Chapter 6
Electoral representation

Representation

This chapter deals with Term of Reference 4. Issues of representation will be the subject of consultation during the public hearings phase and further consultations in the preparation of the Stage Two report due to be submitted to the Minister in April 2014. This chapter is divided into two sections, first with a discussion of representation including councillor numbers, electoral structures and vote counting systems and second with a discussion of the system of periodic electoral review.

Significant policy questions relate to the design of the current electoral system. As noted in the foreword, the electoral system that operates in any jurisdiction must be fair, transparent and encourage participation, but there is no perfect solution to meet these principles. The current approach results in a patchwork of different electoral structures across the state, as indicated in Figures 8 and 9. Some municipalities are divided into wards, others are unsubdivided where the councillors are elected from across the municipality. For those that are divided into wards each ward can either have a single councillor or a number of councillors which is then known as a 'multi-member ward'. Other municipalities contain a mixture of single member and multi-member wards.

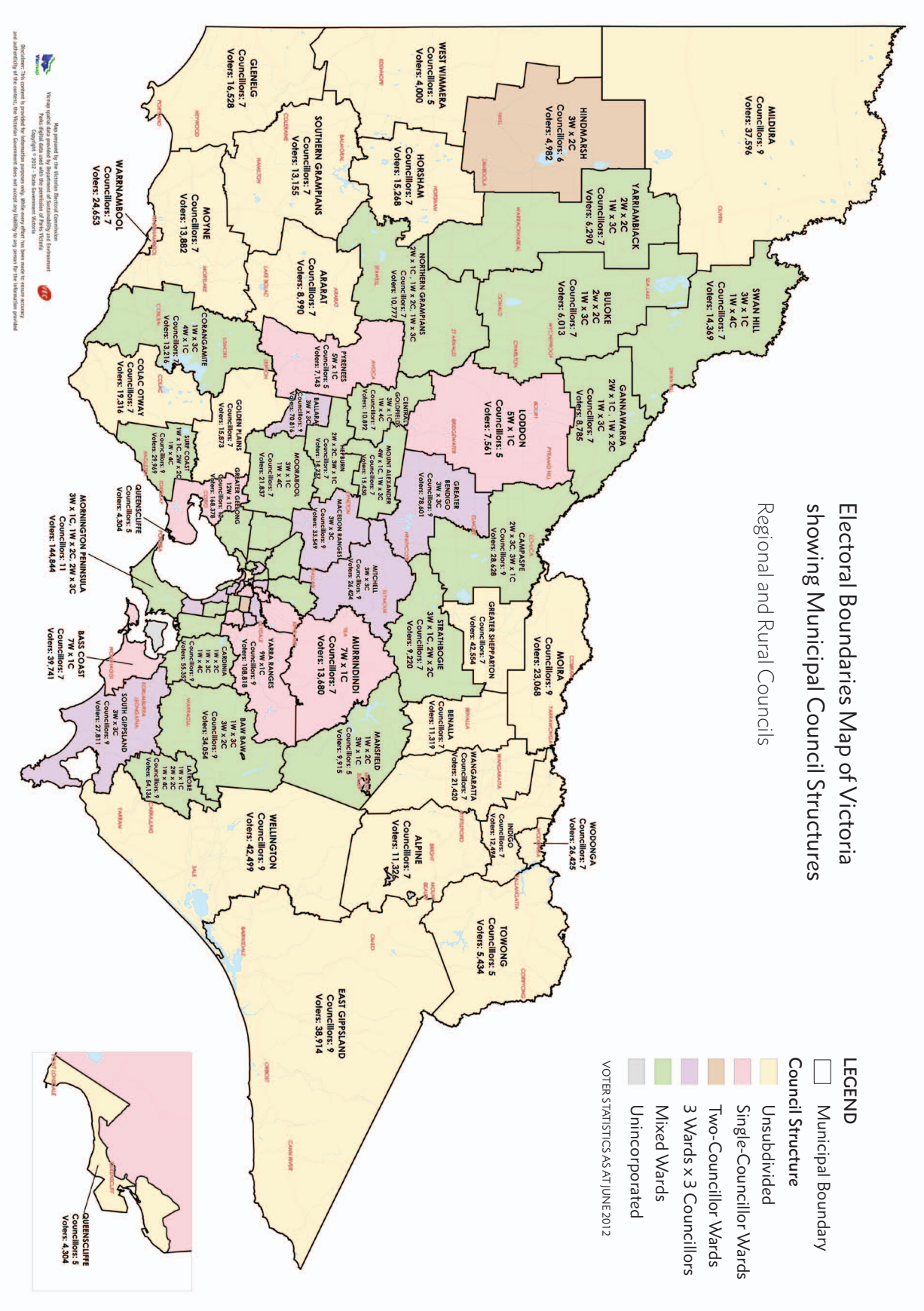


Figure 8: Electoral structures in regional Victoria. (Source: VEC)

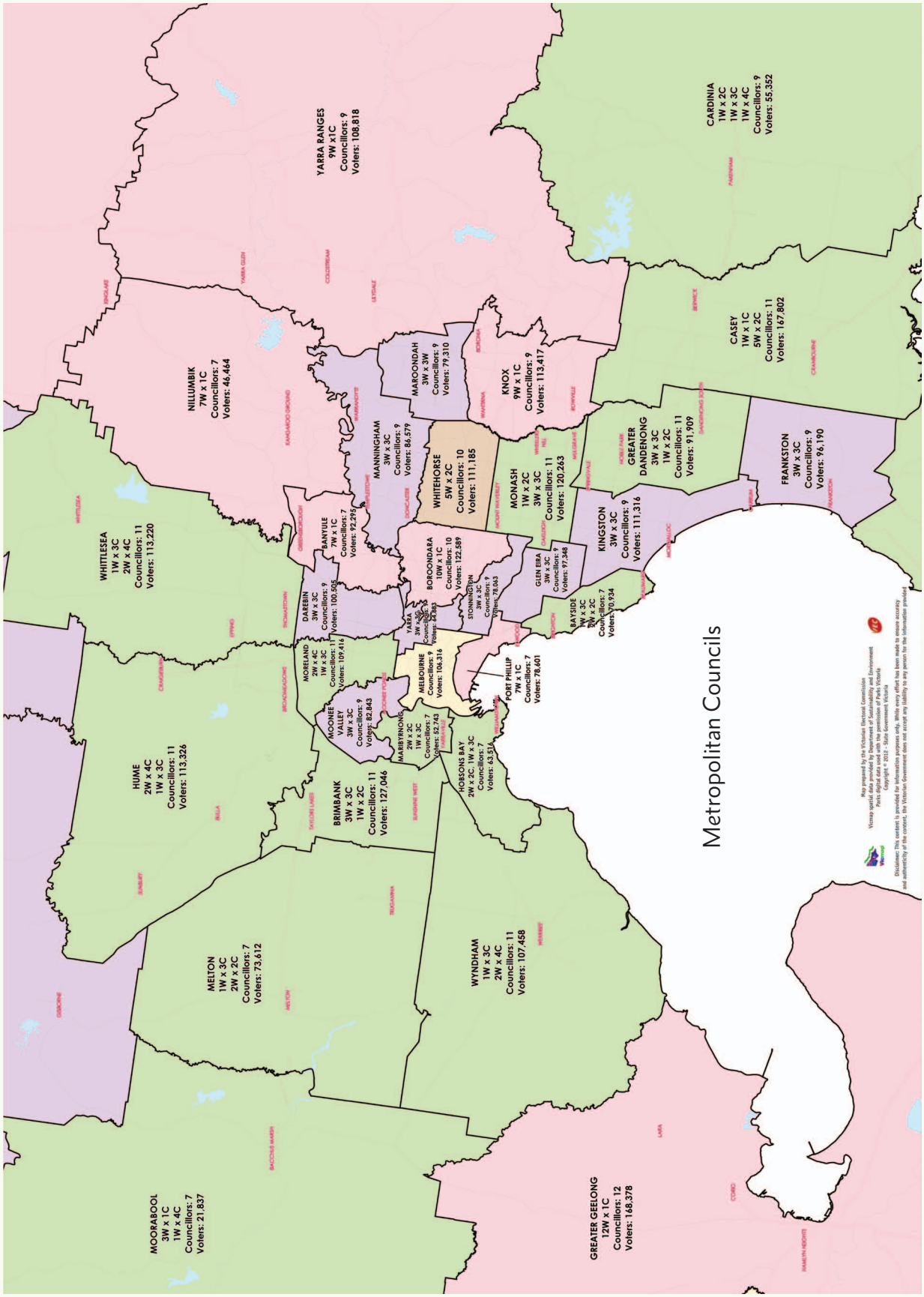


Figure 9: Electoral structures in metropolitan Melbourne. (Source: VEC)

Defining 'representation' in local government

Representation has different meanings to different people. With these different meanings come different expectations of elected representatives. There are no legislated criteria for the determination of representation at the local level other than the maintenance through periodic reviews of 'fair and equitable representation for voters'.

