

FINAL REPORT
Electoral Representation Review
for the
Boroondara City Council



26 May 2008

Table of Contents

1	Recommendation	2
2	Background	2
2.1	Legislative basis.....	2
2.2	The VEC and electoral representation reviews.....	2
2.3	Municipality profile.....	3
2.4	Current electoral structure	3
3	Electoral representation review process	3
4	Public involvement	5
4.1	Public information.....	5
4.2	Advertising.....	5
4.3	Media releases	5
4.4	Information leaflet.....	5
4.5	Council newsletter	6
4.6	VEC website.....	6
4.7	Helpline.....	6
4.8	Guide for Submissions	6
4.9	Boroondara City Council’s products.....	6
5	Preliminary Report	7
5.1	Preliminary submissions	7
5.2	VEC research	12
5.3	Recommended options	12
6	Response submissions	13
7	Public hearing	17
8	Findings and recommendation	19
8.1	Number of councillors	19
8.2	Electoral structure	23
8.3	Recommendation.....	30
9	Appendices	31
9.1	Public notices of the electoral representation review	31
9.2	Media releases	34
9.3	Information leaflet.....	39
9.4	Guide for Submissions	40
9.5	List of people and groups making submissions.....	53

1 Recommendation

The Victorian Electoral Commission (VEC) is required under the legislation for the electoral representation review to make a recommendation to the Minister for Local Government as to the number of councillors and the electoral structure that provides fair and equitable representation for the voters of the City of Boroondara (s.219D *Local Government Act 1989*).

The VEC recommends that the Boroondara City Council consist of ten councillors to be elected from ten single-councillor wards.

This recommended structure is indicated in the map at the back of this Report. This structure is the same as the VEC's third preliminary alternative structure.

2 Background

2.1 Legislative basis

The *Local Government (Democratic Reform) Act 2003*, which amended the *Local Government Act 1989* (the Act), was passed by the Parliament in Spring 2003. The amendments included provisions for independent electoral representation reviews of all Victorian councils. In accordance with this new legislation, the Boroondara City Council received notice pursuant to s.219C of the Act from the Minister for Local Government that an electoral representation review was to be conducted for the City of Boroondara. The notice appeared in the *Victoria Government Gazette* on 19 March 2007.

Under the legislation, a council is required to appoint an electoral commission to conduct an electoral representation review. The Boroondara City Council appointed the VEC to conduct the review.

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. Matters to be considered by the review are:

- a) the number of councillors;
- b) the electoral structure of the municipality (whether the municipality should be unsubdivided or divided into wards; and, if the municipality is to be subdivided, the number of wards and the number of councillors to be elected for each ward); and
- c) if the recommendation is for the municipality to be divided into wards, boundaries for the wards that will:
 - i. provide for a fair and equitable division of the municipality; and
 - ii. ensure equality of representation, through the number of voters represented by each councillor being within 10% of the average number of voters represented by all councillors.

2.2 The VEC and electoral representation reviews

The VEC has ten years' experience in working on municipal ward boundaries, being contracted by councils to prepare options for their consideration. VEC staff have also worked for the Electoral Boundaries Commission in State redivisions. In doing this

work, the VEC has used sophisticated mapping software, conducted field research and has developed expertise in preparing electoral boundaries that both comply with the approximate equality requirements of the legislation and respect communities of interest.

The VEC has engaged Mr Vern Robson to provide expertise in the field of local government. Mr Robson has worked in local government since 1955, and has been the Town Clerk and Chief Executive Officer of the City of Warrnambool, the Chief Commissioner of the City of Ballarat, the Administrator of the Mansfield Shire Council and the Director of the Local Government Branch of the former Department of Infrastructure.

2.3 Municipality profile

The City of Boroondara was formed by the amalgamation of the Cities of Camberwell, Kew and Hawthorn in June 1994.

Boroondara is located five kilometres east of the Melbourne central business district. The City is mostly bounded by watercourses and parklands, including the Yarra River, Gardiners Creek and Yarra Bend Park.

Boroondara covers an area of 60 square kilometres encompassing Ashburton, Balwyn, Balwyn North, Camberwell, Canterbury, Hawthorn, Hawthorn East, Kew, Kew East, and parts of Glen Iris, Surrey Hills and Mont Albert.

The City is primarily residential in nature, although it has extensive private and public education facilities and a number of private and public health-care facilities. The main industries include building construction, machinery and equipment wholesaling, retailing and publishing.

Boroondara's population has been rising slowly due to increasing demands for medium density living in locations well served by public transport and other services. Although there has been substantial population growth in Boroondara in recent years, this trend is expected to slow over the next eight years as land for redevelopment becomes more scarce. At the 2006 Census, there were 154,450 people in Boroondara.

(Sources: Australian Bureau of Statistics 2006 Census; Victorian Local Governance Association social statistics (available from VLGA website); Boroondara City Council website)

2.4 Current electoral structure

The City of Boroondara is a subdivided municipality with ten councillors elected from ten single-councillor wards.

3 Electoral representation review process

Section 219D of the *Local Government Act 1989* specifies that the purpose of an electoral representation review is to achieve "fair and equitable representation for the persons who are entitled to vote at a general election of the Council." To achieve this, the VEC proceeds on the basis of three main principles:

1: to ensure that the number of voters represented by each councillor is within 10% of the average number of voters per councillor for that municipality

Populations are continually changing – they grow in some areas and decline in others. Over time, these changes can lead to some wards having larger or smaller numbers of voters. As part of an electoral representation review, the VEC needs to correct any imbalances that have come about. The VEC also tries to make sure that the boundaries it sets will continue to provide equitable representation until the next review is due in eight years, by taking account of likely future changes.

2: to take a consistent, State-wide approach to the total number of councillors

Regarding the number of councillors, the VEC has adopted as a guide the numbers of councillors in similar-sized municipalities of similar categories within Victoria. In addition, the VEC considers any special circumstances that warrant the municipality having more or fewer councillors than similar municipalities.

3: to ensure that communities of interest are as fairly represented as possible

Every municipality contains a number of communities of interest. The electoral structure should be designed to take these into account where practicable. This is important for assisting the elected councillors to be effective representatives of the people in their particular municipality.

