

# Local Council Representation Review

Final Report



ARARAT RURAL  
CITY COUNCIL  
May 2019

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## Recommendation

The Victorian Electoral Commission recommends that Ararat Rural City Council continue to consist of seven councillors elected from an unsubdivided electoral structure.

This recommendation is submitted to the Minister for Local Government as required by the *Local Government Act 1989*.

Please see Appendix 2 for a map of this recommended structure.

## Executive summary

The *Local Government Act 1989* (the Act) requires the Victorian Electoral Commission (VEC) to conduct an electoral representation review of each municipality in Victoria before every third council general election.

The purpose of an electoral representation review is to recommend an electoral structure that provides fair and equitable representation for people who are entitled to vote at a general election of the council. The matters considered by a review are:

- the number of councillors
- the electoral structure of the council (whether the council should be unsubdivided or divided into wards and, if subdivided, ward boundaries and the number of councillors per ward).

The VEC conducts all reviews based on three main principles:

1. taking a consistent, State-wide approach to the total number of councillors
2. if subdivided, ensuring the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council
3. ensuring communities of interest are as fairly represented as possible.

### Current electoral structure

Ararat Rural City Council currently comprises seven councillors elected from an unsubdivided electoral structure. The electoral structure was last reviewed in 2007, which made a 'no change' recommendation.

Visit the VEC website at [vec.vic.gov.au](http://vec.vic.gov.au) to access a copy of the 2007 review final report.

### Preliminary submissions

Preliminary submissions opened at the commencement of the current review on Wednesday 30 January 2019. The VEC received 15 submissions for the representation review of Ararat Rural City Council by the deadline at 5.00 pm on Wednesday 27 February 2019.

## Preliminary report

A preliminary report was released on Wednesday 27 March 2019 with the following options for consideration:

- Option A (preferred option)  
**Ararat Rural City Council consist of seven councillors elected from an unsubdivided electoral structure.**
- Option B (alternative option)  
**Ararat Rural City Council consist of seven councillors elected from four wards (one four-councillor ward and three single-councillor wards).**

## Response submissions

The VEC received seven submission responding to the preliminary report by the deadline at 5.00 pm on Wednesday 24 April 2019.

## Public hearing

The VEC conducted a public hearing for those wishing to speak about their response submission at 6.30 pm on Monday 29 April 2019. One person spoke at the hearing.

## Recommendation

**The Victorian Electoral Commission recommends that Ararat Rural City Council continue to consist of seven councillors elected from an unsubdivided.**

This electoral structure was designated as Option A in the preliminary report. Please see Appendix 2 for a map of this recommended structure.

## Background

### Legislative basis

The Act requires the VEC to conduct a representation review of each local council in Victoria before every third general council election, or earlier if gazetted by the Minister for Local Government.

The Act states that the purpose of a representation review is to recommend the number of councillors and the electoral structure that provides 'fair and equitable representation for people who are entitled to vote at a general election of the Council.'<sup>1</sup>

The Act requires the VEC to consider:

- the number of councillors in a local council
- whether a local council should be unsubdivided or subdivided.

If a local council is subdivided, the VEC must ensure that the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council.<sup>2</sup> On this basis, the review must consider the:

- number of wards
- ward boundaries
- number of councillors that should be elected for each ward.

### Public engagement

#### Public information program

The VEC conducted a public information program to inform the community of the representation review, including:

- public notices printed in local and state-wide papers
- a public information session to outline the review process and respond to questions from the community
- media releases announcing the commencement of the review and the release of the preliminary report
- a submission guide to explain the review process and provide background information on the scope of the review

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<sup>1</sup> Section 219D of the *Local Government Act 1989*.

<sup>2</sup> *ibid.*



- an information email campaign targeted at known community groups and communities of interest in the local council area
- sponsored social media advertising geo-targeted to users within the local council area
- ongoing information updates and publication of submissions on the VEC website.

More information on the VEC's public information program for the representation review of Ararat Rural City Council can be found at Appendix 3.

### Public consultation

Public input was accepted by the VEC via:

- preliminary submissions at the start of the review
- response submissions to the preliminary report
- a public hearing that provided an opportunity for people who had made a response submission to expand on their submission.

Public submissions are an important part of the review process but are not the only consideration. The VEC ensures its recommendations comply with the Act and are formed through careful consideration of public submissions, independent research, and analysis of all relevant factors.

### The VEC's principles

Three main principles underlie all the VEC's work on representation reviews:

**1. Taking a consistent, State-wide approach to the total number of councillors.**

The VEC is guided by its comparisons of local councils of a similar size and category to the council under review. The VEC also considers any special circumstances that may warrant the local council having more or fewer councillors than similar local councils.

**2. If subdivided, ensuring the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council.**

This is the principle of 'one vote, one value', which is enshrined in the Act. This means that every person's vote counts equally.