The VEC does not express a view on whether there should be a preferred model of electoral representation for local government, but notes three models put forward by Neil Burdess and Kevin O'Toole.[74]

Each of these reflects different concepts of representation. These different concepts are important to the discussion in this chapter on electoral structures and whether they meet the particular needs and expectations of the electorate.

Interest representation

Elected representatives are seen as the personal advocates of their constituents. Voters expect their representatives to pursue the constituents' particular interests and hold them responsible for activities that hinder their interests. The 'interest' view of representation works best in constituencies that are small enough for councillors to make personal contact with a significant proportion of the electorate.

Corporate representation

The representative body (i.e. the council) is seen as authorised to act for the electorate as a whole and to deliberate and make decisions on behalf of the voters. This is seen more in levels of government with political parties, where a party as a team seeks authorisation from voters across electorates for a policy framework.

Mirror representation

Mirror representation seeks to create a representative body whose composition reflects the makeup of the constituents. That is, groups are represented on the council in the same proportion as the electorate. Mirror representation is closely associated with proportional representation, the basic principle being that the distribution of opinion in the elected body should correspond with the distribution of opinion among those who elected it.

74 Burdess, N, & O'Toole, K 2004, *Elections and Representation in Local Government: A Victorian Case Study*, pp. 66-78.

Councillor numbers

Councillor numbers can impact on both the workload of councillors in representing their electorate and in how voters perceive to be represented in the local council.

Under section 5B of the Act, councils must consist of between five and 12 councillors. The legislation also specifies the ratios of councillors to voters must not vary by more than 10 per cent between wards within a subdivided municipality.

Councillor numbers for each council must be reviewed at least every three council terms, i.e. every 12 years, as part of electoral representation reviews conducted by the VEC under the Act. These reviews consider and recommend councillor numbers and electoral structures for each council so as to provide fair and equitable representation to voters, including whether the municipality should be divided into wards.[75]

In 1995, around the time of the local government amalgamations, the maximum number was decreased from 15 to 12. These changes were justified on the basis that the role of councillors should shift from localised to municipal wide issues and high level strategic policy rather than managerial or operational detail.

In 2003, the responsibility for setting councillor numbers and electoral structures moved from councils to the electoral commission under contract with the council. The move to independent formalised reviews responded to concerns that councils were open to criticism from the community that their decisions on electoral representation were based on local agendas rather than objective criteria.

In 2010, the VEC was made the statutory provider of electoral representation reviews.

CHANGES TO COUNCILLOR NUMBERS OVER TIME

Table 15 shows the current spread of councillor numbers in councils across the state compared to councillor numbers in 2003, just prior to the introduction of the independent electoral representation review process.

	Number of councils by councillor numbers							
	Councillor numbers							
	5	6	7	8	9	10	11	12
2003	7	3	31	4	26	5	2	1
2012	6	1	34	0	26	2	9	1
Change	-1	-2	+3	-4	0	-3	+7	0

Note: These figures do not include the Lord Mayor and Deputy Lord Mayor of the City of Melbourne, or the Mayor of Greater Geelong City Council.

Table 15: Spread of councillor numbers in councils across Victoria – 2003 compared to 2012.

75 *Local Government Act 1989*, Section 219F (Vic)

Two trends have emerged in relation to changes in councillor numbers:

- there has been a significant move from even to odd numbers
- a number of councils have moved up to 11 councillors. Some of these are on the fringe of the Melbourne metropolitan area and have experienced strong population growth in recent years.

Otherwise there has been little change across the sector. Forty-one councils have had no change in councillor numbers; most others have seen changes of one or two councillors only.

COUNCILLOR-VOTER RATIOS

The councillor to voter ratio is the number of councillors representing voters in any one municipality. There is a wide variation in councillor-voter ratios across Victoria, which is predominantly a reflection of the differences in voter population per council across Victoria, particularly between rural and metropolitan municipalities. Table 16 gives a snapshot of ratios at the lowest and highest ends.

	Area (km²)	Voters (at 2012 general election)	Number of councillors	Number of voters per councillor
Councils with lowest councillor-voter ratio				
West Wimmera Shire	9,018	4,018	5	804
Hindmarsh Shire	7,521	5,051	6	842
Buloke Shire	7,998	5,996	7	852
Queenscliffe Borough	11	4,268	5	854
Yarriambiack Shire	7,324	6,254	7	893
Towong Shire	6,661	5,486	5	1,097
Councils with highest councillor-voter ratio				
Casey City	397	169,519	11	15,410
Greater Geelong City	1,279	170,408	12	14,201
Mornington Peninsula Shire	726	145,378	11	13,216
Knox City	114	113,783	9	12,643
Kingston City	92	112,137	9	12,460
Yarra Ranges Shire	2,466	108,942	9	12,105

Table 16: Snapshot of councillor-voter ratios in Victoria – highest and lowest.

Key issues

CRITERIA FOR DETERMINING COUNCILLOR NUMBERS

There is no criteria set out in legislation in regards to councillor to voter ratios other than the requirement that councillor numbers and electoral structures must provide 'fair and equitable representation' and that in a subdivided municipality councillor to voter ratios must not vary by more than 10% between wards within that municipality. In the absence of further criteria, the VEC is guided by councillor numbers in similar sized municipalities of similar categories across the state subject to any special circumstances that may warrant different numbers in individual cases. As part of this, the VEC considers three major factors:[76]

- Population diversity – The larger the municipality's population is, the more likely it is to be diverse, in nature of the community and in issues of representation, so requiring more councillors.
- Councillors' workloads – These are affected by voter numbers, type of municipality, geographic size, topography, issues surrounding population growth, social diversity and high and low needs groups.
- Prevention of tied votes – to prevent the likelihood of tied votes at council meetings, where the mayor gets a second vote if half an even number of councillors are present, the VEC generally recommends an uneven number of councillors. This approach renders redundant the statutory provision of having up to 12 councillors.

In maintaining consistency of councillor numbers for similar sized councils, the VEC uses the Table 17 as a guide, but stresses that special factors at a particular council may justify a greater or lesser number.

COUNCILLOR NUMBER LIMITS

Some councils (such as Casey, Hume, Whittlesea and Wyndham) are experiencing rapidly increasing populations with very high councillor-voter ratios. All are expected to remain high growth in the medium term. This raises concerns over councillor workloads and potential under-representation of voters. The VEC has observed that by the next round of electoral representation reviews, there are likely to be more municipalities bumping against the legislated ceiling, raising concerns that their voters will be under-represented as compared to voters in other municipalities. The VEC recommends that the maximum number of councillors be increased.

There is also an issue whether the minimum number of councillors allowed (five) may be too low, given the increasing complexity of councillor roles and a higher propensity for a council with small numbers to become dysfunctional in the event a small number of councillors do not work together well.

As a comparison, local governments in other states have the following legislated councillor ranges.

76 VEC, 2013, *Report of local government electoral representation reviews and subdivision reviews conducted by the VEC in 2011 and 2012*, p. 15.

Expected number of councillors	Range of voters			
	Metropolitan	Metropolitan/ rural fringe	Regional with urban areas	Rural
5	-	-	-	< 8,000
7	< 70,000	< 70,000	< 45,000	8,000 – 22,000
9	70,000 – 110,000	70,000 – 110,000	45,000 – 80,000	> 22,000
10-12	> 110,000	> 110,000	> 100,000	-

Table 17: Guide for determining councillor numbers. (Source: VEC) [77]

New South Wales	Queensland (Brisbane)	Western Australia	South Australia	Tasmania	Northern Territory
5–15	5–16 (27)	6–15	6–16	7–12	6–14

Table 18: Legislated councillor ranges in other states and territories.[78]

77 VEC, *Report of local government electoral representation reviews and subdivision reviews conducted by the VEC in 2011 and 2012*, p. 16.

