Local council electoral structure review

Final Report

Moorabool Shire Council

May 2023

Revised July 2023

ERAP | Electoral Representation Advisory Panel

Acknowledgement of Country

The electoral representation advisory panel acknowledges the Wadawurrung, Wurundjeri and Dja Dja Wurrung peoples as the Traditional Custodians of the lands and waters for which it is holding this review and pays respects to ancestors and Elders past, present and emerging. The panel acknowledges their custodianship for many thousands of years and their continuing living culture.

Document history and version control

Version	Date approved	Submission approved by	Brief description
1	19 May 2023	Acting Deputy Electoral Commissioner	Final version
2	24 July 2023	Program Sponsor	Revised version with inclusion of good governance wording

Contents

Executive summary

An independent electoral structure review panel appointed by the Minister for Local Government has reviewed the electoral structure of Moorabool Shire Council.

The purpose of the review is to advise the Minister on the appropriate number of councillors and electoral structure for the council.

The panel looked at:

- whether the council had an appropriate number of councillors

- whether it should be unsubdivided or subdivided

- appropriate ward names.

This report presents the panel's final advice to the Minister on the recommended new electoral structure of Moorabool Shire Council to meet the requirements of Victoria's *Local Government Act 2020* (the Act).

More information about the background to the reviews is available on page 6.

Recommendation

The electoral representation advisory panel recommends that Moorabool Shire Council adopt an unsubdivided electoral structure, represented by 9 councillors.

This advice is submitted to the Minister for Local Government as required by the Terms of Reference of the electoral representation advisory panel and the Act.

Please see Appendix 1 for a detailed map of this recommended electoral structure.

Summary of approach

Developing electoral structure models

The panel considered a range of factors when deciding on its final recommendation including:

- research and analysis

- voter growth or decline over time

- public submissions (see below).

More information on the way the panel decided on the models is available on page 7.

Preliminary submissions

The panel received 4 preliminary submissions. Of these, no submissions included maps.

A summary of the preliminary submissions is contained in the preliminary report, available on the VEC website at vec.vic.gov.au

Preliminary report

The panel published a preliminary report on Wednesday 29 March 2023 with the following electoral structure models for public consultation:

- Model 1: an unsubdivided electoral structure with 9 councillors.

- Model 2: a subdivided electoral structure with a total of 9 councillors, 3 wards and 3 councillors per ward.

The full preliminary report is available on the VEC website at vec.vic.gov.au

Response submissions

The panel received 40 submissions responding to the preliminary report. Of these, no submissions included maps.

A full analysis of response submissions received can be found on page 16.

Public hearing

The panel held an online public hearing for those wishing to speak about their response submission at 10 am on Thursday 27 April 2023. Four people spoke at the hearing.

Background

About the 2023–24 electoral structure reviews

In October 2022, the Minister for Local Government formed 2 electoral representation advisory panels to review and provide advice on the electoral structures of 39 local councils, under section 16 of the Act. If the Minister accepts the electoral structure recommended by the panel, any changes will take effect at the October 2024 elections.

The Act introduced several changes to local government representation, including the types of electoral structures local councils may have. Large and small rural shire councils (including Moorabool Shire Council) can have one of 3 electoral structures:

- unsubdivided (entire council area with no wards)
- single-councillor wards
- multi-councillor wards with the same number of councillors per ward.

For Moorabool Shire Council, the electoral representation advisory panel examined:

- the number of councillors
- whether the council should be subdivided into wards or unsubdivided.

For subdivided structures, it also examined:

- the number of wards
- where the ward boundaries should be
- the names of each ward
- how many councillors should be elected for each ward.

The Act requires electoral structures to provide fair and equitable representation and facilitate good governance. For subdivided structures, each ward must have an approximately equal number of voters per councillor (within +/-10% of the average). While conducting the review, the panel also noted the role of a councillor as specified under section 28 of the Act.

The electoral representation advisory panel

The panel that conducted the electoral structure review of Moorabool Shire Council had 3 members:

- The Honourable Frank Vincent AO KC (Chairperson)
- Ms Liz Williams PSM
- Electoral Commissioner Mr Warwick Gately AM (January to March 2023)

Upon Warwick Gately's retirement as Victoria's Electoral Commissioner, the following representatives of the Victorian Electoral Commission (VEC) were nominated as panel members:

- Director, Electoral Integrity and Regulation Mr Keegan Bartlett (April 2023)

- Acting Deputy Electoral Commissioner Ms Máiréad Doyle (May 2023).

The panel is independent of councils and the Victorian State government.

Under the Act, the VEC is not responsible for reviewing council electoral structures but must provide administrative and technical support to the panel. The Electoral Commissioner (or their delegate) must be a member of each panel.

Public engagement

Public information program

To inform the public about the Moorabool Shire Council electoral structure review, the VEC supported a public information and awareness program, which included:

- printing public notices in state-wide, and some local, newspapers
- holding public information sessions to outline the review process and respond to questions from the community
- sending out media releases announcing the start of the review and the release of the preliminary report
- publishing information on social media channels
- notifying voters in the council area subscribed to the VEC's VoterAlert service about the release of the preliminary report
- regularly updating the VEC website content on vec.vic.gov.au, with:
    - current information on the review process
    - submission guides and fact sheets for each council under review with background information
    - preliminary and response submissions from the public.