**3. Ensuring communities of interest are as fairly represented as possible.**

Each local council contains a number of communities of interest. Where practicable, the electoral structure should be designed to ensure they are fairly represented, and that geographic communities of interest are not split by ward boundaries. This allows elected

councillors to be more effective representatives of the people and interests in their particular local council or ward.

## Developing recommendations

The VEC bases its recommendations for particular electoral structures on the following information:

- internal research specifically relating to the local council under review, including data from the Australian Bureau of Statistics and .id<sup>3</sup>; voter statistics from the Victorian electoral roll; and other State and local government data sets
- the VEC's experience conducting previous electoral representation reviews of local councils and similar reviews for State elections
- the VEC's expertise in mapping, demography and local government
- careful consideration of all input from the public in written submissions received during the review and via oral submissions at the public hearing
- advice from consultants with extensive experience in local government.

## Deciding on the number of councillors

The Act allows for a local council to have between five and 12 councillors but does not specify how to decide the appropriate number.<sup>4</sup> In considering the number of councillors for a local council, the VEC is guided by the Victorian Parliament's intention for fairness and equity in the local representation of voters under the Act.

The starting point in deciding the appropriate number of councillors for a local council is comparing the local council under review to other local councils of a similar size and type (Principle 1). Generally, local councils that have a larger number of voters will have a higher number of councillors. Often large populations are more likely to be diverse, both in the nature and number of their communities of interest and the issues of representation.

However, the VEC also considers the particular circumstances of each local council which could justify fewer or more councillors, such as:

- the nature and complexity of services provided by the Council
- geographic size and topography
- population growth or decline

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<sup>3</sup> .id is a consulting company specialising in population and demographic analysis and prediction information products in most jurisdictions in Australia and New Zealand.

<sup>4</sup> Section 5B(1) of the *Local Government Act 1989*.

- the social diversity of the local council.

### **Deciding the electoral structure**

The Act allows for a local council ward structure to be unsubdivided—with all councillors elected ‘at-large’ by all voters—or subdivided into a number of wards.

If the local council is to be subdivided into wards, there are three options available:

1. single-councillor wards
2. multi-councillor wards
3. a combination of single-councillor and multi-councillor wards.

A subdivided electoral structure must have internal ward boundaries that provide for a fair and equitable division of the local council.

The Act allows for wards with different numbers of councillors, as long as the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council (Principle 2). For example, a local council may have one three-councillor ward with 15,000 voters and two single-councillor wards each with 5,000 voters. In this case, the average number of voters per councillor would be 5,000.

Over time, population changes can lead to some wards in subdivided local councils having larger or smaller numbers of voters. As part of the review, the VEC corrects any imbalances and considers likely population changes to ensure ward boundaries provide equitable representation for as long as possible.

In considering which electoral structure is most appropriate, the VEC considers the following matters:

- the VEC’s recommendation at the previous representation review and the reasons for that recommendation
- the longevity of the structure, with the aim of keeping voter numbers per councillor within the 10% tolerance for as long as possible (Principle 2)
- communities of interest, consisting of people who share a range of common concerns, such as geographic, economic or cultural associations (Principle 3)
- the number of candidates in previous elections, as large numbers of candidates can lead to an increase in the number of informal (invalid) votes
- geographic factors, such as size and topography
- clear ward boundaries.

# Ararat Rural City Council representation review

## Profile of Ararat Rural City Council

Ararat Rural City Council incorporates a largely rural landscape plus a major regional centre in the town itself. It is located in Victoria's mid-west approximately 200 kilometres from Melbourne and forms part of the Central Highlands of the Grampians Region.

The local council area encompasses significant natural landscapes, including waterways and flood plains and important public, Crown lands and reserves. Its north-western border is a gateway to the Grampians National Park. The Western Highway, which passes through the Council and the town of Ararat, is a major transport corridor linking Melbourne and Adelaide.

The population is currently 11,604, which is expected to decline at a rate of about 0.1% per year during the period 2011-31. About 70% of the population and two thirds of voters reside in the town of Ararat, and as elsewhere in regional Victoria, population decline is more likely to affect the country areas. The towns outside of Ararat include Moyston, Willaura and Lake Bolac.

The local economy has traditionally been based on agriculture and primary production, especially sheep, wool and other livestock, along with grain and increasingly intensive agricultural practices. Agriculture remains the main employer, but only just above those working in health care and social assistance and public administration and safety, both of which have increased since 2006. Tourism activities are growing and there is an expanding service sector, particularly in and around the town of Ararat.

The local council area has a slightly higher proportion of the population aged over 65 years (22%) when compared to the regional average (19.6%), with some localities, such as Lake Bolac at 31%, much higher. A large proportion of residents were born in Australia. However, over the past decade there has been a small but relatively significant increase in numbers of individuals born in countries such as China, India, Pakistan, the Philippines, Thailand and Vietnam.

Ararat Rural City faces significant social issues, including high levels of disadvantage in some localities and a disproportionately high crime rate. The Council itself is undergoing major governance reforms and there is an evident divide between town and country communities.