78 State legislation

Questions

6.1 What do you think is the most important factor in effective representation?

6.2 Does your council have the right number of councillors? Why?

Ward structures

Electoral structure refers to whether the council is unsubdivided or divided into wards. The electoral structure of a municipality is determined by the minister on the basis of a recommendation from the VEC.

The way a council's electoral structure is configured plays a decisive role in how councillors are able to represent the local community and how citizens engage with those they have elected.

HISTORY OF CHANGES IN VICTORIA

The system of wards has been a feature of local government in Victoria since the establishment of councils in the mid-1800s. Most of this time, councils have been permitted to choose to be unsubdivided or retain a system of wards (known as ridings in rural areas).

Electoral structures changed little throughout the 20th century until the enactment of the Act. Prior to the Act's commencement, councils could only be either undsubdivided or consist of several three-member wards. Annual elections were held with one councillor position from each ward up for election, or in the case of unsubdivided municipalities, a third of all councillor positions.

Table 19 shows that by 2003, over half of all councils had selected single-member wards only as their preferred electoral structure, most predominantly in metropolitan areas. Just under a fifth had adopted a mixture of single and multi-member wards. These new structures, combined with the reduction in the permitted number of councillors and fewer councils, meant that the representation ratio of councillors per head of population had increased fourfold since before the council amalgamations.

Further legislative reforms in 2003 created a formal cycle of electoral representation reviews to be conducted independently of councils by an electoral commission. The VEC was made sole reviewer in 2010.

Between 2004 and 2008, the VEC conducted reviews for all councils, except the City of Melbourne and the Surf Coast Shire (Surf Coast underwent an electoral review in 2003 under substantially the same arrangements as the current framework). Between 2009 and 2012, 27 of those councils underwent a second review.

Table 19 details changes to council electoral structures between 2003 (before the framework for independent reviews was introduced) and 2012.

	Unsubdivided council	Multi-member wards	Single and multi-member wards	Single wards
2003	13	12	11	43
2012	22	16	30	11
Change	+9	+4	+19	-32

Table 19: Electoral structures 2003–2012.

As the table shows, the most significant change to council structures has been the move away from single member wards in favour of mixed wards and unsubdivided councils.

Table 20 outlines the different types of council electoral structures that exist in other states.

	Single-member wards	Multi-member wards	Combination single and multi-member wards	Unsubdivided	Mayor directly elected by whole municipality
Queensland	Yes	No	No	Yes	Yes (all councils)
New South Wales	No	Yes (each ward has equal number of councillors)	No	Yes	Yes (some councils)
South Australia	No	Yes (some councils have different councillor numbers in each ward)	No	Yes	Yes (some councils)
Western Australia	Yes	Yes	Yes	Yes	Yes (some councils)
Tasmania	No	No	No	Yes	Yes (all councils)

Table 20: Council electoral structures in other Australian states.

CURRENT ARRANGEMENTS

Councils may consist of:

- councillors representing the municipal district as a whole, i.e., an unsubdivided municipality, and
- councillors representing wards within the municipal district, which may be either single-member, multi-member or a combination of both.[79]

Councillors in single-member wards are elected using the 'preferential' method of vote counting. Councillors in unsubdivided municipalities and multi-member wards are elected under 'proportional representation' vote counting.[80]

In a single-member ward, a casual vacancy is filled by a by-election. In a multi-member ward or unsubdivided council, such a vacancy is filled by a countback using votes cast at the previous election.[81]

Each municipality's electoral structure and councillor numbers are reviewed at least every 12 years by the VEC.

If a ward structure is recommended rather than an unsubdivided municipality, the councillor-voter ratio for individual councillors should not exceed 10 per cent of the councillor-voter ratio for the whole municipality.[82]

HISTORY OF CHANGES IN VICTORIA

Prior to 2003, there were minimal legal requirements for the review of electoral representation and there were complaints about councillors reviewing their own electoral boundaries. Further:

- There was no effective provision for reviews where the councillors were elected at large (without wards).
- In municipalities with wards, councils were required to undertake a review every six years (then two council terms) to decide whether the existing boundaries were fair and equitable.
- Little guidance was provided about the process or principles for amending boundaries.

In 2003, the Act was amended to require an electoral commission to conduct reviews for all councils every eight years, the same year council terms were changed to four years. The new legislation specified two rounds of public consultation and provided for decision guidelines to be prescribed in regulations. In 2005, proposed regulations were not adopted following opposition from the local government sector.

In 2010, after every council had undergone an independent review by the VEC, the Act was amended to extend the minimum time between reviews to 12 years. The sector is still in transition to 12 year reviews, and the last eight-yearly reviews for some councils will be completed before the next round of elections in 2016.

79 *Local Government Act 1989*, Section 5B(2) (Vic)

80 *op cit*, Schedule 3 Parts 3 and 4A

81 *op cit*, Sections 37A and 38

82 *op cit*, Section 219D

Key issues

CRITERIA FOR SETTING ELECTORAL STRUCTURES

As with councillor numbers, the Act provides no specific criteria or other guidance on what factors should be considered when determining structures (other than the requirement that they be 'fair and equitable' and that variations in councillor-voter ratios are limited).

In the absence of legislated criteria, the VEC has established its own parameters when considering electoral structures in reviews:

> *'Electoral structures should take into account communities of interest where practicable. This assists councillors to be effective representatives of the people in their particular community.*
>
> *Communities of interest are groups of people who share a range of common concerns or aspirations. They are different from 'interest groups' or 'pressure groups', which identify on a limited number of issues.*
>
> *Communities of interest may occur where people are linked with each other geographically (e.g. people who work in similar industries or mutually dependent industries. Communities of interest may also appear where people share a number of special needs because of similar circumstances, such as new immigrants (who may have little English, and require assistance with housing and finding employment), particular ethnic groups, retired people and the unemployed'.*[83]

The VEC says it is also guided by pragmatic considerations such as creating readily identifiable and practically sized ward boundaries. It also advises that the statutory requirement for individual councillor-voter ratios to remain within 10 per cent of the ratio for the whole municipality plays a significant part in setting a structure that will last until the next review in 12 years. Larger multi-member wards tend to last longer without having to adjust ward boundaries than single-member wards, particularly when different areas within a municipality are experiencing uneven growth. This may be why many councils have moved from single-member to multi-member ward structures over the last ten years.

COMPARING THE DIFFERENT ELECTORAL STRUCTURES

The VEC has provided a view on positive and less positive features of each type of electoral structure.[84] This is included in Table 21.

83 VEC, 2013, *Report of local government electoral representation reviews and subdivision reviews conducted by the VEC in 2011 and 2012*, p. 18.

84 VEC, October 2009, *Report of local government electoral representation reviews conducted by the VEC between 2004 and 2008.*

Positive features	Less positive features
Unsubdivided structure	
• Promotes the concept of the municipality wide focus with councillors being elected by and concerned for the municipality as a whole rather than parochial interests. • Gives residents and ratepayers a choice of councillors to approach with their concerns • Each voter has the chance to express a preference for every candidate for the council election. • Removes the need to define internal ward boundaries. • Results in simple, less expensive voters' roll for elections compared with separate voters rolls for individual wards.	• May lead to significant communities of interest and points of view being unrepresented. • May lead to councillors being relatively inaccessible for residents of parts the municipality. • May lead to confusion of responsibilities and duplication of effort on the part of councillors. • May be difficult for voters to assess the performances of individual councillors. • Large numbers of candidates might be confusing for voters. • Large numbers of candidates may increase the risk of dummy candidates running.
Single-member wards	
• Councillors are more likely to be truly local representatives, easily accessible to residents and aware of local issues. • Major geographical communities of interest are likely to be represented. • Less likely that one particular point of view or sectional interest will dominate the council.	• Councillors may be elected on minor or parochial issues of lack of perspective of what policies benefit the municipality as a whole. • Ward boundaries may divide communities of interest and may be difficult to define. • Voters may have restricted choice of candidates in elections for individual wards. • Small populations in each ward may make ward boundaries more susceptible to change caused by demographic shifts.
Multi-member wards	
• The structure supports the accommodation of a whole community of interest such as a sizeable town or group of suburbs within the ward. • Focus on issues may be broader than for single councillor wards (though councillors may be more locally focused than in an unsubdivided municipality). • Voters have a choice of councillor to approach. • Councillors may share workloads more effectively. • Ward boundaries are likely to be easy to identify and less susceptible to change as a result of population growth or decline than for single councillor wards.	• Very local issues may be overwritten. • Groups may form within the council based on multi-councillor wards leading to possible division between councillors. • In very large wards councillors may not be accessible for residents in parts of the ward. • Duplication or gaps may occur if councillors do not communicate or share their workloads effectively. • It may be easier for candidates to be elected as part of a voting ticket than as individuals. • Large numbers of candidates may increase the risk of dummy candidates running.
Combination of single and multi-member wards	
• A large community of interest can be included within a multi-councillor ward and a smaller community of interest can be included within a single councillor ward. • The structure accommodates differences in population across a municipality and allow small communities to be separately represented. • Clear ward boundaries are more likely.	• Voters in single councillor wards may expect that their councillors will be more influential than their numbers suggest.