The VEC bases its recommendations on a number of factors, including the following:

- internal research specifically relating to the municipality under review;
- the VEC's experience from its work with other municipalities and in similar reviews for State elections;
- the VEC's expertise in mapping, demography and local government; and
- careful consideration of all input from the public in both written and verbal submissions made during the course of the review.

Input from the public is an important part of the process, but it is not the only factor considered. The VEC seeks to ensure fair and equitable representation for all voters of the municipality. This means carefully considering all views expressed in submissions from the public, and also considering other factors, such as the best possible representation for the various communities of interest in the municipality under review.

In considering public submissions, the VEC values the local knowledge and local perspectives that are presented. The VEC believes it important to consider the issues and information presented in submissions, as well as the arguments for particular structural models. In reaching its recommendations, the VEC seeks to combine the information gathered through public submissions with its own research in order to achieve what it considers to be a fair and equitable result until the next review period. The VEC does not make its recommendations based on a "straw poll" of the number of submissions supporting a particular option.

Further details about issues considered by the VEC can be found in Sections 8.1 and 8.2 of this Report and in the Guide for Submissions (Appendix 9.4).

4 Public involvement

4.1 Public information

The VEC informed the community about the electoral representation review through:

- advertising in newspapers;
- conducting an information session in Hawthorn on 27 February 2008, to outline the review process and to respond to questions from members of the community;
- communicating with the City of Boroondara community through the use of media releases and the VEC website;
- developing an information leaflet for residents of the City of Boroondara;
- providing the Council with an article for inclusion in their February 2008 newsletter;
- publishing all preliminary submissions on the VEC website;
- establishing a helpline for responding to community questions;
- distributing a Guide for Submissions;
- releasing a Preliminary Report on 8 April 2008 and making the Report available at the Boroondara City Council offices, at the VEC office and on the VEC website;
- publishing all submissions in response to the Preliminary Report on the VEC website; and
- conducting a public hearing in Hawthorn on 7 May 2008.

4.2 Advertising

In accordance with s.219F(4) of the Act, the VEC published the following advertisements for the electoral representation review:

- a public notice of the review, detailing the process, appeared in the *Progress Leader* and the *Melbourne Weekly Magazine* on 12 and 13 February 2008;
- a general advertisement covering several electoral representation reviews, including the Boroondara City Council review, appeared in the *Herald Sun* and *The Age* on 29 January 2008; and
- a notice that the Preliminary Report had been released appeared in the *Progress Leader* and the *Melbourne Weekly Magazine* on 8 and 9 April 2008.

See Appendix 9.1.

4.3 Media releases

Media releases designed to supplement the paid advertising were distributed to the *Progress Leader* and the *Melbourne Weekly Magazine*. See Appendix 9.2.

4.4 Information leaflet

An information leaflet about the review was provided to the Council for public distribution. See Appendix 9.3.

4.5 Council newsletter

The VEC prepared a newsletter article, which was included in the February 2008 edition of the Council newsletter, the *Boroondara Bulletin*.

4.6 VEC website

The VEC used its website to deliver information and to provide transparency in the review process. All preliminary submissions and submissions in response to the Preliminary Report were posted on the website to facilitate public access to this information. The VEC website can be viewed at www.vec.vic.gov.au

4.7 Helpline

The VEC established a helpline to assist with public enquiries concerning the electoral representation review process.

4.8 Guide for Submissions

The VEC developed and distributed its Guide for Submissions to help people interested in making submissions. A copy of the Guide is attached. See Appendix 9.4.

4.9 Boroondara City Council's products

The Boroondara City Council also produced its own materials informing people of the review and expressing its view on the most appropriate electoral structure. These materials are understood to have included:

- posters displayed in various locations throughout the municipality;
- a leaflet (differing from the one created by the VEC) distributed to key locations;
- a Frequently Asked Questions document placed on the Council's website and distributed to locations throughout the municipality;
- five information sessions;
- information in the Council's regular space in the *Progress Leader*;
- a recorded message on the Council's telephone line;
- a special edition of the "News Update" about the review, distributed to households in some wards in February 2008;
- an article in the May 2008 "News Update" about the review, distributed to households in some wards;
- articles in the December 2007/January 2008, February 2008, March 2008, April 2008 and May 2008 editions of the Council newsletter, the *Boroondara Bulletin*;
- media releases distributed to local media and on the Council's website; and
- "Fact Sheets" about the review distributed by the Council.

These products were produced independently of the VEC by the Boroondara City Council. It should be noted that the Council's material strongly supported the current structure.

5 Preliminary Report

In accordance with s.219F(6) of the Act, the VEC produced a Preliminary Report containing its preferred and alternative options for the City of Boroondara. In developing these options, the VEC considered preliminary submissions made by various people and groups, as well as various other relevant factors.

5.1 Preliminary submissions

The VEC received 213 submissions by the closing time for submissions (Tuesday, 11 March 2008 – 5.00 pm). Of those submissions, there were three different form letters, with 22, 3 and 2 copies received. An additional 27 submissions were received after the closing time and consequently were not considered by the VEC.

Number of councillors

The table below shows the views expressed in submissions regarding the number of councillors. (The Act states that a Council must consist of between 5 and 12 councillors.)

Number of councillors	Number of submissions recommending this number	Percentage of submissions recommending this number
9	3	1.4
10	132	62.0
11	16	7.5
12	9	4.2
9 or 10	1	0.5
9 or 11	2	0.9
10 or 11	1	0.5
11 or 12	1	0.5
10 or more	2	0.9
Fewer than 10	1	0.5
No number stated	45	21.1
Total	213	100

The submitters in favour of retaining ten councillors argued that the current electoral structure is working well and provides a reasonable ratio of voters to councillors. It was also suggested that the current single-councillor wards fit well with the municipality's communities of interest. Many of the submitters supporting ten councillors were arguing against any change to either the number of councillors or the single-councillor-ward structure. Some considered it undesirable to change the number of councillors because it would necessitate changing ward boundaries and they believed that this would provide less effective representation for the municipality's communities of interest.

Those submitters preferring to increase the number of councillors pointed out that Boroondara is the fifth largest municipality in Victoria in terms of its number of voters. They considered that an increase was warranted in order to bring the number of councillors for Boroondara into line with the number of councillors in other similar-sized metropolitan municipalities. Some believed that the current wards have

too many voters in them, and that an increase in the number of councillors would enable smaller wards with fewer voters to be considered.

