



2015-16

**Council  
Representation  
Reviews**

# **Final Report**

## **2015 Mildura Rural City Council Electoral Representation Review**

*Wednesday 4 November 2015*

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# 1 Recommendation

The Victorian Electoral Commission (VEC) recommends Mildura Rural City Council continue to consist of nine councillors elected from an unsubdivided municipality.

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

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

## 2 Executive summary

The *Local Government Act 1989* (the Act) requires the 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 the persons 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, the details of the wards).

The VEC conducts all reviews on the basis of three main principles:

1. ensuring the number of voters represented by each councillor is within 10 per cent of the average number of voters per councillor for that municipality
2. taking a consistent, State-wide approach to the total number of councillors and
3. ensuring communities of interest are represented as fairly as possible.

### Current electoral structure

The last electoral representation review for Mildura Rural City Council took place in 2005. The review recommended the electoral structure of the municipality remain unsubdivided with nine councillors.

### Preliminary submissions

Preliminary submissions opened at the commencement of the current review on Wednesday 15 July. The VEC received five submissions by the deadline for submissions at 5.00 pm on Wednesday 12 August.

### Preliminary report

A preliminary report was released on Wednesday 9 September with the following preferred option for consideration:

- **Mildura Rural City Council consist of nine councillors elected from an unsubdivided municipality.**

### Response submissions

The VEC received two submissions responding to the preliminary report by the deadline for submissions at 5.00 pm on Wednesday 7 October.

## **Public hearing**

The VEC conducted a public hearing for those wishing to speak about their response submission at 7.15 pm on Wednesday 14 October. One person spoke at the hearing.

## **Recommendation**

**The VEC recommends Mildura Rural City Council continue to consist of nine councillors elected from an unsubdivided municipality.**

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

## 3 Background

### 3.1 Legislative basis

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

The Act specifies 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 the persons 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 municipality and
- whether a municipality should be unsubdivided or subdivided.

If a municipality should be subdivided, the VEC must ensure that the number of voters represented by each councillor is within 10 per cent of the average number of voters per councillor for that municipality.<sup>2</sup> On this basis, the review must consider the:

- number of wards
- ward boundaries (and ward names)
- number of councillors that should be elected for each ward.

### 3.2 The VEC’s approach

#### Deciding on the number of councillors

The Act allows for a municipality to have between five and 12 councillors, but does not specify how to decide the appropriate number.<sup>3</sup> In considering the number of councillors for a municipality, the VEC is guided by the Victorian Parliament’s intention for fairness and equity in the local representation of voters under the Act.

The VEC considers that there are three major factors that should be taken into account:

- diversity of the population
- councillors’ workloads and
- profiles of similar municipalities.

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

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

<sup>3</sup> Section 5B(1) of the *Local Government Act 1989*.

Generally, those municipalities 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 considers the particular situation of each municipality in regards to: the nature and complexity of services provided by the Council; geographic size and topography; population growth or decline; and the social diversity of the municipality, including social disadvantage and cultural and age mix.

### **Deciding the electoral structure**

The Act allows for a municipality ward structure to be:

- unsubdivided—with all councillors elected ‘at large’ by all voters or
- subdivided into a number of wards.

If the municipality is subdivided into wards, there are a further three options available:

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

A subdivided municipality must have internal ward boundaries that provide for a fair and equitable division of the municipality, and ensure that the number of voters represented by each councillor remains within 10 per cent of the average number of voters per councillor for the municipality.

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

- communities of interest, encompassing people who share a range of common concerns, such as geographic, economic or cultural associations
- the longevity of the structure, with the aim of keeping voter numbers per councillor within the 10 per cent tolerance as long as possible
- geographic factors, such as size and topography
- the number of voters in potential wards, as wards with many voters can have a large number of candidates, which can lead to an increase in the number of informal (invalid) votes and
- clear ward boundaries.



### 3.3 The VEC's principles

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

**1. Ensuring the number of voters represented by each councillor is within 10 per cent of the average number of voters per councillor for that municipality.**

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

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

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

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

Each municipality 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 municipality or ward.

### 3.4 The electoral representation review process

#### Developing recommendations

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

- internal research specifically relating to the municipality under review, including Australian Bureau of Statistics and .id (Informed Decisions) Pty Ltd<sup>4</sup> data; voter statistics from the Victorian electoral roll; and other State and local government data sets
- small area forecasts provided by .id (Informed Decisions) Pty Ltd
- 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

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<sup>4</sup> .id is a company specialising in population and demographic analysis that builds suburb-level demographic information products in most jurisdictions in Australia and New Zealand.