Table 21: Strengths and weaknesses of each type of electoral structure available to Victorian councils. (Source: VEC)

With regard to the combined model of single and multi-member wards, some argue that the level of representation by different councillors across the municipality is inherently different, as not all are elected under the same system of vote counting (councillors in single-member wards are elected under the 'preferential' system of vote counting; councillors in multi-member wards are elected under 'proportional representation' – each system requires different numbers of votes to be elected).

Questions

6.3 Does the electoral structure in your council give you effective representation? Why?

6.4 Should there be a uniform structure for all 79 councils? Why?

If so, what should it be? Why?

VOTE COUNTING SYSTEMS – PREFERENTIAL AND PROPORTIONAL REPRESENTATION

Candidates in local government elections are elected under one of two vote counting systems, depending on the electoral structure of the particular council.

In **single-member wards**, votes are counted under the 'full preferential' system (also known as 'majority preferential'). Under this system:

- all candidates must be given a preference by the voter for the vote to be counted
- all first preference votes are counted for each candidate. If a candidate receives an 'absolute majority' of formal first preference votes, i.e. 50 per cent of votes plus one, that candidate is elected
- if no candidate has an absolute majority, the candidate with the fewest first preference votes is excluded and the second preference votes from their ballot papers are transferred to the other candidates at full value
- if still no candidate has an absolute majority, the next candidate with fewest first preference votes is excluded and their second preference votes are transferred at full value
- this process continues until one candidate obtains an absolute majority and is declared elected
- a by-election is required when an extraordinary vacancy occurs and where the preferential system was used at the previous election.

The full preferential system is used for the House of Representatives at the federal level, the lower houses in Victoria, South Australia, Western Australia and the Northern Territory, and in many local government elections where a single member is to be elected. It is designed to ensure that the elected candidate is acceptable to a majority of people who cast a valid vote.

In **multi-member wards** and **unsubdivided** councils, the proportional representation system of vote counting is used to elect councillors. Under this system:

- All candidates must be given a preference by the voter.
- All first preference votes are counted for each candidate.
- To be elected, a candidate must receive a 'quota', which is calculated by dividing the total number of formal ballot papers by one more than the number of candidates to be elected, and adding one to the result.

Example
Where four councillors are to be elected from 5,000 formal votes:

The quota $= \frac{5{,}000}{(4+1)} + 1 = 1{,}001$

- Each elected candidate's surplus votes (if any) are transferred to the remaining candidates according to the preferences on the ballot papers. Because it is not possible to tell which votes elected the candidate and which are surplus, all the elected candidate's votes are transferred, but at a value less than one.
- The value of the transferred votes is worked out by dividing the surplus by the total number of ballot papers for the candidate. Each ballot paper transferred to another candidate has this value.

Example
If Candidate X receives 1,600 votes when the quota is 1,001, that candidate is elected and their surplus votes total 599. Their transfer value is:

$\frac{599}{1{,}600} = 0.374$

On transfer of the Candidate X's votes, their 1,600 ballot papers give 405 ballot papers to Candidate Y. Candidate Y therefore receives 151 votes (405 x 0.374).

- Any candidate who has gained the quota once the surplus votes have been transferred is elected.

- If there are still vacancies to fill once the surplus votes have been distributed, the candidate with the lowest number of votes is excluded and their ballot papers are then transferred to the remaining candidates (at the value they were received) according to the preferences on them.
- A 'countback' is conducted to fill councillor extraordinary vacancies where proportional representation vote counting was used at the previous election. Votes cast for the vacating councillor at the previous election are redistributed to remaining candidates, rather than a by-election being required.

A council with a mix of single and multi-member wards will use both vote counting systems depending on the individual ward structure.

Proportional representation aims to produce 'proportional' election results, where councillors are elected in proportion to the votes cast. It is used in the Senate and in the upper houses of New South Wales, Victoria, South Australia and Western Australia.

Other vote counting systems

There are a number of variations of the proportional representation system used in liberal democracies throughout the world. Australia and a small number of other countries use the 'single transferable vote' system, which places emphasis on votes cast for individual candidates. Western Europe generally uses other systems, which operate on the assumption that party lists are important to the electoral process – these however may not be suited to Victorian local government elections where political parties do not play a significant role.

Within Australia there are variations on how votes are counted. Tasmania – where no single-member wards currently exist in local government – uses the 'Hare-Clark' variation of proportional representation in its state and local government elections. A feature of this system is the requirement that the order of candidates on individual ballot papers is randomly selected (commonly known as the 'Robson rotation' system), which effectively renders ticket voting and candidate preferencing obsolete. This system also has no 'above the line' voting (which occurs in the Senate and other state upper house elections), thus removing party control over how votes are distributed.

There are also variations within Australia on how many boxes need to be filled on ballot papers by voters. Western Australia uses 'first past the post' counting in local government elections. Voters place an indication against only one candidate – preferences are not required. In Queensland state and single-member local government ward elections, 'option preferential voting' is used. Voters may mark numbers against as many candidates' names on ballot papers as they like.

Both 'first past the post' and optional preferential voting have advantages in that voting is simplified and informality is reduced, however both can result in candidates being elected with very little support across the whole electorate.

Having two systems to elect councillors may confuse candidates (but not necessarily be of concern to voters). Under a uniform vote counting system, all councillors would be elected by either preferential or proportional representation systems. This may have particular relevance to those councils with both single and multi-member wards where both preferential and proportional representation is mandated, and councillors are elected under different voting rules and with differing levels of support.

Filling extraordinary vacancies

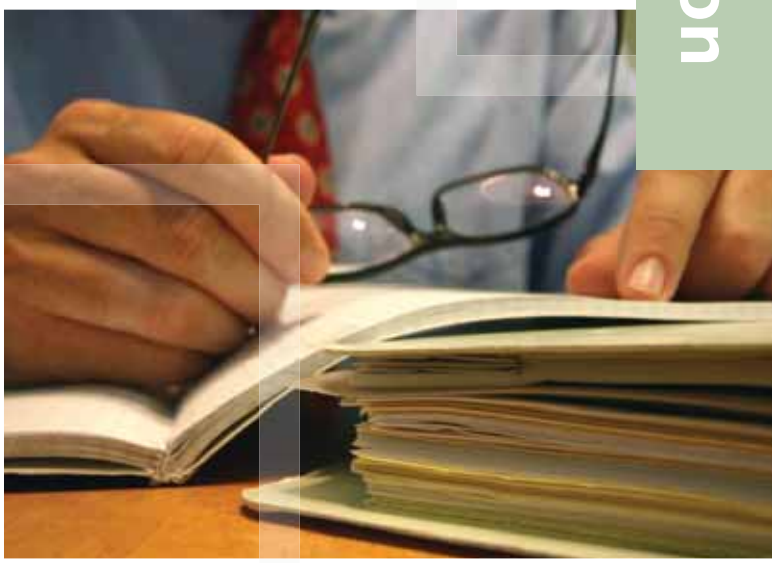
The countback system is a recognised system of filling vacancies under proportional representation. It uses the votes cast at the general election to ascertain which of the remaining candidates was most supported by the voters who voted for the vacating councillor. It is used in Victorian and Tasmanian local government, but not in New South Wales or South Australian local government, where proportional representation is used.

Previously elected councillors are excluded from the countback. If a vacancy cannot be filled by countback – for example there are no remaining unelected candidates – a by-election is conducted.

Countbacks have three distinct advantages:

- they enable the proportionality of representation achieved at the general election to be retained
- they allow a vacancy to be filled in a few weeks (avoiding a delay of about three months in the case of a by-election) and
- are significantly less expensive to conduct than a new election.