Some submitters also preferred to have an uneven number of councillors, as they considered that this would be better in order to reduce the likelihood of the Council having tied votes. In such cases, the Mayor may be required to break the tie with a casting vote, which effectively gives one councillor two votes. Some submitters stated that this has occurred a number of times in Boroondara. Other submitters did not believe that this concern should be an issue. They argued that there have not been very many tied votes in Boroondara's history and that having an uneven number of councillors does not necessarily prevent such situations arising, as councillors may be absent from meetings for a variety of reasons – thus, tied votes can occur regardless of how many councillors there are in total. One submission considered that an uneven number may lead to one councillor holding the balance of power if the Council were divided evenly into two voting blocs.

In favour of twelve councillors, submitters argued that this number would provide the best possible representation for voters and would enable a structure with the same number of councillors in each ward. It was suggested that tied votes are less likely as the number of councillors becomes larger.

The only argument provided for nine councillors was that it was an uneven number, which the submitters supported in order to reduce the likelihood of tied votes.

In one submission, it was pointed out that there is no requirement in the legislation for there to be any standardisation of councillor numbers across the State, and the submitter therefore questioned the VEC's methodology for determining councillor numbers.

Electoral structure

A variety of electoral structures was suggested in the submissions:

Electoral structure	Number of submissions recommending this structure	Percentage of submissions recommending this structure
Single-councillor wards	166	77.9
Mixture of single- and multi-councillor wards	1	0.5
Multi-councillor wards	41	19.2
Unsubdivided	2	0.9
No preference stated	3	1.4
Total	213	100

The majority of arguments in support of single-councillor wards focused on the importance of councillors knowing the local area and local issues, accessibility, accountability and governance-related issues. The Council expressed its view that single-councillor wards provide councillors who are more likely to be:

- easily accessible;
- only one point of contact, with a consistent approach;
- aware of local issues; and

-
- accountable (as only one person has responsibility for an issue and it may be easier to judge his or her performance).

The Council argued that major geographic communities of interest are better represented by single-councillor wards, and suggested that the local communities form the most important communities of interest in a municipality like Boroondara.

The Council was also concerned that multi-councillor wards could lead to:

- councillors voting in blocs;
- duplication or gaps in tasks if councillors in a ward do not effectively communicate or share workloads; and
- candidates being elected as part of a voting ticket.

Other matters raised by the Council in other documents distributed to the public (see Section 4.9 above) included that:

- in multi-councillor wards, all of the councillors may come from one area of the ward, leaving the other areas within the ward effectively unrepresented;
- residents may need to canvass all of the councillors in their ward, rather than just approach one councillor;
- councillors may have an increased workload with a multi-councillor-ward structure; and
- councillors may “have competing views of how their ward should be run”, potentially causing friction and confusion.

Many submissions expressed support for the Council’s views or re-iterated points made in the Council’s submission and other publications. Submitters also raised the following concerns about multi-councillor wards:

- councillors may have trouble working together because they have to compete against each other at election time; and
- councillors may “pass the buck” to other councillors in their ward, thus reducing the efficiency and effectiveness of voters’ dealings with councillors.

A large number of submissions argued that it is important to have councillors with very local knowledge in Boroondara because the municipality’s various areas have quite different issues and needs. Examples cited included:

- Ashburton being more culturally diverse and having pockets of disadvantage not seen in other areas;
- issues associated with development, the University and late night amenities in Glenferrie Ward;
- a high proportion of people of Asian heritage in Balwyn;
- various matters related to particular amenities, such as Kew Junction, Kew Courthouse and Yarra Bend Park; and
- issues connected with particular shopping precincts.

It was also argued that, even though people may have similar interests from one place to another, they identified with their local area and their local shops and amenities. It was suggested that the current single-councillor wards capture the different areas and therefore provided for this local knowledge to be brought to council deliberations.

The Council proposed a small change to the existing ward boundary between Glenferrie and Studley Wards (this suggestion was incorporated in the VEC's third preliminary alternative option).

Concern was expressed about the practicality of candidates canvassing multi-councillor wards in Boroondara at election times, as these wards would have a larger number of voters than the current single-councillor wards. Some submitters were concerned that this situation would discourage candidates from standing for election and would lead to political parties becoming involved, asserting that only parties would have the required level of funds to promote candidates. Other submitters suggested that there was already political party involvement in the Boroondara City Council. It was also argued that multi-councillor wards with proportional representation vote counting would make domination of the Council by one organised group less likely.

A number of general concerns about the proportional representation system of vote counting were also expressed.

A substantial number of submitters expressed support for the retention of the existing ward names. One submitter expressed the view that, if names are to be changed, the new names selected should be historical and not individuals' names. Another submitter suggested botanical names or Australiana.

The submitters preferring multi-councillor wards believed that such a structure would provide a greater diversity of views on the Council, as it would facilitate the representation of groups and interests not currently represented on the Council. It was argued that, by having multiple representatives for each ward, it would be possible for substantial minorities to elect representatives as well as majorities. The proportional representation vote counting system would increase the proportion of votes that counted towards the election of successful candidates. It was also suggested that proportional representation would reduce the likelihood of "dummy candidates" standing at future elections.

In contrast to those submitters arguing that there are very local geographic communities of interest in Boroondara, submitters supporting multi-councillor wards suggested that the municipality is relatively homogeneous and that there are some concerns which are common to people in broader areas, such as those associated with the Yarra River, Gardiners Creek or Camberwell Junction, all of which are used by people from a wide area. There are also communities of interest that are scattered throughout the municipality which may not be captured by single-councillor wards, such as migrants, the elderly, renters of small units, people who use public schools and couples without any children.

It was suggested that larger wards would be easier for people to identify and would not require significant future boundary changes in the face of population changes between electoral representation reviews.

Submitters pointed out that all councillors are required to vote on all issues, not only on those issues that affect their wards. Therefore, it was argued that it is appropriate for councillors to have a broader perspective than just their local areas, and it was suggested that multi-councillor wards would encourage this broader view.

A broader view was also valued because it was argued that there are many council issues that affect larger areas than just single-councillor wards and that some

communities of interest are broader than the current single-councillor wards. It was suggested that some of the current wards do not reflect communities of interest – for example, it was argued that some wards have no particular focus and that the Balwyn shopping centre is artificially split across two wards.

