draft* contemplates electoral representation reviews being subject to review by an Electoral Representation Advisory Panel; and
- l) proposed a preferred model and first and second alternatives in which the deviations of voter numbers between proposed wards are clearly inferior to those in Council’s preferred model.

This submission will not “re-visit” the arguments contained in Council’s *Preliminary Submission* but will focus on the key issues which remain.

2. INTRODUCTION

2.1 THE PRELIMINARY SUBMISSIONS

2.1.1 Number of submissions

The *Preliminary Report* indicates there were 200 submissions but notes that many were “*pro forma*” submissions. The submitters’ preferences appear to be as shown in *Table 1*.

Preferred number of Councillors	Number of Submitters
12	7
11	23
10	80
Fewer	5
No opinion expressed	26
Total	141

Table 1

Clearly, the preference (57%) was strongly in favour of retaining 10 Councillors and the Council is therefore mystified how the VEC could, on page 15 of the *Preliminary Report*, conclude:

“there is also a growing appetite among the local community for changing the number of councillors”.

Council considers this assertion is totally without foundation.

Council would also point out that the 200 submissions represent:

- a) 0.12% of Boroondara’s estimated population;
- b) 0.15% of Boroondara’s current voters; and

- c) 0.26% of Boroondara's 77,687 rateable assessments.

The figures also reveal the number of submitters favouring 11 Councillors represent 0.02% of the Boroondara's current voters.

By any measure, 200 submissions or 0.02% of voters represents a minuscule sample.

In addition, of the 200 submitters, only the Council and two other submitters provided mapping submissions which enable the Councillor/voter ratio to be calculated. Accordingly, the veracity of many of the submissions is questionable.

2.1.2 Quality of submissions

While there were numerous submissions of merit, others failed to address the VEC's *Submission Guide*. Examples of irrelevant material include:

- a) a proposal for five Councillors;
- b) not addressing the issues at all;
- c) a proposal for six wards and 12 Councillors;
- d) an unsubdivided municipality;
- e) a suggestion that "*Councillors should come from a pool of people not aligned to political parties*";
- f) irrelevant references to the "tied vote" scenario; and
- g) a submission that links the electoral structure to dealing with climate change.

The VEC has not commented on the quality of submissions.

2.2 NUMBER OF COUNCILLORS

Council's *Preliminary Submission* included an Attachment which compared:

- a) populations;
- b) numbers of electors in 2008;
- c) estimated electors in 2018;
- d) numbers of Councillors;
- e) area (sq k); and

f) voters per Councillor.

The same material is included in this submission – refer to the **Attachment**.

The VEC's *Preliminary Report* (page 7) said:

“Thirty submissions proposed increasing the number of councillors, 23 of which suggested an increase to eleven and seven to the maximum of twelve councillors.

The main arguments for increasing the number of councillors to eleven was to bring Boroondara City Council into line with metropolitan Melbourne councils of comparable size”.

The *Preliminary Report* (page 5) says that the VEC has regard to:

- a) the nature and complexity of services provided by the Council;
- b) geographic size and topography;
- c) population growth or decline; and
- d) the social diversity of the council.

Of these four criteria, Council's view is that none support a case for an increase in the number of Councillors.

Accordingly, Council considers the reference to *“bringing Boroondara into line with Metropolitan councils”* is flawed for the following reasons:

- a) focusing on the Councillor/elector ratio alone is inappropriate;
- b) the area of the municipality, which the VEC says it considers,¹ should also be taken into account and in this context:
 - the Cities of Brimbank, Greater Dandenong and Monash which have 11 Councillors, are far bigger in area than Boroondara;
 - the City of Whitehorse is larger in area than Boroondara but has 10 Councillors;
 - the City of Frankston covers more than twice the area of Boroondara but has nine Councillors;
 - the City of Knox is almost twice the area of Boroondara but has nine Councillors;

¹ Page 5 of the Preliminary Report

- the City of Maroondah is virtually the same size as Boroondara but has nine Councillors;
 - the City of Banyule is larger in area than Boroondara but has seven Councillors; and
- c) the municipalities of Brimbank, Moreland and Kingston are growing at a greater rate than Boroondara, as acknowledged in the *Preliminary Report* (page 19).

As the *Preliminary Report* says (page 10):

“Based on purely the number of submissions to this review, the single-councillor ward electoral structure received the most support”.