- careful consideration of all input from the public in written and verbal submissions received during the review and
- advice from consultants with extensive experience in local government.

### **Public involvement**

Public input is accepted by the VEC through:

- preliminary submissions at the start of the review
- response submissions to the preliminary report and
- a public hearing, which provides an opportunity for people who have made a response submission to expand on this submission.

Public submissions are an important part of the process, but are not the only consideration during a review. The VEC ensures its recommendations are in compliance with the Act and are formed through careful consideration of public submissions, independent research, and analysis of all relevant factors, such as the need to give representation to communities of interest.

## 4 Mildura Rural City Council representation review

### 4.1 Profile of Mildura Rural City Council

Mildura Rural City Council is situated in the north-west corner of Victoria, bordering both New South Wales and South Australia. Geographically, it is the largest municipality in Victoria, covering an area of 22,083 square kilometres, and is bounded by the Victorian municipalities of Swan Hill, Buloke, Yarriambiack, Hindmarsh and West Wimmera. The Rural City includes approximately 40 per cent of the total Victorian Parks system, and takes in the Hattah-Kulkyne, Murray-Sunset and Wyperfeld National Parks, Big Desert Wilderness Park and the Murray-Kulkyne Park. The Murray River marks the northern boundary of the municipality, and is a key economic and social driver, as total rainfall is insufficient to fully sustain the demands of horticultural, stock and domestic use. The city of Mildura is the largest town in the district, servicing rural areas both in Victoria and New South Wales, and has been identified as the centre of the Sunraysia irrigation area. The region is known for its fruit and vegetable production, as well as tourism.

The Rural City of Mildura has an estimated resident population of approximately 51,000 people,<sup>5</sup> with 39,120 eligible voters.<sup>6</sup> The population is expected to increase at an annual growth rate of 0.9 per cent, or 61,509 people by 2031.<sup>7</sup> While the demographics of Mildura are generally comparable to the rural average, a significant level of cultural diversity exists within the population, with approximately 11 per cent of people in the municipality born overseas—England, Italy, New Zealand, Turkey and India are the most prevalent countries of birth.<sup>8</sup> A Humanitarian Settlement Services (HSS) program has been in operation since 2010, which has seen new and emerging communities settle in the municipality from Sudan, Iraq, Afghanistan and Burundi.<sup>9</sup> The Rural City of Mildura also has a large Indigenous population of around 1,800 people, or 3.6 per cent of the population, which is significantly higher than the rural and regional Victorian average (1.5 per cent).<sup>10</sup>

#### Communities of interest

Geographically, the Rural City of Mildura has a number of distinct communities of interest comprising a relatively concentrated urban area, smaller satellite towns, irrigated and dryland

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<sup>5</sup> Data derived from 2011 ABS Census.

<sup>6</sup> Data derived by the Victorian Electoral Commission from State and Council voter rolls (as at January 2015).

<sup>7</sup> Department of Transport, Planning and Local Infrastructure, *Victoria in Future 2014*, 2015.

<sup>8</sup> The last census was undertaken in 2011 and new and emerging communities may not be captured in the data.

<sup>9</sup> *Mildura Rural City Council - Cultural Diversity and Inclusion Strategy 2012 – 2017*.

<sup>10</sup> ABS Census 2011.

farming areas and large tracts of national park. Demographically, the Rural City of Mildura is culturally diverse, as detailed above.

## 4.2 Current electoral structure

The last representation review for Mildura Rural City Council was held in 2005. Following the review, the VEC recommended the electoral structure of the municipality remain unsubdivided with nine councillors. While the number of voters in Mildura Rural City Council was comparable to other seven-councillor municipalities, the very large geographic size and projected growth justified continuing with nine councillors. Similarly, the municipality did not fit a subdivided model well, requiring multiple small urban wards and one vastly large rural ward to meet the legislative equality requirement. Diminished representation for rural voters under a subdivided model was a key concern of the VEC.