A number of submitters considered that it would be advantageous for voters to be represented by more than one councillor, as it would mean that a voter would have a choice of councillor to approach and could select a councillor who may be more sympathetic to the voter’s cause. Similarly, it was argued that having access to multiple councillors provided a “safeguard” against having an ineffective councillor, whereas an ineffective councillor in a single-councillor ward could leave an area without appropriate representation or access by voters to a councillor. It was also argued that a single-councillor ward may be unrepresented if that councillor is absent from a Council meeting or at a time when a voter wishes to bring a matter to the Council’s attention. It was argued that multi-councillor wards make these scenarios less likely to happen.

Several submitters expressed that they have been happy with their representation for over 40 years, and that the VEC therefore should not change the current structure. However, the VEC notes that the current single-councillor-ward structure was only introduced in 1996 and that, prior to 1994, voters in all municipalities across Victoria were represented by multi-councillor wards or unsubdivided municipalities (with annual elections for one third of the councillors). A number of people who had been councillors in Boroondara and in the councils that preceded its formation in 1994 commented on their experience working as councillors in both single-councillor wards and multi-councillor wards. Some preferred the single-councillor wards and others preferred the multi-councillor wards.

A substantial number of submitters expressed satisfaction with the current Council and suggested that “if it ain’t broke, don’t fix it”. Others were more critical of the current Council and believed that some important interests are currently not adequately being represented.

Of the submitters supporting multi-councillor wards, there was a wide variety of combinations suggested:

Electoral structure	Number of submissions recommending this structure
3 three-councillor wards and 1 two-councillor ward	8
4 three-councillor wards	5
3 three-councillor wards	3
2 three-councillor wards and 1 four-councillor ward	2
2 three-councillor wards and 1 five-councillor ward	2
5 two-councillor wards	2
6 two-councillor wards	1
No specific structure recommended	18
Total	41

The submissions favouring an unsubdivided electoral structure considered that this would best reflect voters' intentions and would ensure that minority views would be better represented on the Council. Many other submitters believed that an unsubdivided municipality would be too large to be practicable for candidates to canvass and for councillors to work with.

A number of submissions raised issues beyond the scope of this review, such as that candidates should only be allowed to stand in the ward in which they live, concerns about dummy candidates and a desire for the introduction of electronic voting at local government elections. Some submitters also expressed concern about the Council's publicity campaign about the electoral representation review, believing that it had made it difficult for people to access points of view that differed from the Council's stated position.

Appendix 9.5 contains details of those people and groups making preliminary submissions. Copies of the submissions can be downloaded from the VEC website, www.vec.vic.gov.au

5.2 VEC research

In addition to information provided in submissions, the VEC conducted its own research. This included research into the demographics of the municipality, using a number of sources including the 2001 and 2006 Census data. The VEC also took into account changes predicted by the Department of Sustainability and Environment and the Department of Infrastructure. Summaries of some of this research were published in the Guide for Submissions, the Preliminary Report and in Section 2.3 of this Report.

Development projections based on information presented by the Council were also taken into consideration. Fieldwork was conducted throughout the municipality by the VEC.

5.3 Recommended options

Having considered the issues outlined in the preliminary submissions and all other relevant factors, the VEC proposed four preliminary options for public comment.

The preferred option was:

- that the Boroondara City Council consist of eleven councillors, to be elected from three three-councillor wards and one two-councillor ward.

The first alternative option was:

- that the Boroondara City Council consist of eleven councillors, to be elected from three three-councillor wards and one two-councillor ward, with different boundaries to the preliminary preferred option.

The second alternative option was:

- that the Boroondara City Council consist of eleven councillors, to be elected from eleven single-councillor wards.

The third alternative option was:

- that the Boroondara City Council consist of ten councillors, to be elected from ten single-councillor wards.

6 Response submissions

In accordance with s.219F(7) of the Act, the VEC invited written submissions in response to the Preliminary Report. The VEC received 158 response submissions by the closing time (30 April 2008 – 5.00 pm), although one submission could not be counted as the submitter did not supply his or her personal details. An additional seven submissions were received after the deadline and consequently were not considered by the VEC. There was a variety of views expressed in the submissions, with some support for each option:

Option	Number of submissions supporting this option	Percentage of submissions supporting this option
Preferred	24	15.3
First alternative	1	0.6
Preferred, first alternative or multi-councillor wards in general	8	5.1
Second alternative	3	1.9
Third alternative or the current structure	96	61.1
Second or third alternative or single-councillor wards in general	20	12.7
Seven councillors from an unspecified structure	1	0.6
No clear preference stated	4	2.5
Total	157	100

Many of the reasons expressed for supporting a particular option were based on beliefs about multi-councillor wards and single-councillor wards in general, rather than matters relating specifically to Boroondara. Thus, a number of the submitters who supported the preferred option expressed a second preference for the first alternative option, and a number of those supporting the third alternative option expressed a second preference for the second alternative option. A number of the concerns about multi-councillor wards and single-councillor wards in general that were expressed in preliminary submissions (as described in Section 5.1 above) were repeated in response submissions.

One of the submitters expressing support for the preferred option considered that four three-councillor wards would be even better and one suggested combining the wards to create two three-councillor wards and one five councillor-ward. Some minor boundary alterations were also suggested.

Arguments in favour of the preliminary preferred option included that:

- eleven councillors would be more appropriate given the number of voters in the municipality and the demands on councillors' time;
- eleven councillors would reduce the likelihood of deadlocks on council decisions and the Mayor having two votes;

-
- multi-councillor wards would give people a choice of councillor to approach, potentially enabling them to find a councillor more sympathetic to their issue and providing a safeguard against ineffective councillors;
 - multi-councillor wards would ensure that a ward is represented at a Council meeting, even if a councillor is absent;
 - multi-councillor wards with proportional representation might provide a more diverse council, electing people with different experience and expertise and ensuring that not only one view is heard from a community;
 - this option might encourage councillors to be less parochial and more aware of issues affecting wider areas than their wards;
 - this option would allow for either geographic or non-geographic communities of interest to be represented, according to voters' wishes;
 - larger wards would facilitate the representation of features that impact on larger areas than are covered by single-councillor wards (such as the Yarra River, Gardiners Creek and Camberwell Junction);
 - larger wards would provide clearer ward boundaries with which people could better identify and the boundaries would be likely to last longer;
 - multi-councillor wards would provide economies of scale (for example, from communications products);
 - this option would make it more difficult for single-issue groups to gain seats;
 - multi-councillor wards would reduce the need for by-elections (where possible, any vacancies occurring in multi-councillor wards are filled by a process called "countback" which does not involve people having to vote again); and
 - multi-councillor wards might reduce the number of "dummy candidates" and unopposed elections.