Public consultation

The panel encouraged public input to the review of Moorabool Shire Council via:

- preliminary submissions at the start of the review
- response submissions to the preliminary report
- an online public hearing for anyone who made a response submission to speak to the panel and expand on their submission.

Public submissions are an important part of the review process and are considered alongside other factors addressed during the review. These are outlined below.

Developing recommendations

The panel's final recommendations comply with the Act and were developed through careful consideration of:

- research and analysis conducted by the VEC support team, including geospatial and demographic data

- rates or patterns of population and voter change over time, and relevant forecasts of growth or decline based on forecast information provided by .id (informed decisions, a company specialising in demographics and forecasting)

- input received during public consultation.

Deciding on the number of councillors

The Act allows local councils to have between 5 and 12 councillors, but neither the Act nor the Local Government (Electoral) Regulations 2020 specify how the number of councillors is to be determined. As such, the recommendation put forward by the panel in this report is guided by the Act's intention for fairness and equity in voter representation and the consequent facilitation of good governance.

In examining the appropriate number of councillors for Moorabool Shire Council, the panel considered the following criteria:

- the population and number of voters in the council area compared to other councils with a similar population size and number of voters in the same category (for example, other comparable rural shire councils)

- patterns of population change and voter growth or decline in the council area over time

- the current and past numbers of councillors

- the representation needs of communities of interest in the council area

- whether a particular type of electoral structure requiring a certain number of councillors would best suit the council (see 'Deciding the electoral structure' below)

- any matter raised in public submissions not already listed above.

Generally, local councils with a larger number of voters will have a higher number of councillors. Large populations are often more likely to have greater diversity, both in the type and number of communities of interest and issues relating to representation. However, the ideal number of councillors can also be influenced by the particular circumstances of a council, such as the:

- nature and complexity of services the council provides

- geographic size and topography of the area

- forecast population and voter growth or decline

- social diversity.

Deciding the electoral structure

The electoral structure of large and small rural shire councils can be:

- unsubdivided (entire council area with no wards)

- made up of single-councillor wards

  or

- made up of multi-councillor wards with the same number of councillors per ward.

When developing electoral structure models for Moorabool Shire Council, the panel considered these criteria:

- whether the structure would comply with section 15(2) of the Act (see below), and for how long it would likely comply

- the appropriate number of councillors, as outlined above

- whether meaningful and effective ward boundaries can be established and whether these would be easily identifiable to local communities

- representation of communities of interest

- the voter distribution and physical features of the area, and the impact these may have on the shape and size of any wards

- past elections for the council, including:

    – numbers of candidates nominating

    – incidences of uncontested elections

    – rates of informal voting.

- other matters raised in public submissions not already listed above.

Under section 15(2) of the Act, subdivided structures must aim for an approximately equal number of voters per councillor in each ward. This means the number of voters represented by each councillor in a ward should be within +/-10% of the average number of voters per councillor for all wards.

During this review, the panel aimed to recommend a structure that would comply with section 15(2) at the time of the 2024 local government elections, and, if possible, also comply based on voter numbers at the time the review was conducted. The panel used forecasts of population and voter change to assess compliance at the 2024 elections with as much accuracy as possible. In some cases, population change and other factors impacting voter numbers mean it is not always possible to create a subdivided structure that complies with section 15(2) based on voter numbers that were current at the time of the review as well as forecast voter numbers. In these instances, the panel prioritised compliance at the 2024 local government elections to ensure each vote will have approximately equal value at the 2024 election.

One of the factors that may impact compliance with section 15(2) is the number of current and forecast voters with ratepayer-based voting entitlements. Voters' rolls are a combination of state electors (making up the majority of a voters' roll) and a smaller number of ratepayer-based voting entitlements. The Act introduced changes to ratepayer-based entitlement categories, which come into full effect at the 2024 local government elections. As this will change the makeup of voters' rolls, and therefore compliance with section 15(2) of the Act, this is a consideration of the panel during this review.

Deciding on ward names

The panel has taken the following approach to naming wards.

1. Existing ward names were retained where possible and appropriate (if the name was still relevant to the area covered by a ward).

2. Where a new name was required, the panel based this on features such as:

   – places (registered under the *Geographic Place Names Act 1998*) located in the ward

   – compass directions

   – native flora or fauna.

Use of Aboriginal language

The panel recognises that there should first be meaningful consultation with local Aboriginal communities and groups before a ward be named using Aboriginal language. Meaningful consultation is a significant and important process which the panel is not able to undertake within the timeframes of the current review program.

At the same time, the panel also recognises that many of the place names in current use across Victoria are based on Aboriginal language. As such, the panel has in some cases put forward new ward names using Aboriginal language, but only where this is the name of a place within a ward, it is currently in common use, and this name is registered under the *Geographic Place Names Act 1998* (Vic). This is a practical solution to the reality that many of Victoria's geographic features are named using Aboriginal language.