## Current electoral structure

Ararat Rural City Council currently comprises seven councillors elected from an unsubdivided electoral structure. The electoral structure was last reviewed in 2007, which made a 'no change' recommendation.

Visit the VEC website at [vec.vic.gov.au](http://vec.vic.gov.au) to access a copy of the 2007 review final report.

## **Preliminary submissions**

The VEC received 15 submissions by the deadline for submissions at 5.00 pm on Wednesday 27 February 2019. Submissions were received from community members and the Proportional Representation Society of Australia (Victoria-Tasmania) Inc. A list of people who made a preliminary submission can be found in Appendix 1.

Most of the submissions were made by individuals residing outside the town of Ararat, and their principal concern was the lack of representation for rural and farming interests on the Council. Most submissions preferred a subdivided electoral structure to address these concerns. Submissions also expressed dissatisfaction with Ararat Rural City Council and the rating system. Slightly less than half of submissions supported reducing the current number of councillors.

The submissions were made available on the VEC website.

## **Number of councillors**

Six submissions proposed retaining the number of councillors at seven. They argued variously that seven councillors was sufficient for council business and enough for a diversity of interests to be represented. Some suggested though that seven councillors was only effective if all communities of interest, including farming and rural interests, were fairly represented.

Five submissions proposed a reduction in the number of councillors to either five or six. They based their arguments on the size of the population and the geographical area covered by Ararat Rural City, the need for more accountability, fairer councillor workloads and a more equitable distribution of councillors from across the local council area. A degree of dissatisfaction with Ararat Rural City Council was expressed in those submissions, which contributed to the preferred reduction in councillor numbers.

One submission proposed increasing the number of councillors to nine, though mainly for the purpose of introducing a subdivided electoral structure. Three submissions did not comment on the preferred number of councillors.

## **Electoral structure**

Eight submissions suggested a subdivided electoral structure with a variety of options proposed, most of which were based on the argument that rural voters required better representation. There were no submissions proposing to subdivide the town of Ararat into or across separate wards.

Four submissions suggested electoral structures comprising different combinations of multi-councillor wards. Two of these proposed six councillors elected from three wards (two two-councillor rural wards and one two-councillor urban ward). One submission suggested seven councillors, also elected from three wards (two two-councillor rural wards and one three-councillor urban ward). Another submission proposed nine councillors elected from four wards

(three two-councillor rural wards and one three-councillor urban ward). In addressing what submitters saw as an imbalance in the representation of rural interests, they proposed multi-councillor ward structures that were inconsistent with the distribution of voters and gave rural wards a greater proportion of councillors than would be permitted under the Act.

Four submissions proposed a mix of single- and multi-councillor ward electoral structures. One suggested seven councillors elected from four single-councillor rural wards and one three-councillor urban ward. Two submissions proposed a similar model of seven councillors elected from three single-councillor rural wards and one four-councillor urban ward. This model was considered a viable alternative to the current unsubdivided electoral structure. One submission suggested five councillors elected from three wards, made up of two single-councillor rural wards and one three-councillor urban ward, which was also viable.

### **Preliminary report**

A preliminary report was released on Wednesday 27 March 2019. The VEC considered public submissions and research findings when formulating the options presented in the preliminary report.

In preparing the preliminary report, the VEC also carefully considered the significant governance issues faced by Ararat Rural City Council itself, which were described in a report by a Commission of Inquiry in August 2017. The Commission of Inquiry's report recommended a number of policy interventions, including the introduction of a subdivided electoral structure, and reflected the high levels of community dissatisfaction with Ararat Rural City Council.

The preliminary report also noted that like other regional centre councils, and to a greater degree in Ararat, the major town represents the majority of the population and voters. Given this, any subdivided electoral structure that does not subdivide the town into separate wards would require councillors elected for a ward covering the town of Ararat to outnumber the number of councillors who could be elected for the rural areas. There was no case to support arbitrarily subdividing the town of Ararat, which limited the range of subdivided electoral structures available for consideration and meant several of the models proposed in preliminary submissions to this review would not be viable.

### **Number of councillors**

When considering the appropriate number of councillors for a municipality, the VEC assessed population data and other factors which could warrant an increase or decrease in the number of councillors, such as projected population growth or special circumstances relating to distinct communities of interest.

Demographic data for Ararat Rural City projected a slight decline in the local council area's population over the coming years. Going into the review, Ararat Rural City Council already had a

lower voter-to-councillor ratio when compared to similar Country Victoria local councils. However, this state-wide comparison needed to be balanced with the significant social issues in Ararat Rural City, including its declining rural population, increasing cultural and ethnic diversity, higher rates of crime, shifts in economic activity and the growing demand for social services. These issues would place increasing pressure on council services and facilities, councillor workloads and strategic planning, which were already subject to significant governance reforms and policy interventions in response to the Commission of Inquiry report.<sup>5</sup>

While there was significant community support for a reduction in councillor numbers, the VEC determined that this, at least in part, reflected a degree of dissatisfaction with Ararat Rural City Council. Given the special circumstances in Ararat Rural City, the VEC found that seven councillors was the most appropriate number of councillors to achieve fair and equitable representation.