Some submitters argued that differences in Boroondara are not geographically constrained but rather that different people with different points of view can be found along any one street. It was argued that multi-councillor wards would best reflect these views, as they facilitate multiple points of view for each area being represented at the council table. These submitters suggested that Boroondara is generally homogeneous and that the larger multi-councillor wards proposed by the VEC would reflect communities of interest by capturing the commercial hubs and activity centres together with the areas they service.

Other submitters believed that the ward boundaries in the preferred option did not represent communities of interest well. Examples of this included:

- the proposed Solway Ward would place Ashburton (the municipality's most disadvantaged area) together with parts of Canterbury/Camberwell (one of the municipality's wealthiest areas);
- other parts of Canterbury would be in the same ward as Balwyn and Balwyn North, which it was suggested had little in common;
- Surrey Hills would be split between two wards;
- the two major commercial hubs in Hawthorn and Camberwell would be in the same ward, but face quite different issues;

-
- the councillors in the proposed Central Ward (containing the two major commercial hubs) would be dominated by commercial considerations, and the councillors would not be able to effectively represent the residents of the ward; and
 - a number of facilities were listed that would be in different wards to the residential locations of some of their users.

Concern was also expressed that the ward boundaries were similar to the former municipal boundaries of the Cities of Camberwell, Hawthorn and Kew. It was feared that using those boundaries may re-ignite voter tensions between those areas.

Some submitters believed that a structure with wards with different numbers of councillors was inappropriate, as it meant that voters in some wards would have more representation on the Council than others.

In favour of the first alternative option, it was argued that the ward boundaries in this option are better because the commercial areas in Hawthorn and Camberwell are in different wards. It was argued that each of those areas provides a number of important issues for the Council to deal with, and three councillors in one ward covering both of those hubs (as was proposed in the preferred option) may not be sufficient to effectively represent all issues. It was suggested that it would be better for there to be six councillors representing these two commercial areas. Others argued that the first alternative option is not appropriate based on the way it treats communities of interest – for example, it splits Ashburton and Glen Iris and combines Hawthorn and Kew.

Other submitters expressed concern about both the preferred and first alternative options because they believed that multi-councillor wards are fundamentally incapable of working. Fears included that councillors would be less accessible, less accountable and less responsible, and that they would not be able to work co-operatively together after standing as opposing candidates.

In the Preliminary Report, the VEC had pointed out that all Victorian municipalities had multi-councillor wards or unsubdivided structures before the municipal restructures in 1995, but a number of submissions suggested that the multi-councillor wards then were different, in that they were significantly smaller than the wards proposed in this review and the elections were rotating, taking place every year, so that the elected councillors did not necessarily campaign against each other.

A number of submitters highlighted the size of the wards that would be created by a multi-councillor ward structure (the largest containing 34,721 voters) and were concerned that this large number of voters would make it difficult for candidates to campaign at election time. Some believed that wards of that size would give an advantage to candidates backed by political parties, as only they would have the resources to adequately canvass the wards at election time. Some believed that larger wards with a focus on broader issues would favour incumbents at election time. Other submitters were concerned that all of the councillors in a ward may come from one particular area, leaving other areas without a representative. It was argued that this would be particularly problematic given the large wards and the perceived need for the representation of very local issues.

A number of submitters suggested different names for the wards in the preferred and first alternative options, such as Be-al, Wurundjeri, Kooyongkoot, Maranoa, Monash, Mannix, Willison, Bellevue and Swinburne.

The arguments from submitters favouring single-councillor wards included that:

- the local area is the most important community of interest in Boroondara, and the one with which people most identify;
- councillors in Boroondara require a detailed knowledge of their local areas;
- the Council consults extensively and broadly with the community to understand issues that are broader than particular wards, and the most effective representation comes from combining that consultation with the specific local understanding facilitated by single-councillor wards;
- a councillor's role is not necessarily to be an advocate for a particular point of view, but to understand and analyse all of the points of view within their wards and make decisions about what is best for Boroondara with that understanding in mind;
- single-councillor wards would enable voters to have a sense of "ownership" of a particular councillor, which would facilitate effective representation; and
- single-councillor wards in general are better than multi-councillor wards because they make councillors more accessible, accountable and responsible than they are in multi-councillor wards.

With respect to which single-councillor ward option people supported, those supporting the second alternative option (eleven wards) argued that it would help to reduce the likelihood of tied votes on the Council. Others argued that the eleven-councillor option split some communities of interest, that some of the wards had high deviations in terms of their numbers of voters and that this structure used minor streets as boundaries. A number of submitters also argued that the current structure has worked well and that "if it ain't broke, don't fix it."

On the matter of problems potentially arising from having an even number of councillors, submitters argued that it has not been a problem. The Council explained that, despite having ten councillors, the casting vote has only been used twice in the last two council terms and that, due to councillor absences, there has been an uneven number of councillors at 48% of council meetings in the last two terms. A submission from a council staff member made the same points, but believed that, in the same period, the casting vote had been used approximately fifteen times and that 46% of council meetings have had uneven numbers.

Some argued that ten is the appropriate number of councillors because the VEC should not standardise the number of councillors, and, at any rate, the voter to councillor ratio does not indicate a need to change the current number. It was argued that there are not special factors requiring additional councillor representation such as growth, high levels of cultural diversity or a large municipal area.

The VEC notes that the preliminary third alternative option was slightly different to the current electoral structure, using a different boundary between the Studley and Glenferrie Wards. Many submissions, however, were not clear as to whether they supported this change or not, with some simply expressing a preference for ten single-councillor wards and others seeming to equate the existing structure with the third alternative option.