Unregistered names using Aboriginal language have not been put forward by the panel as new ward names. While the panel supports the adoption of names based on Aboriginal language, an appropriate consultation process should be followed before doing so.

About Moorabool Shire Council

Profile

Moorabool Shire Council is a large rural council located in south-west Victoria, about 80 kms from Melbourne's central business district. It is surrounded by 7 council areas: Hepburn Shire, Macedon Ranges Shire, Golden Plains Shire, Melton City, Wyndham City, Greater Geelong City, and Ballarat City. The shire is mostly rural in character but has a large, fast-growing population in its east around the Bacchus Marsh area.

The Traditional Custodians of the lands in Moorabool Shire Council are the Wurundjeri, Wadawurrung and Dja Dja Wurrung peoples (Moorabool Shire Council, 2023).

Landscape

The shire covers an area of about 2,110 km^2, from Bacchus Marsh, Hopetoun and Long Forest in the east to the outskirts of Ballarat in the west. The shire has high value environmental assets including the Wombat and Lerderderg forests which cover a large part of the shire's north, and in the south a large section of the Brisbane Ranges National Park. The Lerderderg, Moorabool and Werribee rivers, and the Korjamnunnip, Korkuperrimul and Pyrites creeks are also of cultural and environmental significance.

Primary production accounts for about 65% of land use in the shire. The main primary industries are sheep and beef grazing, and high-value horticultural production is found in the Bacchus Marsh area (DJSIR, 2022).

At the 2021 census the shire had a total population of 37,632 people (ABS, 2021). In 2023, the estimated populations of the main centres were Darley (9,250 people), Bacchus Marsh (8,725), Maddingley (5,683), Ballan (2,922), and Merrimu and Hopetoun Park (2,157). In 2023, the estimated populations of the rural east and the rural west were 4,103 and 6,622 people respectively.

The Western Freeway runs through the centre of the shire from east to west connecting Melbourne to Ballarat. The Midland Highway passes through the southwest corner of the shire. Likewise, rail services follow the general route of the Western Freeway and the Midland Highway through the shire.

Community

Moorabool Shire Council has the third fastest rate of population growth of all of Victoria's regional councils and is forecast to have a population of over 65,500 people by 2041, an increase of about 27,000 people from the current population. The main growth area is in the east of the shire around Bacchus Marsh. By 2041, the population of Merrimu and Hopetoun Park is forecast to increase by over 10,000 people and Parwan Station by 5,500 people. Ballan, in the centre of the shire, is also forecast to more than double in population by 2041, to about 6,700 people. By contrast the rural areas in the shire are not forecast to have any significant population change over the same period.

Moorabool Shire Council has a younger age profile compared to regional Victoria, but similar to all of Victoria, mostly due to the high percentage of people in the 0-14 age range (ABS, 2021).

At the 2021 Census, Moorabool Shire Council had 63.7% of people aged 15 and over in the labour force, which was above the Victorian percentage of 62.4%. The median weekly incomes are much the same as the median for Victoria (ABS, 2021).

Of those people in the labour force, 58.4% work full-time and 30.5% work part-time. Professionals (3,128 people) were the largest group in terms of occupation, followed by technicians and trades workers (3,124), clerical and administrative workers (2,541), managers (2,330), and community and personal service workers (2,167) (ABS, 2021).

The main industries of employment in Moorabool Shire Council are construction which accounts for 7.3% of employed people, health care and social assistance 5.53%, education and training 4.72%, retail trade 3.88%, public administration and safety 3.78% and transport, postal and warehousing 3.51% (ABS, 2022).

Over 87% of residents reported as speaking English only. Most of the population (80%) was born in Australia with the other main countries of birth being England (3.2%), India (1.9%), New Zealand (1.4%), Scotland (0.6%) and Malta (0.6%) (ABS, 2021).

Aboriginal and Torres Strait Islander people account for 1.5% of the total shire population (558 people) and they have a median age of 24 (ABS, 2021).

In Moorabool Shire Council, 32.1% of the occupied private dwellings are owned outright (similar to the Victorian average of 32.2%), 47.3% are mortgaged (significantly higher than the Victorian average of 36.1%) and 17.2% are rented (lower than the Victorian average of 28.5%) (ABS, 2021).