### **Electoral structure**

In its preliminary report, the VEC found that Option A – an unsubdivided electoral structure – was effective for fair and equitable representation for voters in Ararat Rural City Council. This was because an unsubdivided electoral structure enabled voters to choose from all candidates at elections and recognised the interdependencies between town and rural areas. An unsubdivided electoral structure allowed rural voters to contribute to the election of candidates from the town of Ararat and town voters to contribute to the election of candidates from the rural areas of the local council area. Candidates with a moderate level of local support would have a good chance of being elected under an unsubdivided electoral structure, and this could allow for different communities of interest to be represented on Ararat Rural City Council.

While noting that the majority of candidates and elected councillors at the past three elections came from the town of Ararat at a rate slightly above the proportion of voters residing in the town, the preliminary report also found that rural voters did have local candidates elected. The unsubdivided electoral structure did not appear to be removing the opportunity for rural voters to elect local councillors from the rural communities.

The VEC was also aware of the need for a cohesive, whole-of-council approach to decision-making, and concluded that Option A provided the greatest possibility for this to happen.

It was also considered that an unsubdivided electoral structure would better accommodate population changes around Ararat City in particular, where such changes are expected to be uneven.

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<sup>5</sup> Victorian State Government (DELWP), Inquiry into Ararat Rural City Council, <https://www.localgovernment.vic.gov.au/council-governance/independent-reports/inquiry-into-ararat-rural-city-council>, accessed 20 March 2019.



In response to public submissions, the VEC also put forward an alternative option consisting of seven councillors elected from four wards, one four-councillor ward (containing the town of Ararat) and three single-councillor wards (covering the areas surrounding the town of Ararat, primarily country and farming land). This would facilitate local representation for rural voters and allow for candidates to connect with individual communities at election time, rather than having to campaign across the entire council area. However, given the uneven distribution of voters between Ararat and the rest of the local council area, the number of councillors would need to be weighted towards the town ward which risks further entrenching the rural-urban divide that was evident in submissions.

The VEC noted the relatively low numbers of candidates in previous Ararat Rural City Council general elections and was concerned that a subdivided electoral structure might lead to uncontested or even failed elections<sup>6</sup>, particularly for the wards covering the rural areas. Through submissions and its own research, the VEC identified the need for quality candidates to stand for election and that enabling voters to choose from all candidates at election time, rather than restricting voter choice to candidates from their respective wards, provided the best chance for this to occur. The VEC also determined that a subdivided electoral structure would not resolve community concerns relating to governance issues and Council's performance.

As previously discussed, the VEC also found that the uneven distribution of voters across the local council area meant that it was difficult to put forward other subdivided electoral structures without introducing arbitrary boundaries to subdivide the town of Ararat.

## Options

After careful consideration, the VEC put forward the following options:

- Option A (preferred option)  
**Ararat Rural City Council consist of seven councillors elected from an unsubdivided electoral structure.**
- Option B (alternative option)  
**Ararat Rural City Council consist of seven councillors elected from four wards (one four-councillor ward and three single-councillor wards).**

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<sup>6</sup> An election is uncontested when the number of candidates is equal to the number of vacancies, which occurred in Ararat Rural City Council under the current unsubdivided electoral structure in 2012. A 'failed election' occurs if the number of candidates in an election is less than the number of vacancies.



## Public response

### Response submissions

The VEC accepted submissions responding to the preliminary report from Wednesday 27 March 2019 until 5.00 pm on Wednesday 24 April 2019. The VEC received seven response submissions. A list of people who made a response submission can be found in Appendix 1. Table 1 indicates the level of support for each option.

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***Table 1: Preferences expressed in response submissions***

Option A	Option B
4	3

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As the above table indicates, the number of response submissions was significantly lower than those received during the preliminary submission stage.

### Number of councillors

The two options put forward by the VEC in its preliminary report were electoral structures consisting of seven councillors. While this restricted submissions to focus on whether Ararat Rural City Council should be subdivided or not, two submitters presented reasons for reducing the number of councillors to five: one argued that five councillors was appropriate for the low voter-to-councillor ratio and the relatively small geographical size of the Council; the other suggested that although seven councillors was appropriate, five would be preferred if suitable candidates did not stand for election.

### Electoral structure

Although there were fewer response submissions than preliminary submissions, many of the issues raised in submissions were consistent throughout the review. The primary concerns of submitters centred around the best option for representing communities of interest, council-wide issues and providing local representation. Only one submission explicitly addressed the issue of council rates, which was prominent in preliminary submissions. Nonetheless, many submissions referred to issues related to the performance of the Council, including the low levels of community satisfaction and governance issues.