Other submitters criticised the current structure, believing that it:

- has facilitated the Council being dominated by vocal groups;

-
- has led to the Council struggling with some broader issues (such as inappropriate development, equitable funding of community support services and historic building preservation);
 - has led to a disparity of representation for areas with weak councillors;
 - does not reflect communities of interest or the commercial hubs of the municipality;
 - splits a number of suburbs; and
 - uses minor roads as boundaries.

The submission advocating a decrease in the number of councillors to seven believed that this was important to reduce costs and that there are not enough quality candidates to support the election of a larger number of councillors.

A substantial number of submissions were concerned that the VEC had not listened to the views expressed in the preliminary submissions. Some suggested that the VEC had a predetermined outcome and was only conducting public consultation because it had to. Some believed that the VEC was taking direction from the State government and believed that the State government wished to change the structure in order to make councils cheaper and easier for the Government to manage. The VEC emphasises that its decisions are made independently of both the State Government and the Council and that it is not subject to either, other than through the constraints of the law. In addition, the VEC would emphasise that, although it applies a set of principles in conducting reviews, it does not approach any review with a predetermined outcome.

Other submitters criticised the Council's campaign (as described in Section 4.9 above), believing that the material was unbalanced and that it was an inappropriate use of ratepayers' money.

Some submissions raised matters beyond the scope of the review, such as making it compulsory for councillors' contact details to be publicly available, ensuring that councillors have sufficient administrative support, reducing "dummy candidates", the possibility of multi-councillor wards with rotating annual elections, ensuring better selection processes for candidates and the need for transparency in candidates' political affiliations.

A list of those people and groups who made response submissions is provided in Appendix 9.5. Copies of the submissions can be downloaded from the VEC website, www.vec.vic.gov.au

7 Public hearing

A public hearing was held in Hawthorn on 7 May 2008 from 6.30 pm to 1.45 am. All people and groups who had made submissions in response to the VEC's Preliminary Report were invited to speak to their submissions, and 32 chose to do so. Members of the public were invited to attend, and there was a total audience of approximately 50 people (including those making presentations). A number of speakers repeated issues raised in their submissions.

A number of speakers suggested that the local area where people feel a sense of place is the most important community of interest in Boroondara. It was suggested that it is important for these local areas to be represented on the Council. Some submitters also suggested that there is diversity on the current council, citing the variety of different ethnic origins, genders and education levels of councillors.

Several speakers pointed out ways in which the VEC's preferred, first alternative and second alternative options split communities of interest by splitting facilities from their users. The Mayor cited a number of examples, such as Maternal and Child Health Nurse districts, kindergarten districts and school districts, which were split in the VEC's options but which she believed were not split by the third alternative option. However, another submitter suggested that the existing structure breaks up both geographic and non-geographic communities of interest, and that there are more geographic communities of interest within the municipality than could be captured by ten (or eleven) single-councillor wards.

The Mayor explained that she believed that Boroondara is the best municipality in Victoria. In terms of services such as public transport, shopping, schools, medical services and facilities such as libraries and parks, the VEC sees that all levels of government have contributed to a municipality that is well developed and prosperous. The VEC was reminded by other councillors that the Boroondara City Council is a strong advocate for its community and that the community is well serviced because of the Council's strong focus on local issues and good governance, and this situation would be put at risk by a different structure.

A number of speakers discussed the Council's strong governance procedures and excellent public consultation processes. It was explained that the Council plans on multiple layers, with some decisions being made on a ward basis, and some on a wider basis. The VEC was told that, where an issue is broader than one ward, people in multiple wards are consulted and invited to contribute. Councillors suggested that they are familiar with issues outside their own wards, but that day-to-day contact from residents is concerned with what is happening within wards. They argued that it is important in forming policy for the municipality as a whole for the Council to be able to know and identify the local "hot-spots" and to be able to know how the policy would apply at a local level.

The Mayor suggested that if a councillor is absent from a meeting, the Mayor acts to fill in by representing that ward.

Others believed that the Council is facing a number of new issues (such as urban development and environmental issues) or issues affecting the whole municipality (such as Camberwell Junction redevelopment and child care needs) which would be more effectively tackled with larger, multi-councillor wards. It was suggested that the current structure has led to councillors being elected on slim majorities and has made it easy for pressure groups to gain representation. Some believed that the differences between the various suburbs in the municipality had been exaggerated by some submitters and speakers.

One speaker was concerned about the way that the first alternative option would split the community of interest in the south-east and believed that it would be better to combine Canterbury and Ashburton (as in the preferred option) so that the councillors would have to represent areas with different economic characteristics.

General beliefs about single-councillor wards and multi-councillor wards with proportional representation were also expressed, repeating beliefs and concerns listed in Sections 5 and 6 above. Whilst many speakers expressed views that multi-councillor wards in general cannot work, some speakers believed that it is not so much that multi-councillor wards are a problem for Boroondara as the size of the wards that would be created by such a structure. However, one submitter pointed out that the quota for

election in the wards of the former City of Camberwell was larger than the quota for election would be in the VEC's proposed multi-councillor wards.

A number of speakers questioned the VEC's method in conducting electoral representation reviews, believing that it is inappropriate for the VEC to compare municipalities in making its recommendations, suggesting that public submissions should carry more weight and questioning the use of communities of interest as a criterion. Some speakers emphasised that the response rate to this review was quite high when compared to other municipalities and when one factors in the many issues on which community groups are asked to comment in Boroondara. One submitter questioned whether the Local Government Act allowed multi-councillor wards with different numbers of councillors in one municipality. The VEC notes that this is permitted by the legislation (s.5B of the Local Government Act).

One submitter suggested that the VEC's recommendations were based on a desire to make it easier for Labor Party candidates to be elected and thereby make it easier for the State Government to implement its planning agenda without opposition. The VEC reiterates that it is an independent body that is not subject to ministerial direction and that it conducts these representation reviews at arm's length from both the State Government and the Council.

8 Findings and recommendation

The Act states that the purpose of the electoral representation review is to consider two matters. The first matter is the number of councillors for the municipality and the second matter is the electoral structure of the municipality.

In conducting electoral representation reviews, the VEC follows an extensive process of consideration as required by legislation. At the preliminary stage, the VEC considers preliminary submissions along with a wide variety of other information in order to develop a preferred and (in most circumstances) one or more alternative electoral structure options for the municipality in question. The VEC then makes the options available in its Preliminary Report, to be assessed by the public in response submissions and at the public hearing. Having considered the feedback, the VEC then makes a recommendation.