Current number of councillors and electoral structure

Moorabool Shire Council is currently divided into 4 wards with a total of 7 councillors:

- one ward with 4 councillors (East Moorabool Ward)
- 3 wards with one councillor each (Central Moorabool Ward, West Moorabool Ward, Woodlands Ward).
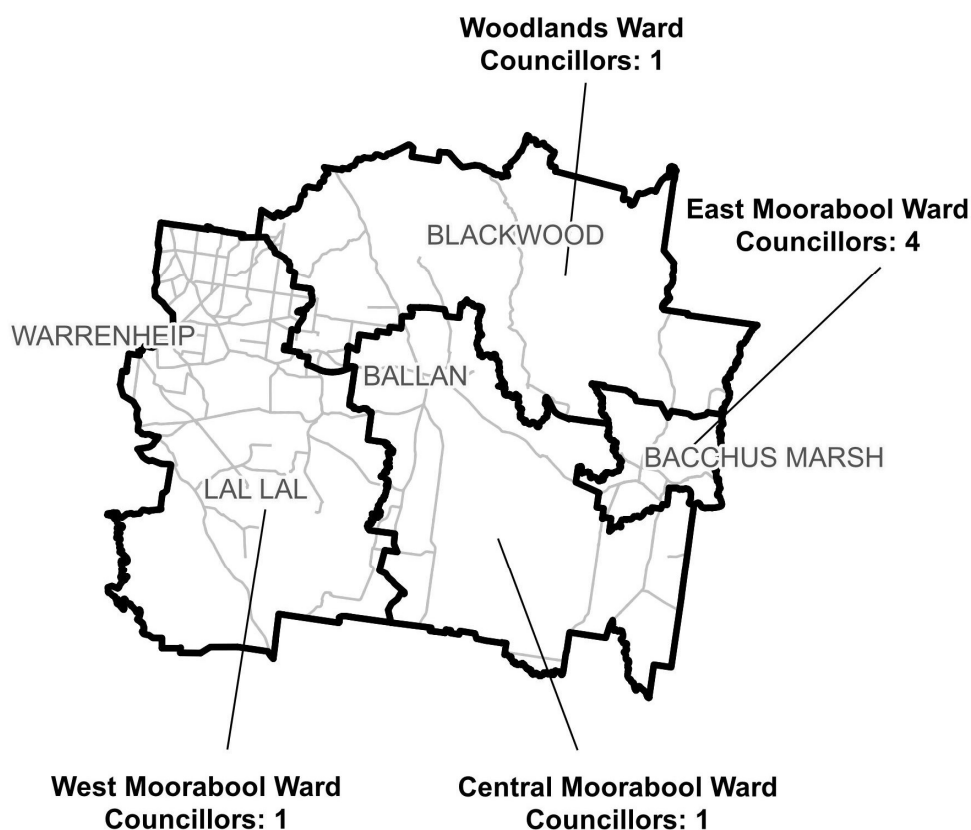
Figure 1: Diagram of current electoral structure of Moorabool Shire Council.

As of November 2022, there are approximately 28,815 voters in Moorabool Shire Council, with a ratio of 4,116 voters per councillor.

Visit the VEC website at vec.vic.gov.au for more information on Moorabool Shire Council.

Last electoral structure review

The VEC conducted an electoral representation review of Moorabool Shire Council in 2011. This review was carried out under the *Local Government Act 1989* (Vic). After conducting the 2011 review, the VEC recommended that Moorabool Shire Council continue to consist of 7 councillors elected from 4 wards (one ward with 4 councillors and 3 wards with one councillor each).

Before the 2011 review a representation review of Moorabool Shire Council was completed in 2004. This review created the current electoral structure of 7 councillors elected from 4 wards (one ward with 4 councillors and 3 wards with one councillor each). Before the 2004 representation review, Moorabool Shire Council comprised 5 ridings and a total of 7 councillors:

- one riding with 3 councillors
- 4 ridings with one councillor each.

Subdivision review

Since the 2011 representation review, the VEC also conducted a subdivision review of Moorabool Shire Council in 2020.

Subdivision reviews conducted under the *Local Government Act 1989* (Vic) adjusted the internal ward boundaries of a council but did not change the electoral structure or number of councillors. Subdivision reviews were conducted in situations where the voter-to-councillor ratios in one or more wards of a council were forecast to move outside the legislated +/-10% tolerance before the council's next election and aimed to ensure voter-to-councillor ratios for all wards were within tolerance at the election.

The 2020 review of Moorabool Shire Council aimed to return the West Moorabool Ward and Woodlands Ward to within the permitted +/-10% tolerance before the 2020 local government elections. Visit the Moorabool Shire Council profile on the VEC website at vec.vic.gov.au to access a copy of the 2020 subdivision review final report.

Preliminary submissions

At the close of submissions on Wednesday 1 March 2023, the panel had received 4 submissions for the electoral structure review of Moorabool Shire Council. You can find a list of people who made a preliminary submission in Appendix 2.

The panel received submissions from a range of stakeholders including individuals and a community organisation. Submissions were published on the VEC website.

A summary of the preliminary submissions is contained in the preliminary report, available on the VEC website at vec.vic.gov.au

Preliminary report

A preliminary report was released on Wednesday 29 March 2023. The panel considered public submissions and research findings when formulating the models presented in the preliminary report.

After careful consideration, the following electoral structure models were put forward for public consultation:

- Model 1: an unsubdivided electoral structure with 9 councillors.

- Model 2: a subdivided electoral structure with a total of 9 councillors, 3 wards and 3 councillors per ward.