Concerns have been raised that countbacks are based on dated nominations and votes, and that as people may have changed their views in the intervening period, they should be given a fresh vote. Other concerns centre on the justifiability of automatically electing a sole remaining candidate without a count. That candidate may have received very few votes in the first place, and there is no reason to think that the voters who elected the departing councillor would support the remaining candidate as a replacement.



Questions

6.5 Is the vote counting method important to how electorates are represented? Why?

6.6 Which system do you think offers the best means of ensuring effective representation? Why?

Conduct of electoral representation reviews

Current arrangements

Victorian councils are required to undergo regular reviews of their electoral representation. The purposes of a review are to consider:

- how many councillors should be elected to represent the municipality
- whether the municipality should be subdivided into wards
- how many councillors should be elected for each ward
- where any ward boundaries should be located.

A full review is required for each municipality at least in every third council term; that is, every 12 years.

Electoral representation reviews are undertaken by the VEC as an independent body. In addition, if the numbers of voters within any ward at a council vary by more than 10 per cent from the average between the regular full reviews, the VEC conducts a subdivision review to alter the ward boundaries.

The Act only allows the electoral structure and internal electoral boundaries of a council to be altered by an Order in Council on the advice of the Minister for Local Government. Since the VEC began undertaking independent reviews in 2003, ministers have always implemented the recommendations arising from reviews.

The VEC frequently employs people with local government experience to be on its review panel. The review process has two stages.

Stage 1 – Preliminary submissions and report

- Public notice is given inviting preliminary submissions.
  (The VEC conducts information sessions and publishes guidance material.)
- Submitters have at least 28 days to lodge preliminary submissions.
- Preliminary submissions are considered by the VEC.
- A preliminary report is prepared with preferred and alternative options.

Stage 2 – Final submissions and report

- Public notice is given inviting final submissions in response to the preliminary report.
- Submitters have at least 28 days to lodge final submissions.
- The VEC holds public meetings where submitters may speak to their submissions.
- The VEC considers final submissions and prepares a final report and recommendations.
- The final report is published and provided to both the council and the minister.

Comparison with other jurisdictions

Parliamentary electoral boundaries are reviewed by an independent body. In Victoria, these reviews are undertaken by the Electoral Boundaries Commission, which is composed of the Chief Judge of the County Court, the Victorian Electoral Commissioner and the Surveyor General. The Electoral Boundaries Commission undertakes reviews at least after every two general elections. It is supported by the VEC and it follows a two-stage submission process.

Arrangements for local government electoral reviews vary from state to state:

- In New South Wales, changes to the overall electoral structure of a council or to the way the mayor is elected are subject to local referendums. Councils themselves are responsible for reviewing their ward boundaries and ensure they do not vary by more than 10 per cent.
- In Queensland, reviews of electoral structures and internal electoral boundaries are undertaken by the Local Government Electoral Change Commission, of which the Queensland Electoral Commissioner is the Commissioner.
- In Western Australia, a local government advisory board assesses proposals to change council electoral structures or ward boundaries. The board comprises five members including at least one council CEO, one officer from the government department and two members selected from a list submitted by the local government association.
- In South Australia, councils conduct their own reviews, but a final report must be approved by the Electoral Commissioner before it can be given effect. In addition, any proposal to change how the mayor is elected (by councillors or by voters) requires a poll of voters.

Key issues

It is important that the review of electoral arrangements is undertaken in a way that ensures the validity of democratic processes and provides assurance to the community. The process should involve people and institutions with suitable qualifications and experience to ensure strong recommendations that support effective representation.

Critical issues for the conduct of electoral representation reviews include:

- the timing of reviews
- who conducts reviews, and
- what review process is followed.

TIMING OF REVIEWS

Since 2003, the Act has differentiated between electoral representation reviews and subdivision reviews. A subdivision review only considers whether the existing ward boundaries should be adjusted.

Full representation reviews are now required to be conducted in every third term of each council. The ability to have full reviews on a 12-yearly basis is made possible by the conduct of subdivision reviews, which are conducted on a needs basis whenever the number of voters in a ward differs from the average by more than 10 per cent.

Councils are generally happy to retain their existing structure and, in the past, some have been critical of the VEC for recommending changes. In contrast, some individuals and community groups who are unhappy with their council have eagerly awaited the opportunity to participate in a review. Arguably, the advantages of regular reviews may be the opportunity for communities to have a say in the structure of their municipal government, while a disadvantage may be possible disruption to the effective operation of the council as a cohesive organisation.

WHO SHOULD CONDUCT REVIEWS

The existing legislation requires the VEC to conduct reviews. The advantages of this are that:

- the VEC is an independent body that is accountable to the Victorian Parliament
- the VEC has no vested interest in who wins a council election and has considerable expertise in electoral matters
- the VEC already exists and has an ongoing function in the Victorian governmental environment, meaning that a special body does not need to be established for the purpose.

The downside from the perspective of some councils is that:

- the VEC does not have particular knowledge of the local community, which may be important for developing the best options
- while the VEC may have expertise in electoral matters, it does not have expertise in governance, which may be important in ensuring that a system of representation will produce an effective governing body.

As noted above, each state has its own arrangements. Other alternatives, that might be considered for Victoria include:

- appointing a dedicated panel to undertake each cycle of reviews, somewhat like the Electoral Boundaries Commission, with the VEC providing a support role
- having different processes for determining electoral structures and setting ward boundaries, with a body separate from the VEC to review structures.

Review process

The existing review process was modelled on that used for reviewing parliamentary electoral boundaries and involves two rounds of consultation with a draft proposal prepared in between. This is not the only possible arrangement, although it resembles some other consultation processes used in local government.

Some concerns have been expressed that the preferred option prepared by the VEC after undertaking preliminary consultation becomes a fixed objective from which the VEC is unwilling to deviate. While actual experience may not accord with this, the fact that this is a common perception is itself a matter for concern. It is important that there is public confidence in the process.

It has been noted that the terminology used in the Act, referring to the draft proposal as the 'preferred model', may contribute to this. Another consideration may be that the reviewer presents a number of options to the community for consideration without having a single or preferred model.

Questions

6.7 Who should conduct reviews on how you are represented?

6.8 What should reviewers take into account?

6.9 What should determine when a review should be undertaken? Why?

Chapter 7
City of Melbourne

The City of Melbourne has an area of 37.6 square kilometres and a resident population of over 100,000 people. Unlike other councils, Melbourne is Victoria's capital city and is the centre of government, business, culture and tourism for Victoria. Around 800,000 people use it as a place to live, work, conduct business or visit each day. More broadly, the capital city is the centre of economic growth in the state and plays a unique role in servicing the larger metropolitan region and its population.

Melbourne has its own Act, the *City of Melbourne Act 2001*, which includes additional objectives for the council, reflecting its capital city status.[85]

The Melbourne Act also provides for the council to have certain electoral arrangements, which are different from other Victorian councils as follows:

- The council has a broad voter franchise in which larger numbers of commercial tenants and corporation representatives are included on the voters' roll, as well as residents enrolled from the state roll.
- Voting is compulsory for all voters, even for people who applied for enrolment. The exception is voters aged 70 or over.
- The Lord Mayor and Deputy Lord Mayor are elected as a team by all Melbourne voters using preferential voting.
- The other councillors are currently elected at large by all Melbourne voters using the proportional representation system.
- Candidates may nominate in groups and voters may vote for those groups 'above the line' on the senate-style ballot paper.
- Melbourne is not subject to a regular cycle of reviews of its electoral structure as with other councils.

Each of these unique features is discussed in detail in this chapter.

The number of people on Melbourne's rolls has increased markedly over the past 15 years. Total enrolments in 1996 were 42,996, compared to 108,434 persons for the 2012 council elections.

	1996 election		**2012 election**	
	Voters		Voters	
Residents*	19,453	45%	43,784	40%
Business occupiers	3,685	9%	3,940	4%
Non-resident owners	5,924	14%	40,911	38%
Company representatives	13,934	32%	19,799	18%

* Our data indicates that for 2012, 43,692 were on the state roll; 91 residents not on the state roll applied for enrolment.

