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12 March 2019

Victorian Electoral Commission

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Dear Sir/ Madam

Local Council Representation Review: Boroondara City Council 2019

Please find attached my preliminary submission to the review.

Yours faithfully

Ian Hundley

Submission to the Local Council Representation Review:

City of Boroondara

Ian Hundley

12 March 2019

Introduction

I am a regular participant in Council activities and have been for many years. I make submissions on the Council Plan and Budget each year and I am a regular participant at Public Question Time at Council meetings.

I seek to engage with councillors and staff from time to time on a range of issues, particularly as they relate to planning, building, transport, the deployment of public open space, as well as environmental matters, broadly speaking.

I am finding this participation increasingly difficult because Council processes have become less welcoming since the last representation review in 2008 when the system of a divided council with ten single councillor wards was re-endorsed.

Adverse trends in Council conduct and administration since 2008

I observed such tendencies prior to the 2008 Representation Review. Subsequent to the 2008 election, however, this trend has accelerated. The Council has closed down or otherwise restricted the scope for communications on several fronts. I will give some examples of the trend towards secrecy in recent years, and cases of maladministration and substandard public engagement which could well have been avoided if we had an electoral system that was more open to new blood and representation of a greater range of legitimate interests.

Public Question Time

The Local Law governing Public Question Time was amended to limit the number of questions that may be asked at a Council meeting to 11 each year. This is an unnecessary restriction and should not have been imposed, but it is relatively benign relative to other restrictions imposed on Public Question Time. These include limiting questions to matters upon which the questioner had already represented in writing to Council *and to have received a written reply* or which is on the agenda of that Council meeting.

Blog commentary

The Council has quietly closed down a supervised blog on the Council website which permitted members of the public to engage with other members of the public and council representatives on relevant Council issues.

Unreasonable restrictions on ready access to minutes and agenda papers of Council meetings

The record of Council meetings, including meeting minutes and agenda papers, maintained on the Council website has been reduced substantially. Previously, the record may have been maintained for, perhaps, an eight year period, certainly much longer than the two years that now applies. Whilst, the Council will retrieve records for earlier years and provide the information on a disc, this process necessarily involves delay and is time consuming and cumbersome for users, and also presumably for Council staff. I am not aware of any other council that adopts this calculatedly restrictive approach.

I have pursued this matter on numerous occasions with the Council, most recently in January 2019 with the mayor, Cr, Jane Addis. I asked that the records be maintained on the website for no less than ten years. Amongst other things, this would align the available record with the planning cycle, which at the macro level is ten years. The response I received, again refusing the request, inter alia, declared that the Council "makes its own decisions based on its unique set of circumstances" and "collective beliefs," whatever that may mean.

Refusal to release data on activities and performance

Information central to the operations of the Council, including data that is relevant to assessing the efficiency and effectiveness of Council operations is often refused on request. I have been advised on occasions by Council that where it has no statutory obligation to collect any such information it will not make it available. It is useful to reflect on what this behaviour means for transparency in administration and the crueling effect it has on public engagement.

No ward meetings

In general, there is a high level of resistance to organising regular meetings of electors, including ward meetings.

Regular ward meetings are now a thing of the past. It has been about eight years, and three councillors, since regular ward meetings were held. Approaches I have made to the two most recent incumbents have been rebuffed.

Council meetings

Members of the public are invited on the Boroondara Council website to "Be involved in decision making at our Council and committee meetings."

This is a rather fanciful idea, given the standard practice of the Council. Members of the public are not in any meaningful way involved in decision making at these meetings.

Where members of the public are invited to speak on particular matters, the "rule" that presentations should last no longer than three minutes is strictly enforced.

One of the emerging and most troubling aspects of many Council meetings is their brevity. There is little debate on issues. Council officers are serially praised in meetings by councillors for writing such high quality reports and proposals that it obviates the requirement for debate.

Meetings are typically over very speedily and en bloc resolutions without debate for the adoption of proposals are much too common. Council meetings since 2008 have increasingly taken on the air of low key ceremonial events, rather than an alert and informed decision-making body.

In this environment it is unsurprising that Council meetings are poorly attended by members of the public. In times past, people would take quite some effort to make contributions to particular agenda items at Council meetings . But no longer.

The exception to this trend is where people are stirred by parochial issues. Typically, these involve local planning or buildings issues. This is entirely legitimate, but what is now notably lacking is the attraction of critical interest that are of a systemic nature or of broader concern, say of interest to the welfare of constituents in several wards.

Development of Boroondara Community Plan 2017-27

The public consultation on the Council's first ten year plan was most notable for the fact that it was structured in such a way as to make full scale and evidence-based dialogue involving councillors, officers and members of the public pretty well impossible. There was no dialogue at all - rather the tipping of ideas and information into a Council "bucket" from which emerged a range of statements of good intent which would make pretty well anything possible. It is useful cover for opaque decision-making and characteristic of an organisation that is putty in the hands of undisclosed interest groups.