## 4.3 Public information program

Public involvement is an important part of the representation review process. The Mildura Rural City Council representation review commenced on Wednesday 15 July and the VEC conducted a public information program to inform the community, including:

- public notices of the review and the release of the preliminary report in local and State-wide papers
- media releases announcing the commencement of the review, the release of the preliminary report and the publication of this final report
- a public information session to outline the review process and respond to questions from the community
- coverage through the municipality's media, e.g. Council website or newsletter
- a helpline and dedicated email address to answer public enquiries
- ongoing information updates and publication of submissions on the VEC website and
- a *Guide for Submissions* to explain the review process and provide background information on the scope of the review.

See Appendix 3 for full details of the public information program.

## 5 Preliminary report

### 5.1 Preliminary submissions

The VEC received five preliminary submissions by the deadline for submissions at 5.00 pm on Wednesday 12 August. A list of people who made a preliminary submission can be found in Appendix 1.

#### Number of councillors

The public submissions varied widely on how many councillors were appropriate for Mildura Rural City Council. One submission recommended reducing the number of councillors to seven, to come into line with comparable councils. The submission argued that both Ballarat City Council and Greater Bendigo City Council have a significantly larger number of voters compared with Mildura, and the number of councillors should reflect this accordingly. Three submissions recommended retaining nine councillors, arguing that the current number of councillors was working well and was necessary to cover the large geographic area of the municipality. One submission recommended an increase to 11 councillors, arguing that, while nine was working well, adding two more councillors would increase the likelihood of a further councillor being elected in the southern part of the municipality—a strategy in lieu of introducing wards to further rural representation.

#### Electoral structure

Retaining an unsubdivided electoral structure was supported in four submissions, with one submitter not indicating a preference. The structure's facilitation of the proportional representation counting method was identified as a key benefit of the current structure, as was the municipality-wide decision making approach it fostered. Apart from the drylands area in the south, the overall view was that the community was being fairly and equally represented. It was further raised that introducing a subdivided structure may increase the chance of uncontested elections, which tends to be avoided in an unsubdivided structure.

### 5.2 Preliminary report

A preliminary report was released on Wednesday 9 September. The VEC considered a number of factors when determining the appropriate number of councillors for Mildura Rural City Council, including comparable council data.

#### Number of councillors

The VEC considered that while Mildura Rural City Council's voter numbers sit between the seven- and nine-councillor municipalities when compared with other regional urban councils, the vast size of the municipality, the trend toward population growth rather than decline, and

significant cultural diversity justified retaining nine councillors. Increasing councillor numbers to 11 was determined to result in over-representation.

### **Electoral structure**

While the VEC acknowledged the desire for greater representation in areas outside of the city of Mildura and its immediate surrounds, the introduction of a subdivided structure was not considered viable. A number of models were mapped by the VEC and a three three-councillor ward structure was discussed in detail in the preliminary report. This model included two urban wards and one very large rural ward (covering over 99 per cent of the municipality's land mass). However, the VEC determined that the model may have the unintended consequence of reducing the representation of the rural and southern areas, depending on the location of councillors. Similarly, the size of the large rural ward was not ideal. These arguments are discussed further in section 7.1.

### **Option**

After careful consideration, the VEC put forward the following preferred option:

- **Mildura Rural City Council consist of nine councillors elected from an unsubdivided municipality.**

## 6 Public response

### 6.1 Response submissions

The VEC received two submissions responding to the preliminary report from Wednesday 9 September until 5.00 pm on Wednesday 7 October. A list of people who made a response submission can be found in Appendix 1.

In its submission, the Proportional Representation Society of Australia (PRSA) supported the VEC's preferred option of nine councillors elected from an unsubdivided structure. Facilitation of the proportional representation system of voting was the key reason the PRSA supported the structure, which ensured maximisation of the percentage of voters that elect a candidate, greater avoidance of uncontested elections and an ability to bypass potential stalemates in council decision-making.

A second submission from Roger Drewitt did not support the VEC's option of nine councillors elected from an unsubdivided structure. While retaining nine councillors was supported, the submission argued that subdivision of the council should be further considered. Arguments in support of this recommendation included that the introduction of wards would reduce the number of voters per councillor, assisting councillors to have a better understanding of the issues of a particular ward. And, while no boundaries or number of councillors per ward were proposed, the submission argued that wards could be articulated broadly by land use, i.e. metropolitan wards, metropolitan rural fringe wards, regional urban wards and rural wards.

### 6.2 Public hearing

The VEC scheduled a public hearing for those wishing to speak about their response submission at 7.15 pm on Wednesday 14 October in the Mildura Rural City Council Technology Centre, Corner Madden Avenue and Ninth Street, Mildura.