Table 22: Types of voters in 1996 and 2012 City of Melbourne elections. (Source: City of Melbourne)

85 Additional objectives:

(1) The Council has the following objectives—

(a) to ensure a proper balance within its community between economic, social, environmental and cultural considerations within the context of the City of Melbourne's unique capital city responsibilities;

(b) to develop and implement strategic directions and policies for the City of Melbourne in collaboration with the Government of the State to ensure alignment with that Government's strategic directions and policies for the City of Melbourne as the capital city of the State of Victoria;

(c) to co-ordinate with the State and Commonwealth Governments in the planning and delivery of services in the City of Melbourne in which those governments have an interest;

d) to work in conjunction with the Government of the State on projects which that Government or the Council determines are significant to Melbourne.

(Section 7(1) City of Melbourne Act 2001)

Voter eligibility

The City of Melbourne voter entitlements have been largely unchanged since the mid-1990s when specific legislation was passed to give Melbourne a different franchise from other municipalities.

Current differences between the City of Melbourne and other Victorian councils are:

- Companies in Melbourne may appoint up to two voting representatives, compared to a single representative in other councils.
- The City of Melbourne deems company office bearers to be enrolled when a company does not appoint its own representatives.
- In Melbourne, up to two owners and two occupiers may be enrolled per property, whereas in other municipalities the maximum is either two owners or two occupiers.
- In Melbourne, non-resident occupiers are automatically enrolled, but at other councils they are only enrolled if they lodge an application and only if the owners consent.
- In Melbourne, resident occupiers who are not on the state roll may apply to be enrolled. In other municipalities only residents from the state roll can be enrolled.
- Occupiers who do not pay rates may be enrolled. At other councils, only ratepayers can be included on the voters' roll.
- Voting is compulsory for all enrolled voters at Melbourne, but it is only compulsory for residents on the state roll in other municipalities.

The current voter franchise was established with the objective of ensuring greater diversity of participation for the capital city. It was also designed noting that businesses contributed the major portion of municipal rates while at the time only having a small proportion of the voting power. The most significant changes made at that time were to increase the number of voting representatives for companies from one to two persons and to provide for the council to automatically enrol company representatives (company secretaries or directors) when a company did not appoint its own representatives.

The company franchise for Melbourne was modified in 2003 to limit company appointed representatives to company secretaries and directors.

Key issues

It is important to consider whether the City of Melbourne should apply the same franchise as other Victorian councils or whether Melbourne's unique characteristics support a different franchise. From past public debates, there are clearly some strong views either way.

The following is an outline of issues raised with respect to the different types of voters making up the Melbourne voters' roll which may guide further consideration of whether the council's voter franchise best supports democratic representation.

NON-RESIDENT OWNERS

Between 1996 and 2012, the number of non-resident owners on the City of Melbourne voters' roll increased from under 6,000 to almost 41,000. This increase may be due in part to non-residents investing in many of the new apartments in the city including in Docklands.

This trend reflects a real change in property ownership in the city. A proportion of non-resident owners are likely to be overseas investors, many of whom cannot easily be identified as such because they engage local agents to manage their property interests in Melbourne.

This issue does not arise because of any unusual legislation in Melbourne. The same rights for non-residents apply elsewhere in Victoria. The only difference is the predominance of non-resident owners on the roll, reflecting patterns of property ownership.

RESIDENT OCCUPIERS

Some concerns have been expressed about resident occupiers who were not on the state roll for the City of Melbourne. There were 91 such residents enrolled in the 2012 election and 99 in the 2008 election. These residents can be non-Australian citizens living in Melbourne (including international students) or people who occupy an apartment in the city on weekdays only. Particular attention was given to this matter during the 2012 election, when several hundred apparently fraudulent enrolment forms were lodged for resident occupiers.

Concern has been expressed that resident occupiers not on the state roll may not have an ongoing connection with the city because they do not pay rates or may not be Australian citizens. Of course, not all residents on the state roll are ratepayers but they do need to be citizens. Other Victorian councils do not accept enrolments from resident occupiers who are not ratepayers. Sydney and Perth require occupiers to be on the relevant state or federal roll to be entitled to vote in council elections, whereas Adelaide allows resident occupiers to vote if they have been residents for at least one month prior to their application.

CORPORATION REPRESENTATIVES

The arrangement that allows corporations that own or occupy rateable property in Melbourne to appoint two of their office bearers as voters has been questioned from time to time. This usually reflects a view that it gives too much electoral weight to the business community. In other states, the limit is usually one representative per company. However in Hobart a person may have two votes if they have both a personal entitlement as well as being a company representative.

The initial rationale for allowing two company representatives was to provide greater representation for the business community, which contributed most of the council's rates. At the time, it was noted that a company is not a person and might be more appropriately compared to a family or household, which may have more than two voters.

The significance of this provision has diminished over time. Since the mid-1990s, there has been a substantial reduction in the proportion of voters who are company representatives. Company representatives were 32 per cent of voters in 1996 and only 18 per cent in 2012. This drop is partly a result of legislation limiting the entitlement to directors and company secretaries and partly because of the rise of single director companies. It is also affected by expansions of the municipal boundaries to include residential areas in Docklands and part of Kensington.

COMPANY DEEMING

Along with allowing companies to appoint two voting representatives, the legislation was also amended in the mid-1990s to require the council to deem representatives appointed when a company failed to make its own appointments. In 2012, there were 6,267 company representatives appointed by corporations and 13,532 deemed enrolled by the council.

The deeming process is complicated. The council identifies which companies own or occupy property, using rate records and surveys. It then obtains details of all those companies from the Australian Securities and Investments Commission (ASIC). It writes to all companies inviting them to nominate their own representatives. Where companies don't make appointments, the

council uses the ASIC records to enrol company secretaries and directors if they are eligible. Often deeming cannot occur because the only eligible people are already on the roll in another capacity or representing another company.

This arrangement is unusual and some concerns have been expressed about it. Some of these concerns may derive from a view that companies should have less influence in council elections.

COMPILING THE VOTERS' ROLL

The complex voter franchise at the City of Melbourne means that the council is required to devote additional time and resources to compiling an accurate voters' roll. The mandatory automatic enrolment of non-resident occupiers (shop tenants) requires the council to collect information from these voters, whether by surveys or site visits throughout the Melbourne CBD. The enrolling of corporation representatives from applications or via ASIC (see 'Company deeming' above) is also administratively complex and time consuming.

Because the council's CEO's List – the list of all voters other than state roll electors – makes up the majority of its voters' roll (60 per cent of the roll in 2012 compared to 14 per cent for other councils), it is the only council in Victoria to compile the final voters' roll as the 'registrar' using its CEO's list and the list of state roll electors provided by the VEC. All other councils appoint the VEC as registrar to compile their final roll.

VOTER TURNOUT

Despite voting being compulsory for all voters on the Melbourne roll (except those aged 70 or over) overall participation at that council's 2012 council elections was only just over 60 per cent (compared to a turnout of over 72 per cent at postal elections at other councils). Participation in Melbourne was 64 per cent for state roll voters under 70, 77 per cent for state roll voters 70 and over, and 58 per cent for other voters on the CEO's List (non-resident owners, occupiers, corporation representatives).

At the 2008 City of Melbourne elections, the total voter turnout was just over 62 per cent.

COMPARISONS WITH OTHER CAPITAL CITIES

Generally, other Australian capital cities do not have different voting entitlements from the rest of the councils in their state. Sydney and Adelaide have their own separate electoral legislation. In Sydney's case, entitlements are substantially the same as other councils. Adelaide varies only to the extent that a wider range of non-resident voters are enrolled without application.

Questions

7.1 Should Melbourne have the same franchise as other councils or is it distinctive enough to warrant different arrangements? Why?

7.2 Should there be restrictions on the enrolment of resident occupiers in Melbourne City Council? Why?

If so, what are they?

7.3 Should corporations continue to be allowed to appoint two voting representatives in Melbourne? Why?

7.4 Should the deeming arrangement for company representatives continue at Melbourne? Why?

Electoral representation

Current arrangements

The current electoral structure of the City of Melbourne provides for 11 councillors to be elected as follows:

- The Lord Mayor and Deputy Lord Mayor are elected as a team by all Melbourne voters using preferential voting. This is a unique arrangement.
- Nine councillors are elected at large by all Melbourne voters using the proportional representation system and a senate-style ballot paper.

Like other Victorian councils, the City of Melbourne elections are held every four years and all councillors are elected for four-year terms.

Unlike other councils, Melbourne is not required by law to undergo regular reviews of its electoral structure by the VEC. However the Minister for Local Government requested the VEC conduct a review before the 2012 elections, which resulted in an increase in the number of ordinary councillors from seven to nine.