Real-time electronic transmission and recording of Council meetings

In recent years increasing numbers of councils have commenced to transmit real-time podcasts of their proceedings and to maintain access to these on their websites. This is a valuable tool for open democratic process. Boroondara Council does not do so and has resisted proposals from me and others that they should. In fact, members of the public are expressly prohibited by the Council from making their own record of Council meeting proceedings. I asked once for approval to do so on one occasion and was refused. In fact, it appears that the restriction appears to extend to the taking of shorthand notes of meetings without the written approval of the Council.

Councillors contact with the media and organisational secrecy

Council has a Media and Social Media Policy, most recently updated in October 2018 and with no opportunity being provided for public input. The overwhelmingly greatest objective of the policy appears to avoid reputational damage to the Council without regard to and other consideration. [REDACTED]

[REDACTED] At the time of writing, the text as finally concluded was not shown under the "Policies and Strategies" section of the Council website.

When I asked that the proposed revised policy be subject to public consultation I was advised by the Executive Manager People Culture and Development that "These are considered to be internal governance and administration matters and therefore not relevant for a process of consultation." It was once the case that individual councillors were participants in genuinely open discussion on policy and program issues. I do recall when individual councillors expressed an independent personal view on a matter. This no longer occurs, but it should.

The final guiding principle of the Media Strategy provides that "Any information or activities that may be considered a risk to Council's reputation should be identified and flagged with the Strategic Communications lead (or delegated media advisor) and the CEO in advance of any public announcements. This (It is said) provides an opportunity to plan proactive communications, along with key messages, a position statement, and an issues management strategy if required."

There are several objectionable strictures on public comment by councillors. Whilst elsewhere in the Strategy it is stated that the relevant ward councillor is the spokesperson on ward-specific issues it is declared that "If a Councillor... becomes aware of an issue that has the potential to develop into a media issue, this should be brought to the attention of the relevant director or manager and the Strategic Communications Lead as soon as possible. *The Strategic Communications Lead will then take this process forward and manage relevant activities in conjunction with appropriate stakeholders.*" (my emphasis) It is clear that councillors have been reduced to the status of nodding corporate accomplices rather than cognitive individual human beings with electoral responsibilities. This trend has developed most markedly since 2008.

Council spending on computer systems

I have concerns about several aspects of the deployment of Council resources. It has been said that Boroondara Council does not have a budget: it has a spending program which it then canvasses around to fund. There is some truth to that.

I focus here on one particular commitment made by the Council. Public controversy developed in early 2018 concerning large outlays on computers by the Council. (See most recently, Rebecca Di Nuzzo, "*Deloitte's website windfall: Freedom of Information documents reveal consultants scored second tender,*" Progress Leader, Tuesday January 29, 2019).

Observations have been made that the outlays on the project, that now apparently approach \$12 million, should have been in the order of \$350 thousand, and that first tier consulting organisations were recruited to the task quite unnecessarily.

Whilst various approvals for the expenditure have been made by Council, the published records on these expenditures leave electors uninformed on whether the project really represents value for money. Whilst the public utterances from Council in this period have been obscure, they are likely to have conformed with the objective of the Media Strategy to minimise reputational damage.

Partisan involvement in this Review by Boroondara City Council

Twelve councils are listed on the Victorian Electoral Commission to be under review at this stage of the review process. I examined how each of these councils was representing the review on their website. Ten of them advised of the review on the website, without any advocacy, including a link to the Victorian Electoral Commission website for the making of preliminary submissions. One council (Southern Grampians) made no reference to the review.

In advocating for the status quo (A divided council with ten single councillor wards) Boroondara was the only one of the 12 councils whose website was used in a partisan manner to promote a particular outcome. This was a troubling development. It will, no doubt, have been effective in stimulating additional submissions in favour of the status quo.

In addition, a printed brochure replete with the Council logo, with the ambiguous heading of "Keep Boroondara Local," was made available in libraries in Boroondara which urged people to make a submission in support of the status quo. (See a copy at Attachment A) I do not know when this promotional material was first made available publicly. However, the Council was exhorting people on its website to support the status quo of 10 wards with a single councillor elected in each ward prior to the Council adopting its preliminary submission at a Special Council meeting on 7 March 2019.

Of further interest is the fact that the agenda papers for this meeting disappeared from the website, possibly at about the time the meeting was held. The minutes of this meeting were still not publicly available at the time of writing, on 12 March 2019, and nor were the minutes of the previous Council meeting held on 25 February when the Council proposed to consider an in-principle position in favour of single councillor wards.

Fighting for the same ground under the current electoral system

I have found that the published election "promises" made by candidates in Boroondara are often indistinguishable. This is because, in the system of single councillor wards that has prevailed for so many years, candidates are appealing to the same majority to secure election. Where candidates attempt otherwise they are typically doomed. Issues of greater

moment to large numbers in the electorate, unless they conform with this quest for a single majority do not get much of an airing.