8.1 Number of councillors

Issues considered by the VEC

The legislation provides that a council must consist of between 5 and 12 councillors (s.5B(1)). It does not, however, prescribe the matters to be considered by the reviewer in recommending the number of councillors for a municipality.

The VEC has therefore been required to identify the appropriate matters to take into account when considering the number of councillors.

In terms of voter numbers, Victorian municipalities vary from approximately 4,000 to almost 160,000. The VEC applies the legislative provisions relating to numbers of councillors in a logical way, with those councils that have the largest number of voters having the most councillors, and those councils that have the least number of voters having the fewest councillors.

In most cases, the electoral structure and the number of councillors were established by the Commissioners when local government was restructured between 1993 and 1995. Commissioners did not have the benefit of a State-wide reference when considering the appropriate number of councillors for their respective municipalities. The result was a degree of disparity in councillor numbers for similar types of municipalities. The VEC has produced a table that lists each municipality and the number of councillors. The table differentiates between rural, regional and metropolitan councils in recognition of the different circumstances and needs between these categories of councils. The table has been a valuable reference point in considering the appropriate number of councillors and was made available to the public in the Guide for Submissions. The information has enabled the VEC to compare a council being reviewed to councils with similar voter numbers and areas.

The VEC also considers whether the number of voters in the municipality is anticipated to increase or decline in the period between reviews (approximately eight years). Population forecasts produced by the Australian Bureau of Statistics and the Victorian Department of Sustainability and Environment have been used to assist the VEC in making its assessment.

In addition, the VEC considers any special issues or circumstances that may require a council to have more or fewer councillors than would otherwise be the case. Public submissions provide valuable information regarding any such issues or circumstances.

The VEC's findings

The VEC's preliminary options

In its Preliminary Report, the VEC put forward three options with eleven councillors and one option with ten. The VEC's preliminary view was that, overall, eleven is the most appropriate number of councillors. This view was based on two factors.

The first factor was the number of voters. The VEC noted that Boroondara is the fifth largest municipality in Victoria based on its number of voters. The Cities of Monash and Brimbank, which have very similar numbers of voters, have eleven councillors. The municipality nearest in size with ten councillors (Whitehorse) has over 7% fewer voters than Brimbank, and, as noted in the Preliminary Report for Boroondara, the VEC only recommended ten councillors for Whitehorse because of special circumstances.

The second factor was that the VEC is generally cautious about recommending an even number of councillors, as this can lead to tied votes on policy issues. As these tied votes can require a mayoral casting vote, this situation can effectively give one councillor two votes and the right to make determinations on evenly-divided issues. The VEC does not consider that this situation provides fair or equitable representation.

As noted above, the VEC takes a two-step approach in determining the number of councillors to be recommended. The first consists of looking at the number of voters, and the second of identifying any special circumstances that would suggest that a larger or smaller number of councillors would be more appropriate. The number of voters in Boroondara indicated that eleven councillors would be appropriate and the VEC was not aware of any special circumstances suggesting that this number should be adjusted. Certainly, there were not typical special circumstances such as high growth rates, a large municipal area or a significant level of diversity.

To facilitate the second round of submissions, particularly in light of the strong public support in the preliminary submissions for ten councillors, the VEC also put forward a preliminary option with ten councillors and explained what factors would need to be brought to its attention for the VEC to be convinced to make that recommendation. These factors were that:

- communities of interest would be captured significantly better by the electoral structure developed with ten councillors, compared to the possible structures with eleven councillors;
- the number of voters would need to be on the cusp between the range for nine councillors and the range for eleven; and
- there would need to be no history of major problems arising from tied votes in the municipality.

The options are tested

In response submissions, a number of submitters criticised the VEC's methodology. Two of the principal objections were: that the VEC should not make its recommendations based on a comparison with other municipalities; and that the VEC should look at voter to councillor ratios rather than the total number of voters in a municipality. Some people were also concerned that the VEC had ignored the preliminary submissions. This matter is discussed in Section 8.2 below.

The VEC recognises that it would be inappropriate to simply rank all municipalities by number of voters and allocate councillor numbers accordingly, but the VEC considers it important for its recommendations to be based on a set of rational principles. Consequently, it has developed a set of principles which provide for a measure of electoral representation consistency across the State. These principles, as outlined above, consist of using the number of voters as a starting point and then considering any special factors that would indicate a need to modify the number of councillors suggested by the number of voters. It is important that the VEC has this State-wide reference as a starting point so that voters across municipalities, not only within municipalities, are afforded the best opportunity for fair and equitable representation.

It is also worth emphasising that the VEC uses the number of voters and not the voter to councillor ratio as a starting point, as it would be impossible to create consistent voter to councillor ratios across the State. The numbers of voters in municipalities vary extremely widely, from just over 4,000 in the Borough of Queenscliffe to nearly 160,000 in the City of Greater Geelong. The span in the number of councillors permitted by legislation however, is much smaller – municipalities may have no fewer than five councillors and no more than twelve.

Even within the category of metropolitan municipalities, the voter numbers vary from approximately 50,000 to just over 121,000. The VEC could create a consistent ratio within this category by recommending five councillors for the smallest and twelve for the largest municipality, but does not consider it appropriate for a metropolitan municipality with 50,000 voters to have only five councillors. Consequently, the VEC does not aim to provide a consistent voter to councillor ratio in its recommendations, but recommends more councillors in municipalities with larger numbers of voters, and fewer councillors in smaller municipalities. It is on this basis, rather than the voter to councillor ratio, that the VEC considered eleven councillors to be the appropriate number for Boroondara City Council.

A number of submitters argued in favour of eleven-councillor options, affirming the reasons put forward by the VEC for eleven councillors – that is, that eleven is more appropriate for the number of voters and that an uneven number would reduce the likelihood of tied votes.

One submitter argued for seven councillors on the basis that it would reduce costs and that there are not enough quality candidates to support a larger number. The VEC does not, however, believe that seven councillors would be sufficient to discharge the required duties or to provide a sufficient spread of representation on the Council given the number of voters in Boroondara.

Many other submitters argued for ten councillors. A large proportion of these submissions were based on the principle that the current structure is effective and therefore should not be changed. Some submitters provided information addressing the three factors raised by the VEC on page 21 above and in the Preliminary Report.