Council is of the view that the figures clearly demonstrate that 10 is the appropriate number of Councillors for Boroondara.

3. EVEN OR ODD NUMBERS OF COUNCILLORS

In relation to the matter of even or odd numbers of Councillors, page 8 of the *Preliminary Report* says:

“While supporting single-councillor wards, but not specifying the number of councillors, the Member for Kew and Shadow Minister for Local Government, Tim Smith MP, suggested that the VEC might like to consider an uneven number of councillors, particularly to assist decision-making by the Council in relation to the election of the Mayor”.

Council dealt with this issue in its *Preliminary Submission*.

To re-iterate, Council is aware that on previous occasions the VEC has argued in favour of odd numbers of Councillors, to overcome a perceived problem with the Mayor having a casting vote.

In response, Council would again point out that:

- a) the *Local Government Act* 1989 (the Act) has, for over a century, allowed for even or odd numbers of Councillors;
- b) both houses of state parliament have even numbers of members and in the case of the Legislative Assembly, the Speaker has a casting vote; and
- c) statistically the number of tied votes in the last four Council terms has been negligible.

In any event, mandating an odd number of Councillors does not necessarily do away with a tied vote as section 90 of the *Local Government Act* 1989 does not oblige Councillors to vote.

Accordingly, Council considers the issue is irrelevant as the Act has long provided for what is to occur in the event of a tied vote.

4. SINGLE MEMBER WARDS

The *Preliminary Report* (page 11) acknowledges the support for single member wards:

“Most submissions preferring single-councillor wards were of the view that having one councillor to contact about a matter was superior to having to deal with multiple councillors”.

Council remains of the view single member wards best service the interests of the community.

5. MULTI MEMBER WARDS

The VEC’s Options A and B propose four multi member wards with uneven numbers of Councillors.

In this context, Council notes that the *Local Government Bill Exposure Draft* provides that:

“all Councillors elected to represent multi-member wards into which the municipal district is divided with an equal number of Councillors to represent each ward”.

The VEC has not explained how Options A and B are possible in light of the proposed legislation.

6. COMMUNITY SATISFACTION

Council’s *Preliminary Submission* provided information in relation the high levels of community satisfaction with the Council’s performance.

The VEC has not acknowledged the material in Council’s *Preliminary Submission* relating to community satisfaction levels.

7. ELECTORAL ASPECTS

7.1 NUMBERS OF CANDIDATES

The *Preliminary Report* (page 6) says the VEC considers (among other issues):

“the number of candidates in previous elections, as outcomes from previous elections indicate that large numbers of candidates can lead to an increase in the number of informal (invalid) votes”.

Council acknowledges this fact and referred to it its *Preliminary Submission*. The details are repeated here – see *Table 2*.

Council	Voter turnout	Informal vote
Boroondara	74.46%	2.81%
Manningham	77.42%	5.45%
Monash	78.28%	7.30%
Stonnington	62.42%	4.60%
Whitehorse	76.65%	3.53%

Table 2

The figures show that compared with neighbouring councils, Boroondara’s voter turnout is at the higher end of the scale while the informal vote is easily the lowest.

7.2 VOTING METHODOLOGY

The *Preliminary Report* also says (page 12):

“Various submitters also pointed out that under the current electoral structure, candidates needed only just over half of the votes within a ward to be successful, which, according to these submitters, potentially leaves remaining voters unrepresented”.

With single member wards and preferential voting, many candidates do require preferences to be successful. This is the system that applies to the House of Representatives and Victoria’s Legislative Assembly.

Under proportional representation, successful candidates are required to achieve a quota to be successful. In most cases, the quota is only achieved after the distribution of “surplus votes”, that is, the votes of candidates who have been eliminated from the count.

In terms of proportional representation, two other points need to be made:

- a) at the federal and state level, proportional representation only applies to the Senate and Legislative Council – both of which are “Houses of Review” – not the case with local government; and
- b) candidates with minimal support can, and have, been elected.

Accordingly, Council rejects any assertion that preferential voting is inherently unfair.

8. THE VEC’S 2008 REPORT

In developing its response to the Submission Guide, Council had regard to the VEC’s 2008 Final Report which concluded:

“As pointed out by some submitters, the VEC’s multi-councillor ward options would combine some geographic areas that have little to do with each other (such as Camberwell and Ashburton or Hawthorn and Kew). This may mean the wards are less meaningful to residents and more difficult for councillors to represent.