The full preliminary report is available on the VEC website at vec.vic.gov.au

Response submissions

The panel received 40 response submissions to the preliminary report from the public by the deadline of 5 pm on Wednesday 19 April 2023. You can find a list of people or organisations who made a response submission in Appendix 2.

The table below provides an overview of preferences in response submissions. You can read an analysis of submissions below this table.

Table 1: Preferences expressed in response submissions		
Model 1 (unsubdivided, 9 councillors)	Model 2 (3 wards with 3 councillors per ward)	Other
17	21*	2

*1 submitter indicated support for more than one option.

The response stage attracted much greater levels of public interest than at the preliminary submission stage, where 4 submissions were provided. Of those submissions nearly half were in favour of an unsubdivided structure, and slightly more favoured a subdivided structure. The submissions contained a range of arguments in favour of the 2 models. In addition, one submitter supported a single-councillor ward structure, and one submitter made a second submission to include additional information.

Of these submissions, only one opposed increasing the number of councillors from 7 to 9. All other submissions either supported the change or did not comment on councillor numbers.

Model 1

In total, 17 submissions favoured Model 1. Most of these submissions were from residents in Bacchus Marsh, Ballan, Maddingley, and Darley areas. Residents in Blackwood, Gordon and Spargo Creek were also represented in this group. Of these submissions, 16 were from individuals and one was from an organisation. Many of the arguments in favour of Model 1 were based on fairness and considered it to be a more equitable and democratic structure than Model 2.

Submitters argued that an unsubdivided structure would encourage councillors to be responsible to all residents and more likely to act in the interests of the entire shire. For example, Matt Keane argued that under Model 1 all councillors would make decisions in the interests of the whole shire. Louise La Gerche suggested councillors should have a good knowledge of the whole shire, not just a portion of, and felt an unsubdivided structure would facilitate such understanding.

Many submitters were not concerned about candidates coming from the larger towns in the shire in an unsubdivided structure and felt instead councillors would likely be elected from rural and regional areas. They suggested that candidates campaigning on issues of importance to

voters would gain support regardless of where they lived. It would not be where candidates lived that mattered but the issues they presented a position on that would determine support from voters.

Submitters identified Model 1 as the best structure for accommodating population change. They recognised that this structure avoids the challenges and drawbacks of creating boundaries when population and growth is so unevenly distributed. As one submitter described, the issue of balancing population changes across wards 'simply disappears' with Model 1.

It was also argued that an unsubdivided structure would encourage appropriate representation of diversity. For instance, the Ballaarat and District Greens pointed out that Model 1 could better enable minority groups, including those of diverse social and cultural backgrounds, the opportunity to gain representation.

Various arguments were put forward against Model 1. A common concern was the potential for larger urban areas in the east to dominate elections at the expense of the less populated areas. Submitters expressed concerns council activities and expenditure would be concentrated in Bacchus Marsh as a result. Many were worried Bacchus Marsh would benefit to the detriment of the rural west, if council was dominated by councillors elected from the more heavily populated areas. Additionally, many felt the needs of rural and urban residents differed and that those from rural and less-populated areas would not be effectively represented.

One submitter, Benjamin Davison, was concerned Model 1 would see dozens of candidates on the ballot paper and result in high levels of informal voting. Davison also thought regional residents would find it difficult to identify with many of the candidates. Another submitter, Councillor Tom Sullivan, was concerned Model 1 would result in party politics entering local government. Councillor Sullivan also suggested that with a concentration of councillors from one town or area, most likely with similar backgrounds, diversity in candidates and councillors could be reduced.

Model 2

Twenty submissions supported Model 2, most of which came from residents in Ballan, Gordon, and Mount Egerton and other small localities mainly in the west of the shire. One submitter from Millbrook supported Model 2 as their second preference.

The submissions in favour of Model 2 were largely focused on the need for the interests of smaller towns and less populous areas to be fairly represented, with some expressing frustration the current structure favoured urban areas. For instance, 2 submitters from Mount Egerton felt that the west regularly misses out on community, health, and infrastructure developments.

Submitters believed councillors would be more accountable to voters and residents under Model 2 where councillors were responsible for a specific area. Bel Kanti suggested it would provide a meaningful voting bloc in council on issues affecting a particular geographical area. Another argument was that it would unite communities of similar interest like Gordon and Ballan.

Submitters proposed that Model 2 would provide a safety net to ensure representation of every resident across the shire. Meaghan O'Callaghan suggested Model 2 would deliver councillors with more understanding of local issues. Shane Weldon believed Model 2 would mean the needs of rural residents were given equal weight to those of urban residents. Weldon argued this electoral structure would make sure essential rural renewal and maintenance occurred, such as road and roadside management.

Another submitter felt that the structure would lead to more considered decisions being made for residents from the west of the shire. Nichole Knight argued the model would result in the inclusion of more diverse perspectives on council and diverse or responsive representation to the needs and interests of each ward.