### Support for Option A

Four submissions, including two from individuals or organisations from outside of the local council area, advocated for Option A. One of the local submissions argued that the moderate size of Ararat Rural City meant it was reasonable to expect councillors to be aware of issues

across the entire council and that Option B would undesirably reduce the need for councillors to represent all voters. Another submitter argued that Option B might result in farming and rural interests being over-represented, which could further entrench divisions between town and country communities. The two submitters from outside of the local council area argued that Option A would reflect the views and wishes of voters more effectively, with one submitter suggesting that the unsubdivided electoral structure also gives any community of interest with a sizeable level of support, including those based on geography, an equal chance of electing a candidate to represent them.

### **Support for Option B**

Three submissions argued in favour of Option B, primarily to improve representation for geographic communities of interest. One in particular felt that voters outside the town of Ararat were left under-represented in the current arrangements and that a subdivided electoral structure like in Option B would better reflect and represent the interests of rural residents. The same submitter also contended that the preliminary report, which outlined the location of current councillors to suggest that rural residents did have a level of local representation, was inaccurate because these councillors were elected by countbacks held to fill extraordinary vacancies caused by the resignation of urban-based councillors and were therefore not favoured at the election.

Two submitters suggested that the current unsubdivided structure had contributed to high levels of community dissatisfaction with Ararat Rural City Council and problems associated with the Council's decision-making and governance processes. Both submitters argued that Option B provided the best electoral structure to address the current challenges facing Ararat Rural City Council, with one suggesting that the change might improve the Council's performance and community satisfaction.

One submitter also commented on the boundaries around the town ward in Option B, noting that the ward boundaries did not contain the whole urban area and that voters in the fringe of Ararat might therefore feel unrepresented. This submitter argued that these voters would actually have more choice by being in close proximity to town ward councillors and involved in electing a rural candidate.

### **Public hearing**

The VEC conducted a public hearing for those wishing to speak about their response submission at 6.30 pm on Monday 29 April 2019 at the Alexandra Oval Community Centre, 1 Waratah Avenue, Ararat. One speaker, Colin McKenzie, spoke at the public hearing in favour of Option B.

Mr McKenzie is a previous councillor of Ararat Rural City and stated that, prior to amalgamation, the subdivided electoral structure of Ararat Shire had worked well for all Ararat residents and

rural voters and was of the view that the unsubdivided electoral structure in place since the 1990s had failed. He felt that the unsubdivided structure had not effectively represented rural or country interests.

Although aware that three of the current councillors resided outside of the town of Ararat, Mr McKenzie disagreed that this provided rural voters with representation because two of these three councillors had been elected by countbacks and were not elected directly by voters.

Mr McKenzie noted a decline in rural candidates in recent times and felt this was to the detriment of country interests. He also noted the decline of population in rural townships throughout the local council area, which he believed was not occurring in similar towns outside of Ararat Rural City Council. Mr McKenzie felt both issues could be corrected through a subdivided electoral structure.

Mr McKenzie was also of the view that candidates from the town of Ararat dominated elections and that council business rarely considered the interests of rural voters and residents. He felt that this, too, could be addressed through a subdivided electoral structure and would provide for a wider range of councillors than is currently the case. He felt that rural and urban communities had very different interests and Option B was the best way to achieve equitable representation for all voters.

Mr McKenzie did not feel that the town ward boundaries, which might exclude some voters on the urban fringe from voting in the town ward, would disadvantage these voters and that they would be adequately represented and potentially have more options than other voters.

He agreed that uncontested elections were a possibility in the country wards of Option B but did not provide more detail. Overall, Option B was proposed by Mr McKenzie as the best structure to represent the Ararat Rural City's communities of interest and provide better representation for voters.

## Findings and recommendation

### The VEC's findings

The VEC considered the range of views expressed in submissions and conducted its own internal research to inform its final recommendation regarding the appropriate number of councillors and electoral structure for Ararat Rural City Council. The VEC also considered the specific circumstances of Ararat Rural City Council, particularly the governance and performance issues of the Council and the recommendations made by the recent Commission of Inquiry. Ararat Rural City Council is undergoing substantial reforms, although community dissatisfaction undoubtedly influenced submissions to the review.

It is important to note that any electoral structure cannot, by itself, resolve problems with the operations of a local council. The remit of an electoral representation review is to consider and recommend the number of councillors and electoral structure that is found to provide the most fair and equitable representation for voters, rather than consider performance or policy issues specific to the local council under review. The Commission of Inquiry considered a broad range of interventions that may resolve the challenges facing Ararat Rural City Council and restore the community's confidence in the Council's decision-making processes. However, it would not be likely as the Commission of Inquiry inferred, that a change to a subdivided electoral structure would resolve these deeply embedded administrative and operational problems and, in any case, would be inappropriate for the VEC to be influenced by matters outside the independent review process conducted by the VEC based on consistent and robust criteria. In preparing this report, the VEC concluded that the serious issues faced by Ararat Rural City Council and discussed in the Commission of Inquiry's report were beyond the scope of this review. The VEC has, however, taken note of these issues as important issues for the Ararat community as they featured prominently through submissions to this review.