Roger Drewitt was the only speaker, putting forward a preference to see Mildura Rural City Council subdivided into nine single-councillor wards. He argued that an unsubdivided structure made campaigning more difficult for potential candidates, with the need to canvas over 30,000 voters. On the other hand, campaigning in single-councillor wards would be easier for people wanting to stand, and only around 2,000 votes would be required to secure a position. The panel asked questions regarding possible boundaries for these wards, and the issue of population distribution creating an inevitable oversized ward. The speaker did not respond directly to these questions.

## 7 Findings and recommendation

### 7.1 The VEC's findings

The VEC considers that nine councillors elected from an unsubdivided structure remains appropriate for Mildura Rural City Council, with this structure providing the best option for fair and equitable representation for voters.

#### Number of councillors

As discussed above, the VEC considers that nine councillors is an appropriate number for Mildura Rural City Council, given the very large geographic size of the municipality and forecast population growth. In 2015, the current estimate of voter numbers situates Mildura Rural City Council between the lowest of the nine-councillor councils and the highest seven-councillor councils, apart from Greater Shepparton City Council.<sup>11</sup> Based on voter figures alone, the VEC considered that seven councillors may be sufficient. However, the municipality also has a number of unusual circumstances for a regional urban council, including a very large geographic size, moderate forecast population growth and high levels of cultural diversity and in-migration programs. Any less than nine councillors could result in under-representation.

The VEC considers increasing councillor numbers to 11 would be over-representation, and may not necessarily result in the election of candidates outside of urban Mildura—a desired outcome of some submitters.

#### Electoral structure

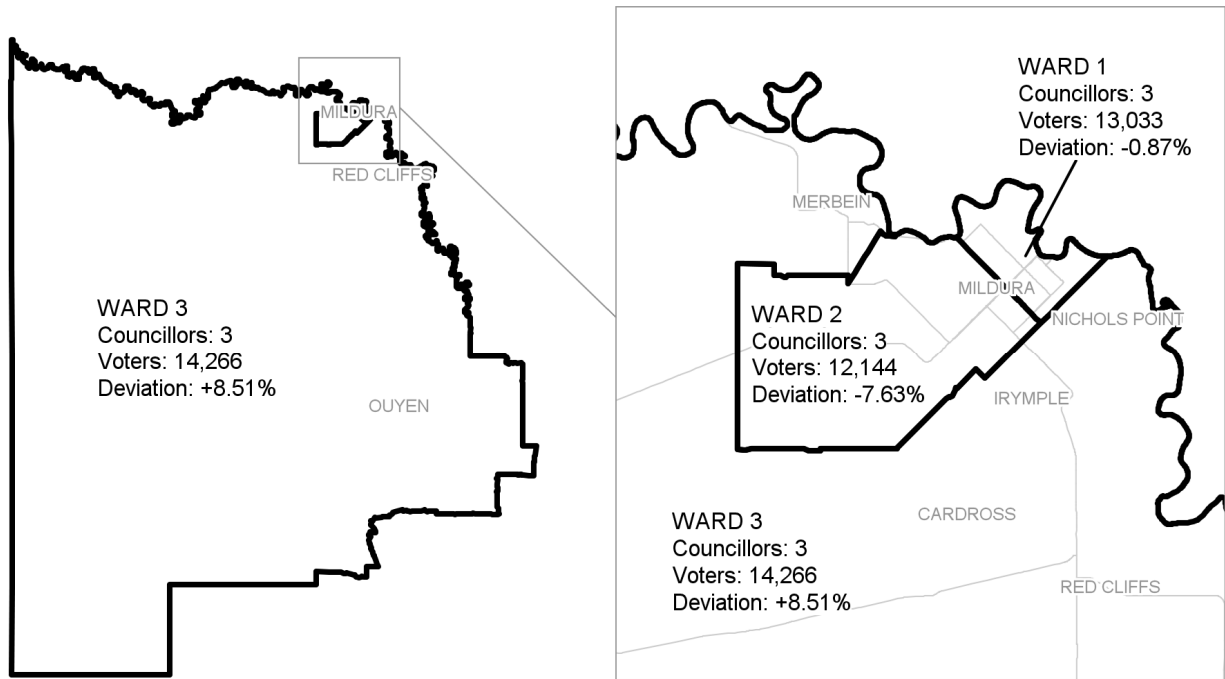
In regards to a preferred electoral structure, the VEC acknowledges the desire among some submitters for increasing representation of areas outside of the city of Mildura and its immediate surrounds, by either increasing the number of councillors to increase the chance of candidates being elected from outside of urban areas, or implementing a ward based structure.