Submitters opposed to Model 2 were mostly from Maddingley, Ballan, Gordon, and Bacchus Marsh. They expressed the view Model 2 would encourage and foster partisan thinking, and that the model's ward boundaries were largely arbitrary and did not effectively capture communities of interest. There was a concern ward boundaries would need to be adjusted regularly in response to population change. It was also suggested Model 2 would decrease councillor diversity because it did not offer minority groups the opportunities that are afforded by the proportional voting system. Some felt the ward-based structure of Model 2 had the potential to create an 'us and them' mentality or create factions to the detriment of the shire.

Other options

One submitter, Councillor Tom Sullivan from Millbrook, felt the panel had not adequately considered other possible electoral structures and argued the merits of a single-councillor ward structure. Councillor Sullivan felt these models had been unfairly dismissed by the panel and requested they develop a new single-councillor ward structure model. The panel had examined this structure during preparation of the preliminary report and carefully considered all arguments for and against adoption of a single-councillor structure. It determined the structure unsatisfactory on most accounts:

- wards of varying and irregular sizes would need to be created

- boundary adjustments would likely be frequent

- the populous areas in the east would be divided between multiple wards, possibly splitting communities unnecessarily.

Most importantly, the panel found single councillor models unsuitable due to the risk of wards moving outside the legislated +/-10% tolerance by the time of the 2024 local council elections.

Public hearing

The panel held an online public hearing for those wishing to speak about their response submission at 10 am on Thursday 27 April 2023. Four people spoke at the hearing.

You can find a list of people who spoke at the hearing in Appendix 2.

Sean Mulcahy spoke first on behalf of the Ballaarat and District Greens, in favour of Model 1 and for increasing the number of councillors from 7 to 9. They felt Model 1 would foster a shire-wide focus, rather than councillors focussing only on their own ward. Mulcahy spoke about political parties entering local government and gave examples of the Greens running candidates in unsubdivided councils and losing, but running candidates in single-councillor wards and winning. Overall, the Greens' main concern is for the shire to have the best model for voters. Additionally, Mulcahy pointed out that, regardless of political orientation, councillors take an oath to act in the best interests of the shire.

Mulcahy described the Moorabool Shire Council as not being very culturally diverse and argued that an unsubdivided structure would better afford minorities and people from diverse cultural backgrounds an opportunity to successfully contest an election. Mulcahy also argued that with an unsubdivided structure smaller towns would more likely be able to put forward and support a strong local candidate at election time due to the lower percentage of votes required to be elected under the proportional representation system compared to the preferential system used in single councillor wards.

Mulcahy considered the ward-based model to be problematic due to the requirement of ward boundary reviews to correct imbalances in voter numbers. Mulcahy argued that, because the shire is undergoing rapid and uneven population growth, future boundary reviews would likely be frequent. This could result in confusion for residents who may not be aware or readily identify with shifting boundaries, as well as uncertainty about their ward or their elected representative.

The second speaker, Stephen Kelly, supported Model 1 mainly because elected councillors would be responsible for the whole shire. He believed voters would be able to elect people based on the quality of their ideas, not on their residential address or on local issues alone.

The third speaker, Michael Hotchin, was concerned about having councillors who are knowledgeable of local communities and how these communities be best supported during emergencies, such as the 2021 storm event. While preferring a ward-based structure, Hotchin considered a structure that gives the best level of support to communities in emergencies as the most appropriate. Hotchin believed the community has an appetite for councillors with local knowledge and practical skills to support communities in these emergencies, because in an emergency it is too late for a councillor to learn local issues and then identify solutions. Hotchin felt it was necessary to have designated officers and councillors that are assigned to respond to important issues in the shire at short notice.

Stephen Derrick, the fourth speaker, supported Model 1 because of the likelihood of Model 2's wards being outside the legislated +/-10% tolerance by 2026. Derrick refuted the argument presented in response submissions that the east of the shire benefits at the expense of the west as unfounded and without evidence. However, Derrick suggested evidence did show the western part of the shire to be disadvantaged in the delivery of services and access to information, but it was pointed out this relates to council operations rather than the electoral structure. Derrick was also critical of the ward boundaries in Model 2, suggesting there to be no real connections between west Moorabool, Blackwood and Lerderderg communities, only that they are all rural.

Findings and recommendation

Number of councillors

After considering the requirements of the Act, public submissions and the agreed criteria, the panel found 9 councillors to be an appropriate number for Moorabool Shire Council.

The panel considered the characteristics of Moorabool Shire Council in relation to similar rural shire councils, including its size and geography, population and the number and distribution of voters across the shire.

As of November 2022, Moorabool Shire Council currently has 28,815 voters represented by 7 councillors and covers an area of 2,109 km^2. All large rural shires with a population over 30,000 have 9 councillors, except for Moorabool Shire Council. As such, the community is currently underrepresented when compared to similar councils. This is likely to be worsened by the expected population growth of the shire. When the council had its last electoral structure review in 2011 the population was 28,124, and 7 councillors was appropriate at that time. Since then, the population has increased to 37,632, with forecast growth over the next 10 years likely to see this number increase to over 50,000. Given that similar councils have 9 councillors, and with this forecast growth, the panel determined that it is appropriate for the total number of councillors for Moorabool Shire Council to increase from 7 to 9.