History of changes in Victoria

The City of Melbourne's electoral representation often receives more public attention than other councils and has been the subject of several distinct changes in recent times.

- Prior to municipal restructuring in the mid-1990s, the council was divided into seven wards, with each ward electing three representatives. Elections were every three years and the voting system used a non-proportional counting method that could allow a group gaining a majority of votes in a ward to win all three positions. The Lord Mayor was elected by the councillors annually.
- From 1996 to 2001, the council comprised nine members. Five were elected at large by proportional representation and four were elected to represent four single-member wards. During this time the mayor was elected by the councillors for the full three-year term of the council.
- From 2001 council terms were extended to four years. The council was restructured to have separate elections for a leadership team and for ordinary councillors. A team, comprising the Lord Mayor and Deputy Lord Mayor, nominate and were elected together for the entire four-year term of the council. Until 2012 seven councillors were elected at large.
- Since 2012, nine councillors in addition to the leadership team represented the city and are elected at large from across the municipality.

Comparison with other capital cities

Other Australian capital cities have different systems, but with some similarities:

- The City of Brisbane is by far the largest municipality in Australia, with over half a million voters. The Lord Mayor is directly elected by all voters and 26 councillors are elected to represent 26 single-member wards.
- The City of Sydney is a similar size to Melbourne has a directly elected Lord Mayor and nine councillors elected by proportional representation.
- The City of Perth has a directly elected Lord Mayor and eight councillors. The Lord Mayor is elected every four years. Half the councillors are elected every two years and serve four-year terms.
- The City of Adelaide has a Lord Mayor elected at large and 11 councillors. Five of the councillors are elected at large by proportional representation and six are elected to represent three two-member wards by proportional representation.
- The City of Hobart has a directly elected Lord Mayor and a directly elected Deputy Lord Mayor. They are elected concurrently on separate ballot papers. Hobart also has 12 councillors elected at large.

Key issues

In considering the electoral structure for the City of Melbourne, there are some specific aspects that might be considered. These are:

- election of the leadership team
- electoral structure for councillors
- grouping of candidates.

LEADERSHIP TEAM

The current arrangement for electing the Lord Mayor and Deputy Lord Mayor was introduced in 2001. At the time the new framework sought to address a period of internal instability at the council that was characterised by internal disputation about leadership.

Electing a Lord Mayor's team is designed to ensure at least one strong supporter for the Lord Mayor and someone who can undertake the mayoral duties consistently when the Lord Mayor is absent or unavailable.

STRUCTURE FOR THE ELECTION OF COUNCILLORS

Melbourne has undergone several significant changes in its internal electoral structures. Much of the reason for these changes has been a shift in emphasis from strong local representation to city-wide governance. The reforms in the mid-1990s introduced district-wide election of some councillors for the first time. In 2001, wards were completely abolished in favour of district-wide election for all councillors. This pattern has been seen in other capital cities. With the exception of Brisbane, all other state capital city councils now elect some or all councillors at large from the entire municipality.

The question of whether the City of Melbourne should be subdivided into wards again was considered extensively by the VEC in its review of the council's representation in 2012. The VEC concluded that, on balance, the current unsubdivided structure is the most suitable one for the City of Melbourne.[86]

86 VEC, March 2012, *Final Report - Electoral Representation Review of Melbourne City Council* <https://www.vec.vic.gov.au/reviews/melbournerr.html>.

GROUPING OF CANDIDATES

Candidates may form groups at City of Melbourne elections and their group name is formally listed on the ballot paper. The grouping of candidates has an effect not only on the resultant electoral make up of the council but also the participation of candidates and voters at the election. This topic is discussed further in the next section, 'Candidates'.

Questions

7.5 What do you think would be the preferred electoral structure for the City of Melbourne?

Candidates

Current arrangements

City of Melbourne elections have been actively contested over many years. Including candidates for mayoral positions, the total number of candidates at the last four elections is as follows:

- 2001 – 135 candidates
- 2004 – 107 candidates
- 2008 – 54 candidates
- 2012 – 58 candidates.

Melbourne has two unique arrangements for people nominating as a candidate. Firstly, candidates nominate in pairs for the election of a leadership team comprising the Lord Mayor and the Deputy Lord Mayor. Secondly, candidates for councillor positions may form groups and lodge group tickets, which most do.

Key issues

The issues on candidacy discussed in Chapter 2 are relevant to Melbourne. Specific issues of note for Melbourne include:

- separate election of the leadership team
- effects of candidate grouping.

Refer to Chapter 2 for a discussion of donations for City of Melbourne elections.

LEADERSHIP TEAM

A characteristic of the leadership team nomination process is that candidates cannot nominate for a councillor position if they nominate for either Lord Mayor or Deputy Lord Mayor. This practice of limiting people to a single nomination in elections is common (for example candidates for federal or state elections cannot nominate for positions in both upper and lower houses).

This means that candidates are required to choose in advance whether they wish to take on either a leadership or a councillor role.

GROUPING OF CANDIDATES

The ballot paper for councillor elections at the City of Melbourne is similar in style to those used for the Australian Senate and the Victorian Legislative Council. While the groupings of candidates is a common feature in local government elections across the state, this process is only formalised in City of Melbourne elections.

The distinguishing features of this style of ballot paper are:

- it supports the grouping of candidates
- it allows voters to choose to follow the preference recommendations of their preferred party or group by putting a number '1' in a box above the list of candidates from that group. This is referred to as 'above the line voting'.

The use of a senate-style ballot paper for electing ordinary councillors in the City of Melbourne means that most candidates form groups. Groups are listed together on the ballot paper and can lodge a group ticket, which people follow by voting above the line for the particular group.

The number of candidates on the ballot paper for district positions in past City of Melbourne elections is shown in the Table 23. It is noteworthy that the introduction of the grouping of candidates shows an increase in the contestation of elections.

Election year	Type of ballot	Vacancies	Candidates
1996	Ungrouped	5	13
1999	Ungrouped	5	23
2001	Grouped	7	97
2004	Grouped	7	65
2008	Grouped	7	32
2012	Grouped	9	40

Table 23: Number of candidates on the ballot paper for councillor positions in City of Melbourne elections.[87]

It is interesting to note that the ability for groups to be listed on the ballot paper might lay a platform for the ready involvement of political parties at Melbourne elections.

However, unlike Sydney, where several major parties nominate as groups, this has largely not occurred at Melbourne with only the Greens party having a history of nominating in the council's elections.

The grouping system can impact on the participation of candidates in a number of ways:

- There is a potential advantage for candidates in that it facilitates campaigning as a group and under a group name. This may reduce campaign costs for each candidate in the group.
- There is however a clear disincentive to candidates to run unless they are part of a group. Candidates who are ungrouped have very little chance of getting elected. In the past three general elections at Melbourne, no ungrouped candidate has obtained more than 0.2 per cent of the votes. This is primarily because individual candidates are not listed above the line on the ballot paper and most voters vote above the line.
- Candidates may be forced to find other candidates and form alliances in order to form groups for inclusion on the ballot paper. These alliances may be temporary.

Candidate groupings also can affect the involvement and choice of voters:

- Listing of groups on the ballot paper helps voters identify the party/group alignments of individual candidates, particularly when there is a large field of candidates.
- It makes voting much easier for voters who are content to follow the ticket of their preferred party/group.
- It is a familiar system for Australian voters.
- It can result in larger ballot papers because of increased numbers of candidates, as active candidates encourage supporters to nominate so that they can form a group.
- Voters can be discouraged from selecting their own preference order (below the line) because they consider it too complicated.

87 Melbourne City Council 1996, *1996 Election: Post-Election Review.*

It is also of note that some voters who vote for groups would have an expectation that their group, if receiving a sufficient number of votes, would win a significant portion of the councillor positions. However this has not been borne out in recent Melbourne elections. In 2008 all seven councillor positions were filled by the first named candidate only listed on the ballot paper from seven different groups. In 2012, one group had three councillors elected; another had two and the remaining four positions were filled by single candidates from four other groups. In this regard, the proportional representation system of counting votes plays an important factor in ensuring that a diversity of candidates are elected and that single groups do not win a significant number of seats.

It should also be noted though that seven of the ten groups who nominated for the councillor election also ran candidates for the leadership team. While it is unlikely for all members of a group to be elected in a councillor election, there is still a possibility for that group to be significantly represented on the council if their leadership team is elected as well. (In 2012 the group Team Doyle won three out of nine councillor positions and also the leadership team – a total of five out of 11 representatives).