A perennial issue facing Mildura Rural City regarding implementation of a subdivided electoral structure is the distribution of voters. The very large geographic size of the rural balance in the municipality, with sparse populations at both the north and south of the municipality, and large concentration in the urban areas, means that the establishment of meaningful ward boundaries is very difficult. The feasibility of a three three-councillor ward structure was discussed in the preliminary report, showing how a very large ward (with just three councillors elected to represent it) would be required to manage the equality requirement that guides the representation review.

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<sup>11</sup> The VEC recently completed the 2015 electoral representation review of Greater Shepparton; if approved, this will situate Mildura Rural City Council at the bottom of the nine-councillor rural and regional municipalities in terms of population, eligible voters and voters per councillor.





**Diagram 1: Three three-councillor ward model.**

As the diagram indicates, a ward-based structure in the municipality required two smaller urban wards and one very large rural ward, the latter encompassing 99.3 per cent of the municipality's land mass. The VEC noted that the introduction of wards may also have the unintended consequence of reducing representation in the southern area as it places a large part of the irrigation and dryland country together. The model also arbitrarily divides the irrigation area and the urban area of Mildura, splitting major communities of interest, which diminishes fair and equitable representation. This would be further exacerbated under a model with single-councillor or two-councillor wards, as any subdivided model needs to include a massive rural ward to meet legislative requirements. The greater the number of wards, the greater likelihood that enrolment numbers would deviate outside of the 10 per cent voter-to-councillor ratio tolerance, triggering a subdivision review; something that can never occur with an unsubdivided structure.

Overall, the VEC considered that retaining the current structure would provide voters with the most fair and equitable representation of any model. The current unsubdivided electoral structure is working well for Mildura Rural City Council—a view broadly supported by submitters. Electoral statistics indicate a good number of candidates standing at each general election between 2000 and 2012 (17 candidates on average), and a low voting informality rate of around five per cent. The location of councillors relative to population distribution is proportionate—generally providing fair and equitable representation for voters across the municipality.

## **7.2 The VEC's recommendation**

**The VEC recommends that Mildura Rural City Council continue to consist of nine councillors elected from an unsubdivided structure.**

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

## **Appendix 1: Public involvement**

### **Preliminary submissions**

Preliminary submissions were received from:

Greg Brown

Lindsay Leake

Mildura Rural City Council

Proportional Representation Society of Australia (Victoria-Tasmania) Inc

Geoff Quinn

### **Response submissions**

Response submissions were received from:

Roger Drewitt

Proportional Representation Society of Australia (Victoria-Tasmania) Inc

### **Public hearing**

The following individual spoke at the public hearing:

Roger Drewitt

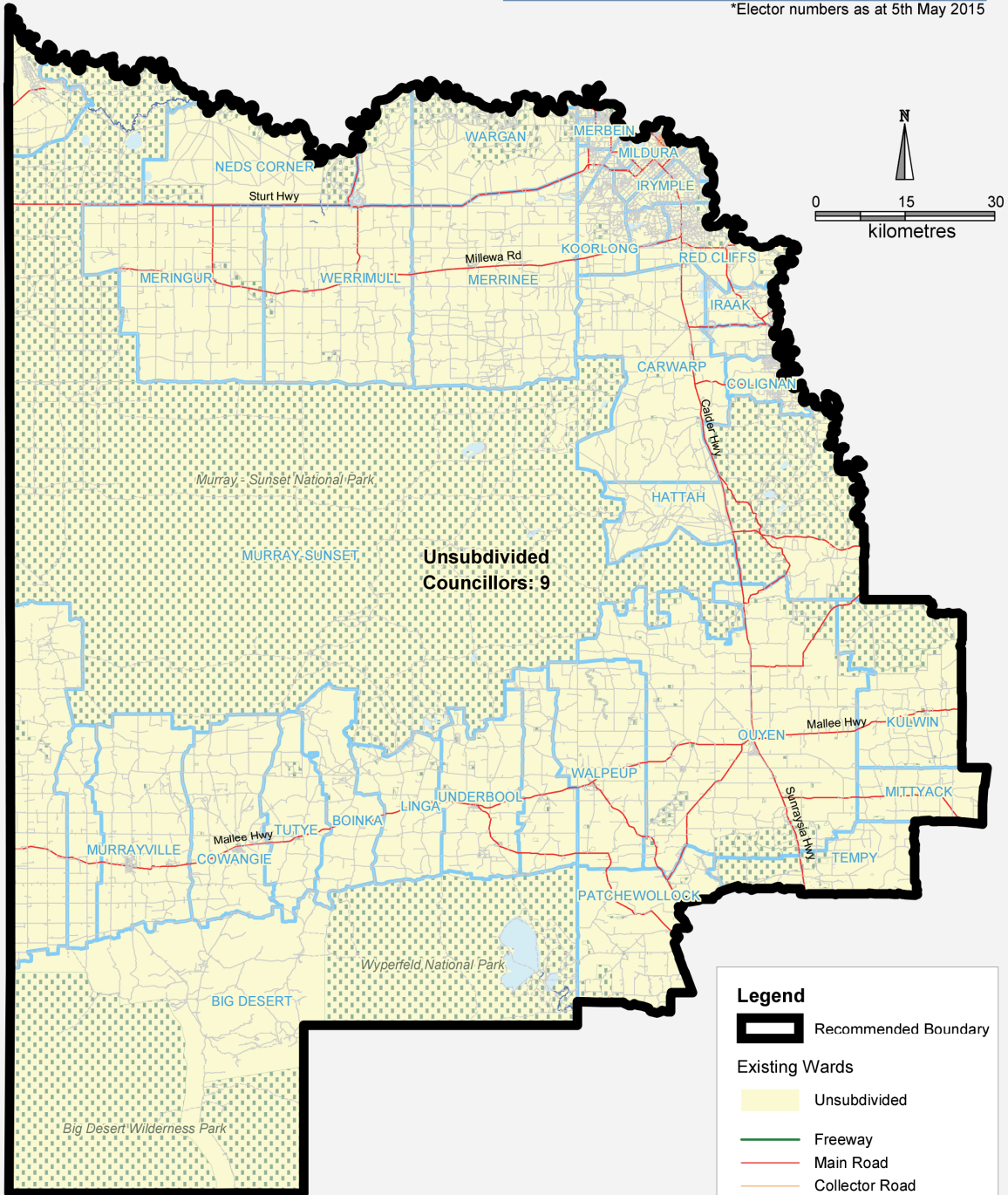
# Appendix 2: Map

## Mildura Rural City Council

Map of Recommended Option  
Nine Councillors, Unsubdivided

Ward	Councillors	Electors*	Area sq km
Unsubdivided	9	39,443	22,085.58
Total	9	39,443	22,085.58
Electors per councillor		4,383	

\*Elector numbers as at 5th May 2015



**Unsubdivided  
Councillors: 9**

**Legend**

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



Map prepared by the Victorian Electoral Commission  
Vicmap spatial data provided by Department of Environment and Primary Industries  
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## 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>	Wednesday 15 July	Wednesday 9 September
<i>Sunraysia Daily</i>	Wednesday 15 July	Wednesday 9 September
<i>Pinnaroo Border Times</i>	Wednesday 15 July	Wednesday 9 September
<i>Ouyen North West Express</i>	Thursday 16 July	Thursday 10 September
<i>Mildura Weekly</i>	Friday 17 July	Friday 11 September

### Media releases

A media release was prepared and distributed to local media at the commencement of the review on Wednesday 15 July. A further release was distributed at the publication of the preliminary report on Wednesday 9 September. A final release 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 Wednesday 22 July in the Council & Committee Rooms, Civic Building, 76–84 Deakin Avenue, Mildura.

### Helpline and email address

A telephone helpline and dedicated email address were established to assist members of the public with enquiries about the review process.

### VEC website

The VEC website delivered up-to-date information to provide transparency and facilitate public participation during the review process. An online submission tool was made available and all public submissions were posted on the website.

### Guide for Submissions

A *Guide for Submissions* was developed and distributed to those interested in making submissions. Copies of the *Guide* were available on the VEC website, in hardcopy on request and also provided to Council.

### Council website and newsletter

Information about the review was provided to Council for publication in council media, e.g. website and newsletter.

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