Electoral structure

After considering the requirements of the Act, public submissions and the agreed criteria, the panel found that Model 1 is the best model for promoting fair and equitable representation for voters in Moorabool Shire Council and consequently facilitate good governance.

The population of Moorabool Shire Council is unevenly distributed throughout the council area. In the west, south, and north, small towns and rural settlements are dispersed across large areas. In the east the main population of the shire is concentrated in Bacchus Marsh and surrounding urban areas. Given this distribution and the rapid rate of growth expected in the east, ward-based electoral structures that are forecast to remain within the legislated +/-10% tolerance through to 2024 are difficult to model and develop. Such rapid and uneven growth means that any subdivided electoral structure cannot be maintained for a long period of time. As such, the panel considered an unsubdivided model as the most practical and sensible approach to accommodate and account for changes in the shire's population.

Additionally, the panel found it very difficult to develop a ward-based structure using meaningful boundaries that did not divide any communities. The panel expressed concern that Model 2 divides Bacchus Marsh across wards to balance voter-to-councillor ratios and comply with the legislated +/-10% tolerance. Due to the likelihood of regular ward boundary reviews because of forecast population change, the Bacchus Marsh community would need to be further divided over time. The panel were also concerned that the large proposed Bungal Ward would combine communities with little in common. The panel considered councillors in this ward might have higher workloads compared to those elected from smaller wards, due to the large area to cover

and increased travel time. The panel also noted that the West Moorabool Ward and the Woodlands Ward both had a history of uncontested elections and that this trend would possibly continue under Model 2. The potential for low numbers of candidates in the Bungal Ward provided further justification for not adopting it.

The panel recognised submitters' concerns about Bacchus Marsh potentially dominating an unsubdivided council. Currently, 4 out of 7 councillors are from Bacchus Marsh. The panel noted that this area is only going to grow and will eventually increase the number of councillors representing it in a subdivided electoral structure. The panel believes Model 1 offers the best available electoral structure to reduce the potential dominance of Bacchus Marsh in the shire. The panel feels that the election of candidates from more rural areas was ultimately up to people standing and voters having their say. Model 1 gives voters more choice with the ability to choose from all candidates and reduces the risk of marginalising rural communities compared to a subdivided structure where more densely populated urban areas are combined with rural areas in the same ward. The panel also felt, given the population disparity, there was a need for councillors to hold a shire-wide perspective. Also, there was concern of Model 2 possibly disadvantaging councillors in the larger wards who would need to travel large distances to connect with voters.

There are valid arguments in favour of and against the unsubdivided and subdivided electoral structures examined in this review. Each have their own benefits and drawbacks. While it is not possible for an electoral structure to address all the issues at play in the shire, the panel considers that, on balance, Model 1 is the best model for promoting fair and equitable representation for voters in Moorabool Shire Council and consequently facilitate good governance under the requirements of the Act.

The panel's recommendation

The electoral representation advisory panel recommends that Moorabool Shire Council adopt an unsubdivided electoral structure, represented by 9 councillors.

This advice is submitted to the Minister for Local Government as required by the Terms of Reference of the electoral representation advisory panel and the *Local Government Act 2020* (Vic). This electoral structure was designated as Model 1 in the preliminary report.

Please see Appendix 1 for a detailed map of this recommended electoral structure.

References

Australian Bureau of Statistics (2021) *Moorabool 2021 Census All persons QuickStats*, https://abs.gov.au/census/find-census-data/quickstats/2021/LGA25150 accessed 24 February 2023.

Australian Bureau of Statistics (2022) *ABS Census 2021 TableBuilder pro datasets*, https://www.abs.gov.au/statistics/microdata-tablebuilder/tablebuilder accessed 10 January 2023.

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Geographic Place Names Act 1998 (Vic)

Local Government Act 1989 (Vic)

Local Government Act 2020 (Vic)

Local Government (Electoral) Regulations 2020 (Vic)

Moorabool Shire Council (2023) *Moorabool Shire Council home page*, https://www.moorabool.vic.gov.au/Home accessed 3 March 2023.