### Number of councillors

The VEC put forward two options in its preliminary report, both of which consisted of seven councillors. Although there was some support in preliminary submissions for reducing the number of councillors, most arguments for a decrease were based on the performance of Ararat Rural City Council and the low levels of community satisfaction. The VEC did not consider dissatisfaction with the Council's performance sufficient reason to warrant decreasing the number of councillors, particularly as altering the number of councillors would not necessarily influence the Council's performance or improve community satisfaction.

Ararat Rural City Council has a relatively low voter-to-councillor ratio compared to similar local councils, and the local council area is predicted to experience slow population decline over the mid-term outlook. While this would ordinarily add weight to arguments for reducing the number of

councillors, Ararat Rural City Council has a number of special circumstances that put additional pressure on electoral representation and council decision-making, including high levels of disadvantage in some parts of the local council area, a disproportionately high crime rate compared to other local councils, increasing diversity of the community and shifting economic circumstances. The VEC determined that these challenges, in addition to the program of administrative and governance reform under the new Chief Executive Officer of Ararat Rural City Council, would likely impact councillor workloads. Retaining seven councillors would also assist with ensuring diversity on Ararat Rural City Council, which needs capable and competent decision-makers as well as representatives from geographic and non-geographic communities across the local council area. Accordingly, the VEC recommends that Ararat Rural City Council remain at seven councillors to provide fair and equitable representation for voters.

### **Electoral structure**

The VEC proposed two electoral structures in its preliminary report for this review, with both options considered to provide fair and equitable representation. Option A (an unsubdivided electoral structure) reflected the current electoral structure and Option B provided an alternative option of a subdivided electoral structure consisting of a combination of single- and multi-councillor wards. Although submitters to the review indicated greater support for a subdivided electoral structure at the preliminary stage of submissions, the two options put forward in the preliminary report received about equal support in response submissions.

The main concerns considered by the VEC in recommending a subdivided or unsubdivided electoral structure were the representation of locally-based and council-wide issues and thus the most appropriate structure for representing the various communities of interest within the local council area.

In both submission stages, local representation was the key concern. Submissions in favour of a subdivided electoral structure argued that wards would improve representation for geographic communities of interest, particularly for rural communities. There was a strong belief that these interests had been neglected in recent times and that subdividing the local council area into wards would correct what many submitters felt was the dominance of the town of Ararat in recent elections, which then translated into the town being over-represented during the Council's decision-making. In contrast, support for an unsubdivided electoral structure was based on the view that the model would provide an equivalent level of local representation and that it was reasonable to expect all councillors to be across both council-wide and local issues.

The case for change was based primarily on the argument that the creation of wards would not only guarantee the election of local representatives more knowledgeable of local issues, particularly in country areas, but also address the governance and policy issues affecting the Council and the community it represents.

Responding to the first argument, the VEC considered the distribution of the population and voters throughout the Council area. As stated previously, about 70% of the population and two-thirds of enrolled voters reside in the town of Ararat. In Option B, four councillors out of a total of seven for the whole Council would be elected from this ward. According to the average number of voters per elected councillor, four councillors would equate to approximately 57% of all votes, which is less than the percentage of the total voting population in the town. Furthermore, in order to make Option B viable from an electoral standpoint and satisfy the 10% rule, the proposed town ward boundaries would exclude some voters from voting in the town ward and would require them to vote in the country wards. These voters and their interests would not be properly or fairly represented under Option B. If indeed there is a country/town divide in Ararat Rural City, these factors, alongside the fact that locally elected country representatives would be outnumbered three-to-four by their urban counterparts, have the potential to further entrench community division.

In the preliminary report the VEC referred to the location of current councillors, three of which were located outside the town of Ararat, to suggest that country interests were represented, albeit not to the degree desired by some submitters. As two of these three councillors were elected by countbacks to fill extraordinary vacancies on the Council that occurred after the last election, it was argued in a submission that they had not been directly elected by voters. The VEC agrees with this point, although the countback process itself means that the two councillors elected through the countback were elected on the basis of preferences re-distributed from outgoing town-based councillors. This would suggest that there is not the town/country divide to the extent that dilutes rural representation from elections and that voters are choosing candidates and distributing their preferences based on more than just where a candidate resides.

The VEC also considered the high chance of uncontested or failed elections in the single-councillor wards of Option B, with the possibility that voters in these wards may well end up with reduced or no representation. While the 2008 and 2016 general elections saw 12 and 13 candidates, respectively, the 2012 general election was uncontested. In the 2008 and 2016 elections three out of 12 candidates and four out of 13 candidates, respectively, resided outside the town of Ararat. Although the creation of wards might encourage more local candidates to stand for election in their ward this is not guaranteed, and the risk of uncontested or failed elections is a real possibility for the country wards.