The City of Boroondara also pretty much matches the geographic area of the blue ribbon Federal electorate of Kooyong. The Liberal Party, in particular, is probably as well organised and funded in Kooyong as anywhere. This organisational capacity is brought to bear in Council elections. For many years in Boroondara it was asserted that party politics practiced at federal and state levels should not intrude into local government. Whilst this has always been a juvenile myth, it probably continues to be believed by many people. It has now been laid to waste at the recent state poll, and now federally, as Boroondara councillors are observable on the street in blue t-shirts in support of Liberal Party candidates.

The large and expensive election billboards displayed in the 2016 election by some Boroondara Council candidates resembled (in colour tone and scale) billboards typically displayed by federal and state Liberal candidates. I have written to my state constituency parliamentarian on three separate occasions to ask what if any support he or his office may have provided to particular candidates in the 2016 Boroondara elections but I have not received a reply.

The funding declarations made by candidates at the 2012 and 2016 Council elections and published on the Victorian Electoral Commission website showed that donations were received by just four candidates (one in 2012 and three in 2016), and all of them from the Australian Greens and (in one instance) an Australian Greens parliamentarian. It is impossible to believe, however, that this is the only source of external funding received by candidates for election to Boroondara Council in 2012 and 2016.

Reform required: Multi-councillor wards and proportional representation

It may be asked, if these observations are accepted as a measure of evident dysfunction in Boroondara Council, what difference would a change in the voting system make to that state of affairs?

Certainly, we need an electoral system that minimises parochialism, whilst providing a genuine voice for more electors. It is noteworthy in this respect that local government elections in Australian states and territories are, by-and-large, contested in multi-councillor wards. The great majority of councils in the Greater Melbourne metropolitan area have multi-councillor wards.

The perverse and anti-democratic influences of dummy candidates is significantly greater in single councillor wards than in multi-councillor wards. This fact should be given due weight in this review.

Whilst the slogan "Keep Boroondara Local" in the brochure recently distributed by the Council suggests otherwise, the better electoral systems recognise that there are interests that are other than local in nature that should be catered for. These may be as diverse, but

nevertheless central to the activities of local government, such as transport, building and planning standards and waste management.

With multi-councillor wards, the elector is not so likely to be left at the mercy of one inadequate and feeble representative. It is more likely that representatives of stronger intellect and greater energy will set the standards for performance than is currently the case, where as I have illustrated, the elected councillors in Boroondara play a largely ceremonial, not always dignified, but seldom an efficient role.

I propose, therefore, that Boroondara Council remains subdivided with multi-councillor wards. My preference is for four wards each with three councillors, consistent with a large and now growing aggregate population.

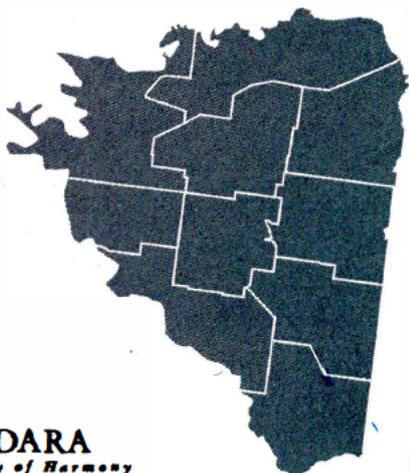
Keep Boroondara Local

Support 10
single-councillor wards

Electoral Representation Review
Send your submission by:

5pm, 13 March 2019

www.boroondara.vic.gov.au/vec-review



 **BOROONDARA**
City of Harmony

Help us retain Boroondara's current 10 single-councillor wards structure.

The Victorian Electoral Commission (VEC) is reviewing the future structure of Boroondara's electoral representation.

The VEC review will consider:

- whether Boroondara has the appropriate number of councillors
- whether Boroondara should remain subdivided into wards, or be unsubdivided
- if subdivided, the number of wards, ward boundaries and the number of councillors per ward.

Your participation in the review will strongly influence the future of our electoral structure.

What is the City of Boroondara's position?

Council supports single-councillor wards in the electoral representation for Boroondara and will make a submission to the VEC to retain Boroondara's current 10 single-councillor wards structure.

Benefits of single-councillor wards include:

- the elected representative is easy to access
- councillors live locally
- local representatives have a greater understanding of their local area and issues
- better representation of geographical communities of interest
- councillors act for a diverse range of voices across our community and are more accountable to you, and
- one primary point of contact ensuring a consistent approach.

Make a submission to support Boroondara's current 10 single-councillor wards structure. For more information visit

www.boroondara.vic.gov.au/vec-review

Submissions due by 5pm, 13 March 2019

 **BOROONDARA**
City of Harmony