Appendix 1: Map of recommended structure

Moorabool Shire Council
Nine councillors, unsubdivided

Legend

- ▢ Recommended boundaries

Existing wards
- Central Moorabool
- East Moorabool
- West Moorabool
- Woodlands

Map symbols
- Freeways
- Main roads
- Collector roads
- Minor roads
- Railways
- Railway stations
- Rivers & creeks
- Lakes
- Parks & reserves
- Locality boundaries
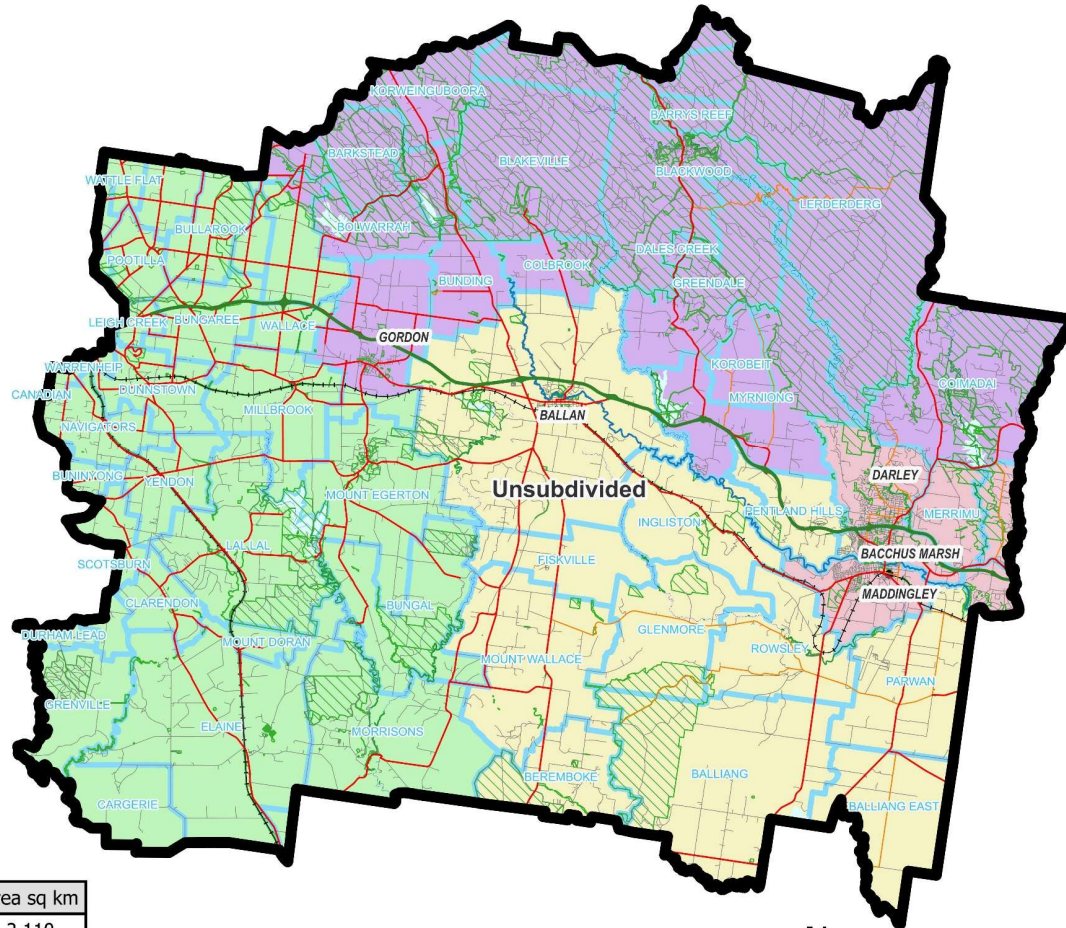
Ward	Councillors	Electors*	Deviation	Area sq km
Unsubdivided	9	28,815	0%	2,110
Total	9	28,815	0%	2,110
Electors per councillor		3,202		

*Elector numbers as at 11 November 2022

Map prepared by:

Data use:

VEC Victorian Electoral Commission

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0   10   20 km
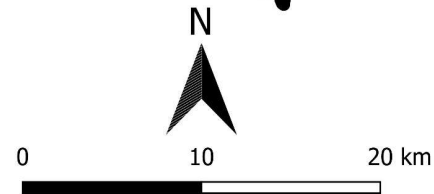
Appendix 2: Public involvement

The panel wishes to thank all submitters to the review and speakers at the public hearing for their participation in the review process.

Preliminary submissions

Preliminary submissions were made by:

Kowarsky, John

Lombardi, Michael

Proportional Representation Society of Australia (Victoria-Tasmania) Inc.

Reid, Robert

Response submissions

Response submissions were made by:

Atkinson, Jessica

Ballaarat and District Greens

Carey, Michael

Coutts, Ian

Davison, Ben

De la Cruz, Rosemary

De La Rue, Keith

Dennithorne, Jane

Derrick, Stephen

Devarapalli, Praveen

Ellis, Emma

Hayler, Marigold

Hotchin, Michael

Johnson, Heidi

Kanti, Bel

Keane, Matt

Kelly, Stephen

Knight, Nichole

Koeglreiter, Geraldine

Kowarsky, John (2)

La Gerche, Louise

Leingang, Lyndsay

Lynch, Tony

McDonnell, Graham

McFall, Concetta

Meadows, Merilyn

Naderer, Thomas

O'Callaghan, Meaghan

Roxburgh, Nina

Roxburgh, Victoria

Shanahan, Moira

Sullivan, Tom (Cr)

Thurlbeck, Patricia

Tighe, Stephen

Toohey, Daniel

Toohey, Loretta

Toom, Katherine

Vaszolyi, Andreas

Walden, Shane

Public hearing

The following people spoke at the public hearing:

Ballaarat and District Greens

Derrick, Stephen

Hotchin, Michael

Kelly, Stephen