The VEC found no compelling reason, including geographical barriers, for why councillors elected by all voters cannot advocate on behalf of the whole of the council area. The VEC considered it reasonable to expect that all councillors elected from an unsubdivided electoral structure could be aware of and represent local issues as well. As such, the VEC concluded that all voters, particularly those residing in country areas, would benefit from being able to choose

from all candidates at election time. Option A would give country voters a greater voice on the election of councillors than might be the case in Option B (where local representation for a particular area would be restricted to one) and would also enable candidates with a reasonable level of community support to be elected on local issues.

### Summary

The VEC recommends no change to the current number of councillors and unsubdivided electoral structure of Ararat Rural City Council on the basis that it provides voters with more choice at election time and a greater chance of electing a more diverse Council. The unsubdivided electoral structure is also more likely to promote a whole-of-council approach to the Council's decision-making, which is much needed given the challenges currently facing the Ararat Rural City community. The VEC found no compelling reason as to why councillors elected under the current electoral structure cannot represent a range of community interests within what is otherwise a relatively compact rural council, and concluded that effective representation in the case of Ararat Rural City depends largely on the quality of candidates and elected councillors.

Finally, the VEC found that many of the issues raised through submissions to the review mostly supported the case for retaining an unsubdivided electoral structure. These issues were not directly related to fair and equitable representation, but the governance issues and the performance of individual councillors. An unsubdivided electoral structure, when working effectively, is more capable of responding to these challenges in the interest of local government for the whole of Ararat Rural City Council. From the principles established for these reviews, including a consistent, state-wide approach to councillor numbers, 'one vote, one value' and the effective and fair representation of communities of interest, the VEC concludes that an unsubdivided electoral structure for Ararat Rural City Council is the most consistent with these underlying principles.

### The VEC's recommendation

**The Victorian Electoral Commission recommends that Ararat Rural City Council continue to consist of seven councillors elected from an unsubdivided electoral structure.**

This recommendation is submitted to the Minister for Local Government as required by the *Local Government Act 1989*. The model was designated as Option A in the VEC's preliminary report for this review. Please see Appendix 2 for a map of this recommended structure.

## Appendix 1: Public involvement

### Preliminary submissions

Preliminary submissions were received from:

Allender, Una	Liston, Joseph
Bradshaw, Marc	Liston, Justine
Dawes, Philip A	McDougall, John
de Fegely, Charles	McKenzie, Colin
Devlin, Douglas	Nater, Rosie
Fraser, Robert	Olver, Gareth
Hamilton, Andrea	Proportional Representation Society of Australia (Victoria-Tasmania) Inc.
Hopkirk, David	

### Response submissions

Response submissions were received from:

Benn, Robert  
Byron, Andrew  
Curtis, Chris  
Devlin, Douglas Harold  
Hopkirk, David  
McKenzie, Colin  
Proportional Representation Society of Australia (Victoria-Tasmania) Inc.

### Public hearing

The following individual spoke at the public hearing:

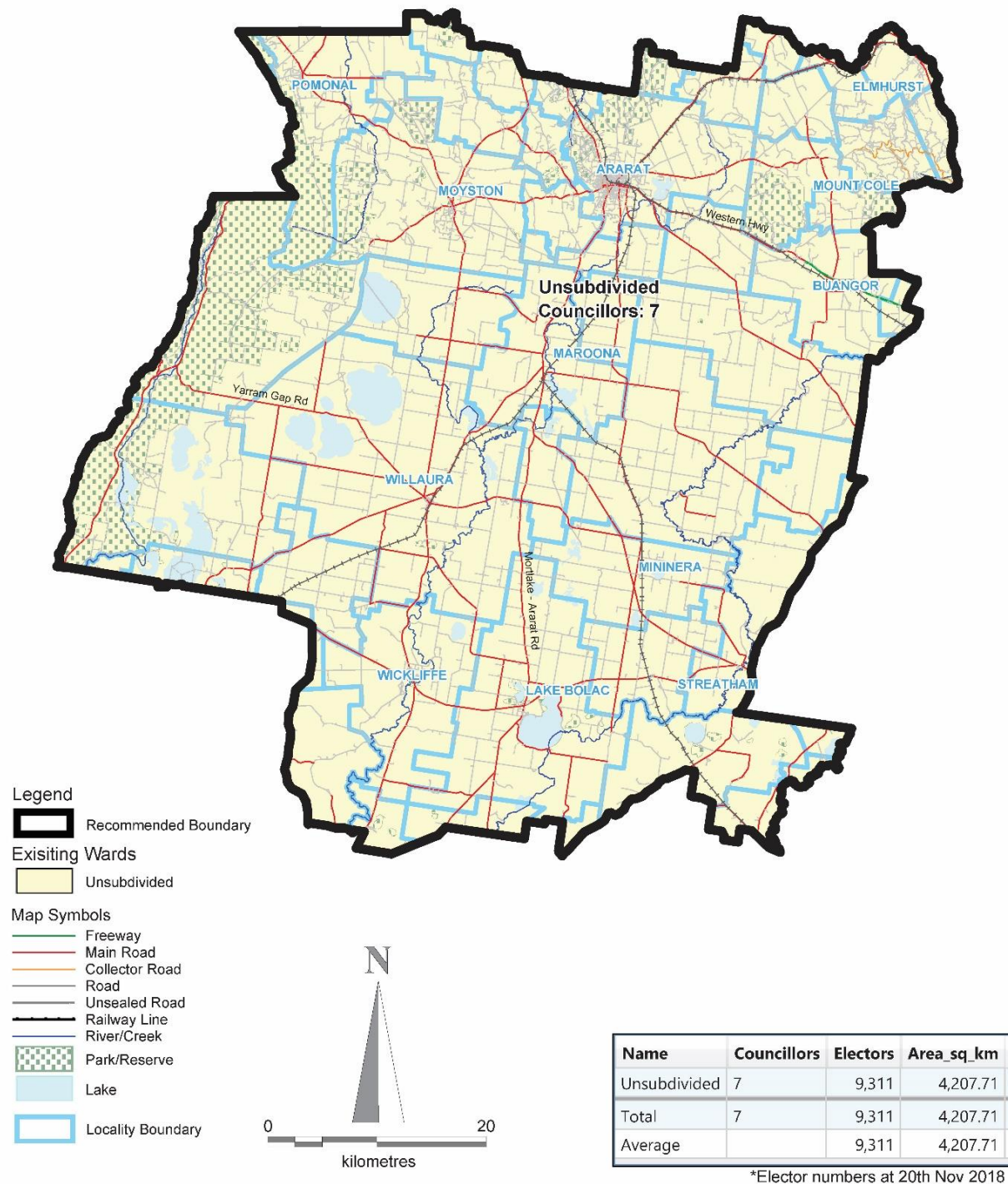
McKenzie, Colin



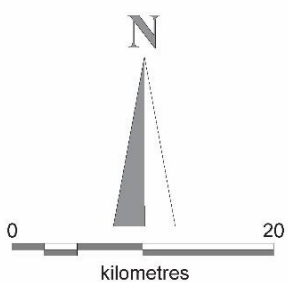
## Appendix 2: Map

### Ararat Rural City Council

Map of Recommended Option  
 Seven Councillors, Unsubdivided



- Legend**
- Recommended Boundary
  - Existing Wards**
  - Unsubdivided
  - Map Symbols**
  - Freeway
  - Main Road
  - Collector Road
  - Road
  - Unsealed Road
  - Railway Line
  - River/Creek
  - Park/Reserve
  - Lake
  - Locality Boundary



## Appendix 3: Public information program

### Advertising

In accordance with the Act, public notices of the review and the release of the preliminary report were placed in the following newspapers:

Newspaper	Notice of review	Notice of preliminary report
<i>Herald Sun</i>	Thursday 17 January 2019	Wednesday 20 March 2019
<i>Ararat Advertiser   Stawell Times</i>	Tuesday 22 January 2019	Tuesday 26 March 2019
<i>The Weekly Advertiser</i>	Wednesday 23 January	Wednesday 27 March

### Media releases

A media release was prepared and distributed to local media to promote the commencement of the review on Wednesday 30 January 2019. A further release was distributed with the publication of the preliminary report on Wednesday 27 March 2019. A final media advisory was circulated on the publication date of this final report.

### Public information session

A public information session for people interested in the review process was held on Thursday 31 January 2019 at the Alexandra Oval Community Centre, 1 Waratah Avenue, Ararat.

### Submissions guide

A submission guide was developed and made available on the VEC website, or in hardcopy on request, throughout the review timeline. The submission guide provided information about the review, the review timeline and how to make submissions to the review.

### Online submission tool

An online submission tool was developed and made available during the submission periods of the review. The tool allowed people to make a submission from the VEC website. During the preliminary submission stage, users also had the opportunity to map out their preferred subdivisions through the online submission tool using Boundary Builder. Boundary Builder included real elector numbers so that users could see if their preferred structures and numbers of councillors met the plus-or-minus 10% rule.

### VEC website

The VEC website delivered up-to-date information to provide transparency and facilitate public participation during the review process. All public submissions were published on the website.

### **Email and social media engagement**

The VEC delivered an information email campaign targeted at known community groups and communities of interest in the local council area. This included a reminder email at each milestone of the representation review process.

The VEC also published sponsored social media advertising that was geo-targeted to users within the local council area. This included advertising at both the preliminary submission and response submission stages. The total reach of these posts was 3,736 during the preliminary submission stage and 2,830 during the response submission stage.

### **Council communication resources**

The VEC provided the Council with a communication pack that included information on the review in various formats. While the Council is encouraged to distribute this information and raise awareness about the review, the VEC is an independent reviewer and all communications resources include reference and links to the VEC website and core materials.

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2019