Moreover, the Boroondara City Council has established thorough processes to ensure that councillors are well supported to provide effective representation for their constituents. This mitigates against some of the concerns that people have expressed about single-councillor wards, such as the fear of lazy councillors and concerns about how a ward is represented if a councillor is absent from a council meeting.

Overall, the VEC considers that the single-councillor ward structure is a fundamental feature of the governance and representation processes that the Council has established since 1997. The VEC notes that the current single-councillor ward boundaries have only had minor adjustments since then and that the Council has put substantial work into encouraging people to become familiar with their respective wards.

Given these considerations, the VEC believes that single-councillor wards can provide fair and equitable representation for the voters of Boroondara and that there are appropriate governance and management processes in place to represent both the local and broader communities of interest within the municipality.

Having reached this conclusion, the VEC was then faced with deciding between ten or eleven single-councillor wards. Given the familiarity people have with the current wards and the importance of this for the Council’s representation processes, the VEC does not believe that there would be substantial benefit in increasing the number of councillors from ten to eleven.

Having taken into account all relevant factors, including the submissions and presentations at the public hearing, the VEC recommends that the Council consist of ten councillors to be elected from ten single-councillor wards”

This direct quotation clearly demonstrates the inconsistency of the VEC’s approach.

9. THE PRELIMINARY REPORT

Council's comments on the VEC's three options are set out below.

9.1 OPTION A (Eleven councillors elected from four wards - three three-councillor wards and one two-councillor ward)

The advantages and disadvantages of Option A are shown in *Table 3*.

Advantages	Disadvantages
Extensive use of arterial roads as boundaries	Reversion to the boundaries of Hawthorn & Kew with the former City of Camberwell divided north/south
Voter tolerances seem sensible	Some boundaries are not ideal – e.g.: Prospect Hill Rd, Middlesex Road, Kent Road and Bona Vista Avenue versus Canterbury Road or Riversdale Road
Camberwell Junction is in one ward	The two major retail precincts (Burke Road and Glenferrie Road) are in the one ward
Kew Junction is in one ward	Very specific local issues may not be addressed
Communities of interest are logical	More than one representative means residents may have less access to a 'decision making' individual, and may have to contact multiple councillors to galvanize support for a particular issue
	Duplication may occur if councillors do not communicate or share their workloads
	Groups may form within the Council leading to possible division between councillors
	The size of the wards means they are more expensive to campaign during elections, which encourages party political affiliations
	Community confusion after 25 years of established boundaries

Table 3

Council's main concern with Option A is that it "re-instates" the boundaries of two former municipalities and thereby compromises the extensive work done since 1994 to present Boroondara as one community.

9.2 OPTION B (Eleven councillors elected from five wards - four two-councillor wards and one three-councillor ward)

The advantages and disadvantages of Option B are shown in *Table 4*.

Advantages	Disadvantages
Substantial use of arterial roads as boundaries	Some boundaries are not ideal – Fairmount Road, St Helens Road, Sunnyside Avenue
Voter tolerances seem sensible	Auburn Road is in three wards
Camberwell Junction is in one ward	Communities of interest are less clear: <ul style="list-style-type: none"> • Deepdene is in Maling Ward • Hawthorn East is in the same ward as Ashburton • Residents east of Burke Road may not relate to the name Swinburne Ward
Kew Junction is in one ward	Very specific local issues may not be addressed
	More than one representative means residents may have less access to a 'decision making' individual, and may have to contact multiple councillors to galvanize support for a particular issue
	Duplication may occur if councillors do not communicate or share their workloads
	Groups may form within the Council leading to possible division between councillors
	The size of the wards means they are more expensive to campaign during elections, which encourages party political affiliations
	Community confusion after 25 years of established boundaries

Table 4

For the reasons outlined above, Option B is not in the best interest of the community.

9.3 OPTION C (Eleven councillors elected from eleven single-councillor wards)

The advantages and disadvantages of Option C are shown in *Table 5*.