Questions

7.6 Should lord mayoral candidates continue to be prohibited from nominating for concurrent councillor elections? Why?

7.7 Has the distinctive Melbourne model of grouping candidates and above the line voting improved representation?

7.8 Has the direct election of the leadership team led to more stability in council?

How to get involved

How to get involved

The panel invites all Victorians to get involved in the review by making a public submission and/or participating in the formal public hearings.

Public submissions

Everyone is welcome to make a submission to the review, in a way that best suits them.

You can respond to any or all of the questions in the discussion paper or you can write about another issue that you think is covered by the Terms of Reference.

Public submissions can be:

- written on paper and posted to the panel
- emailed to the panel
- made on our website by filling out a simple online form.

If you prefer to fill out a structured submission template, the secretariat can post or email you the template.

Submissions close on Tuesday 5 November (Melbourne Cup Day).

Please post your submissions to:

Kendrea Pope
Head of Secretariat
Local Government Electoral Review
GPO Box 2392
Melbourne VIC 3001

Contact the Local Government Electoral Review Secretariat:

Visit www.localgovernment.vic.gov.au
Email lg.electoralreview@dtpli.vic.gov.au
Call 1300 736 075

Public hearings

Everyone is welcome to attend the formal public hearings.

You can request to speak at a formal public hearing in your local area:

- ☐ at www.localgovernment.vic.gov.au or
- ☐ email or call the secretariat for a 'request to be heard' form

Contact the Local Government Electoral Review Secretariat:

Visit www.localgovernment.vic.gov.au

Email lg.electoralreview@dtpli.vic.gov.au

Call 1300 736 075

PUBLIC HEARINGS

Melbourne CBD	Thursday 3 October 2013	Royal Australasian College of Surgeons, 250-290 Spring Street, East Melbourne	10.30am –2pm
Geelong	Monday 7 October 2013	Geelong West Town Hall, 153 Pakington Street, Geelong West	4pm – 7.15pm
Horsham	Tuesday 8 October 2013	Horsham Rural City Council Civic Centre, Roberts Avenue, Horsham	4pm – 7.15pm
Ballarat	Wednesday 9 October 2013	Ballarat Town Hall, 225 Sturt Street, Ballarat	4pm – 7.15pm
Bendigo	Thursday 10 October 2013	Bendigo Town Hall, Lyttleton Terrace, Bendigo	4pm – 7.15pm
Sunshine	Friday 11 October 2013	Brimbank City Council Offices, 6-18 Alexander Avenue, Sunshine	4pm – 7.15pm
Melbourne CBD	Monday 14 October 2013	Melbourne Town Hall, Swanston Street, Melbourne	10.30am – 1.45pm
Wantirna South	Tuesday 15 October 2013	Knox Civic Centre, 511 Burwood Highway, Wantirna South	1.30pm – 4.45pm
South Morang	Wednesday 16 October 2013	Whittlesea Civic Centre, 25 Ferres Boulevard, South Morang	4pm – 7.15pm
Shepparton	Thursday 17 October 2013	Greater Shepparton City Council Offices, 90 Welsford Street, Shepparton	4pm – 7.15pm
Mildura	Thursday 17 October 2013	Deakin Ave Service Centre, 76-84 Deakin Avenue, Mildura	4pm – 7.15pm
Wodonga	Friday 18 October 2013	Wodonga City Council Offices, 104 Hovell Street, Wodonga	12.30pm – 3.45pm
Traralgon	Monday 21 October 2013	Latrobe City Council Service Centre, 34-38 Kay Street, Traralgon	3pm – 6.30pm

Questions for consideration

Chapter 1

Voters

Voter eligibility

1.1 Who should be eligible to vote at council elections? Why?

1.2 What do you think about restricting eligibility to those on the state roll?

1.3 For those eligible to vote, should voting be compulsory for those not currently compelled to do so? Why?

1.4 For those eligible to vote, should all persons not on the state roll be automatically enrolled? Why?

The voters' roll

1.5 How could integrity of the roll be improved?

1.6 Should voter details be made available to candidates for campaigning purposes? Why?

1.7 What would be an easy way for you to check if you are on the electoral roll?

Chapter 2

Candidates

Candidacy requirements and disqualifications

2.1 Who should or should not be eligible to stand for elections? Why?

2.2 How do you think verification and enforcement of nomination eligibility can be improved?

2.3 Under what conditions should candidates be disqualified from being on the ballot? Who should make such decisions?

2.4 Can the nomination process be improved?

Candidate information

2.5 What would you like to know about your candidates?

2.6 Should candidates be required to reveal information such as education, committee and volunteer experience, employment, policies and political affiliations? Why?

2.7 Would this be an unwarranted breach of candidates' privacy or be discriminatory in any way?

2.8 What would be the best way for additional information on candidates to be communicated to you?

Candidate participation

2.9 How significant is the issue of 'dummy' candidates?

2.10 How can we promote genuine choice between properly qualified candidates in local government elections?

Donations

2.11 Should campaign donations be allowed? Why?

2.12 If allowed, should donations be capped or limited in any way? Why?

2.13 What disclosure requirements should apply? Why?

2.14 Should particular arrangements be made for the City of Melbourne?

Chapter 3

Caretaker period

3.1 Should your council be permitted to make decisions, subject to the Act's thresholds, during the caretaker period? Why?

If yes, which types of decisions should they be allowed to make? Why?

3.2 Who should be responsible for enforcing any restrictions?

Chapter 4

Elections

Polling method

4.1 Which is the best way for people to cast their vote: attendance or postal? Why?

4.2 Should the polling method for all councils be uniform?

If so, what should it be and why?

4.3 How can more eligible voters be encouraged to vote?

4.4 Why do voters vote informally?

4.5 What can be done to reduce informal voting?

Complaints handling

4.6 How can the complaints handling process be improved?

4.7 How can the number of complaints be reduced?

Election services provision

4.8 Should all local government elections be conducted by the VEC? Why?

4.9 How can election costs be contained?

Chapter 5

After the elections

Candidate investigation and prosecution

5.1 Are the electoral offences specified in the Act sufficient? If not, what other offences should be included?

5.2 Can investigations and prosecutions be conducted more effectively? If yes, how?

Non-voting enforcement

5.3 Should compulsory voting be strongly enforced? Why?

Election validity

5.4 Can the current way of resolving election result disputes be improved? If so, how?

Chapter 6

Electoral representation

Representation

6.1 What do you think is the most important factor in effective representation?

6.2 Does your council have the right number of councillors? Why?

6.3 Does the electoral structure in your council give you effective representation? Why?

6.4 Should there be a uniform structure for all 79 councils? Why?

If so, what should it be? Why?

6.5 Is the vote counting method important to how electorates are represented? Why?

6.6 Which system do you think offers the best means of ensuring effective representation? Why?

Conduct of electoral representation reviews

6.7 Who should conduct reviews on how you are represented?

6.8 What should reviewers take into account?

6.9 What should determine when a review should be undertaken? Why?

Chapter 7

City of Melbourne

Voter eligibility

7.1 Should Melbourne have the same franchise as other councils or is it distinctive enough to warrant different arrangements? Why?

7.2 Should there be restrictions on the enrolment of resident occupiers in Melbourne City Council? Why?

If so, what are they?

7.3 Should corporations continue to be allowed to appoint two voting representatives in Melbourne? Why?

7.4 Should the deeming arrangement for company representatives continue at Melbourne? Why?

Electoral representation

7.5 What do you think would be the preferred electoral structure for the City of Melbourne?

Candidates

7.6 Should lord mayoral candidates continue to be prohibited from nominating for concurrent councillor elections? Why?

7.7 Has the distinctive Melbourne model of grouping candidates and above the line voting improved representation?

7.8 Has the direct election of the leadership team led to more stability in council?

Glossary of key terms

Glossary of key terms

Local Government Act 1989 is referred to throughout the discussion paper as 'the Act'.

Other legislation is referred to by name.

AEC	Australian Electoral Commission
CEO	Chief Executive Officer
MET	Municipal Electoral Tribunal
Proportional representation	A broad term describing a group of electoral systems used to elect candidates in multi-member electorates. In this system, candidates are elected in proportion to the number of votes they receive.
State	State of Victoria
The Inspectorate	Local Government Investigations and Compliance Inspectorate
VCAT	Victorian Civil and Administrative Tribunal
VEC	Victorian Electoral Commission

Bibliography

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