Advantages	Disadvantages
Councillors are more likely to be truly local representatives	Significant arterial roads are compromised: <ul style="list-style-type: none"> • High Street • Doncaster Road • Barkers Road • Canterbury Road • Balwyn Road
Councillors are more likely to be easily accessible to residents	Extensive use of secondary roads/minor streets
Councillors are more likely to have a greater understanding of the local area and issues	Councillor/voter tolerances are not sensible – e.g. Bellevue +9.7%
One primary point of contact ensuring a consistent approach	To enable 11 wards, every existing ward has to change
Single member wards establish clear accountability between individual councillors and their constituents making it difficult for poorly performing councillors to 'hide' behind colleagues in the same ward	Additional costs to Council and in turn the ratepayer - e.g.: Councillor allowances, re-imburement of expenses, website alterations, stationery etc.
Councillors act for a diverse range of voices across the community and are more accountable	Community confusion after 25 years of established boundaries
Better representation of geographical communities of interest	
A possible slight reduction in councillor workload	

Table 5

Faced with a choice of unsatisfactory options, Council is supportive of Option C because this is in the best interests of the community.

10. CONCLUSION

The Council is appalled and dismayed by the *Preliminary Report* and believes the VEC has:

- a) demonstrated an obsession with increasing the number of Councillors;
- b) failed to justify an increase in the number of Councillors;
- c) ignored the community satisfaction surveys;
- d) relied on a minuscule sampling of community opinion;
- e) ignored the submitters' and Council preference for 10 Councillors;
- f) erroneously referred to an even number of Councillors potentially creating a tied vote scenario;
- g) made incorrect comparisons with "similar" municipalities; and
- h) ignored the fact that the current structure does provide fairness and equity to which the VEC has referred (page 5 of the *Preliminary Report*).

BOROONDARA

ELECTORAL REPRESENTATION REVIEW 2019

COMPARABLE COUNCIL STATISTICS

Item no	Council	Area (sq k)	Population - 2016 census	Voters at last review	Current voters (est)	% growth since 2016	Councillors	Voters per Councillor	Comments
1	Brimbank	123	194,319	127,517	135,931	10.66	11	12,357	Note the area (sq k)
2	Boroondara	60	167,231	125,742	133,357	10.61	10	13,335	
3	Moreland	51	162,558	109,744	132,790	12.10	11	12,071	
4	Monash	81	182,618	120,779	123,695	10.24	11	11,245	
5	Kingston	91	151,389	105,316	120,893	11.48	9	13,432	
6	Knox	114	154,110	116,335	118,678	10.20	9	13,186	Note the area (sq k)
7	Whitehorse	64	162,078	111,384	115,486	10.37	10	11,548	
8	Darebin	53	146,719	96,334	114,820	11.92	9	12,757	
9	Frankston	131	134,143	95,979	109,662	11.43	9	12,184	Note the area (sq k)
10	Glen Eira	38	140,875	97,582	106,440	10.91	9	11,826	
11	Greater Dandenong	130	152,050	93,970	103,754	11.04	11	9,432	
12	Banyule	63	121,865	90,094	97,447	10.82	7	13,921	
13	Moonee Valley	44	116,671	88,394	94,682	10.71	9	10,520	
14	Stonnington	25	103,832	77,494	93,754	12.10	9	10,417	
15	Port Phillip	20	100,863	85,439	93,106	10.90	9	10,345	
16	Manningham	114	116,255	85,748	87,820	10.24	9	9,757	Note the area (sq k)
17	Maroondah	<u>61</u>	<u>110,376</u>	<u>77,739</u>	<u>86,282</u>	11.10	<u>9</u>	9,586	
18	Total	<u>1,263</u>	<u>2,417,952</u>	<u>1,705,590</u>	<u>1,868,597</u>	<u>186.81</u>	<u>161</u>	<u>197,919</u>	
19	<i>Average</i>	<i>74.29</i>	<i>142,232</i>	<i>100,329</i>	<i>109,917</i>	<i>10.99</i>	<i>9.47</i>	<i>11,642</i>	

Notes:

- 1 Three of the four councils with 11 Councillors have either a much larger area (sq k) and/or a larger population (and therefore more electors)
- 2 The only councils with 10 Councillors (Boroondara and Whitehorse) have very similar areas and populations.
- 3 While Boroondara has a higher population and number of voters per Councillor, the workload is offset by the smaller than average area and the slightly lower than average growth.
- 4 The statistics suggest there is no case for changing the number of Councillors.