Regarding communities of interest, some submitters suggested that the third alternative option did capture geographic communities of interest significantly better than the other preliminary options. This is discussed further in Section 8.2 below. Overall, the VEC was not completely convinced by these arguments. However, as discussed below, the VEC does believe that there are important valid reasons for maintaining the existing structure and believes that these reasons do, in combination with the other factors, outweigh the VEC's concerns about even numbers of councillors.

With respect to the number of voters being on the cusp between nine and eleven councillors, the VEC notes that the number of voters is clearly in the eleven-councillor band. However, the VEC notes that many of the factors that often add significantly to councillors' workloads in other municipalities are not present in Boroondara. Although there are some important planning decisions that need to be made in some parts of the municipality, the VEC has ascertained that the overall population growth rate is quite small, with only a 1.86% increase predicted for the next eight years. Moreover, as an entirely metropolitan municipality, there are no issues associated with green wedge areas, nor are there large distances that need to be covered by councillors to travel from one part of the municipality to another. Furthermore, although there are distinct senses of place within the municipality, there is not the same demographic diversity within Boroondara as there is in other municipalities. There are certainly differences in the levels of disadvantage between various areas, but this disadvantage is not as severe or as widespread as it is in many other metropolitan municipalities. On these grounds, although voter numbers indicate a need for eleven councillors, the VEC accepts that councillors' workloads may be such that ten councillors can effectively undertake the required duties and represent the different views from throughout the municipality.

Regarding the history of tied votes, the VEC notes the figures provided in submissions indicating that tied votes have been a rare occurrence. Submissions indicated that the mayoral casting vote has only been used between two and fifteen times over the course of the last two terms, which the VEC recognises is a small proportion of times. Submissions also indicated that it is quite common for at least one councillor to be absent from Council meetings, so that there is often an uneven number of councillors present, and, if the number were increased to eleven, there would still regularly be an even number of councillors. Although this history of avoiding problems from tied votes is no guarantee that there will not be problems over the next two four-year

council terms (until the next scheduled representation review), the VEC believes that this history, combined with the strong internal governance procedures operating within the Council, make it less likely that there will be problems from tied votes in the future.

In conclusion, the VEC notes that there is a case for eleven councillors based on the number of voters and a desire not to institutionalise a structure which may lead to tied votes on the Council. On balance, though, the VEC considers that these concerns are outweighed by the value of continuing the existing structure. Potential difficulties are mitigated by the fact that the Boroondara City Council does not have some of the complexities that other councils are required to face and that there is not a history of problems from tied votes. Overall, the VEC believes that ten councillors are most likely to provide fair and equitable representation for the voters in Boroondara.

8.2 Electoral structure

Issues considered by the VEC

Provisions within the Act allow for a municipality to be unsubdivided, with all councillors elected “at large” by all voters, or for a municipality to be subdivided into a number of wards. If wards have only one councillor, councillors are elected using preferential voting. Under an unsubdivided or a multi-councillor ward structure, councillors are elected through proportional representation. With each system, voters mark their ballot papers the same way.

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

- single-councillor wards;
- multi-councillor wards; and
- a combination of both single-councillor and multi-councillor wards.

Boundaries for wards must:

- provide for a fair and equitable division of the municipality; and
- ensure equality of representation, through the number of voters represented by each councillor being within 10% of the average number of voters per councillor for the municipality.

In addition to the legislative requirements, a number of other factors were considered when evaluating subdivided structures. These factors included:

- communities of interest (communities of interest are groups of people who share a range of common concerns – they may occur where people are linked with each other geographically, economically or through having particular needs);
- spreading developing areas over a number of wards;
- using logical boundaries such as main roads, physical features and existing boundaries for easy identification of wards; and
- taking account of likely population changes.

In developing ward boundaries, the VEC aims to achieve the best possible balance between these criteria.

The VEC's findings

The initial stages of consideration resulted in a preferred and three alternative electoral structures, which were put to the public in the VEC's Preliminary Report.

Communities of interest

Boroondara is a densely-populated urban area, with a small industrial area in Hawthorn East. Overall, statistics from the 2006 Census show a relatively high degree of homogeneity across the municipality, when compared to many other metropolitan municipalities. Many communities of interest (such as older people) are distributed fairly evenly throughout the municipality. Other communities of interest are found in higher proportions in some areas than in others (e.g. families with children are more prevalent in Balwyn North, Canterbury, Glen Iris and Ashburton), but are by no means restricted to only those areas and are also found in smaller proportions throughout the municipality.

There are some communities of interest which demographics suggest can be identified more closely with certain areas – higher proportions of people born overseas are found in Balwyn North, Kew and Hawthorn, with recent arrivals concentrated in Hawthorn. Hawthorn and Hawthorn East are characterised by less permanent populations, with fewer residents in those suburbs living at the same address as they did five years ago.

Canterbury is the most affluent suburb, with Kew and Glen Iris also showing fewer indicators of disadvantage than Balwyn North, Balwyn, Surrey Hills and Ashburton. Ashburton in particular has more indicators of disadvantage than other suburbs in the municipality – though the VEC notes that this area shows fewer indicators of disadvantage than many areas outside Boroondara.

Preliminary submissions also identified a number of other communities of interest within the municipality, as outlined in Section 5.1 above. Some of these are geographically defined, while others are more dispersed. A number of submissions, including the Council's, emphasised the importance of constructing wards around the municipality's commercial hubs, and of not splitting these hubs. It was suggested by various submitters that the most important hubs were:

- Kew Junction and shopping centre;
- Camberwell Junction and Burke Road;
- Glenferrie Road, Hawthorn; and
- Balwyn.

Submissions also listed a number of smaller hubs (such as Ashburton, Canterbury, Burwood and Tooronga Village) for consideration. It was suggested that these areas act as focal points for communities of interest.

Response submissions reinforced the importance of these hubs and emphasised that there are many small local communities within Boroondara with distinct senses of place. Some also emphasised the differences between certain areas of the municipality, listing differences between the hubs in Hawthorn and Camberwell and differences in terms of disadvantage between Ashburton and Canterbury/Camberwell. Other submitters identified concerns that affected broader communities, as outlined in Sections 6 and 7 above.

The VEC's preliminary options

In its Preliminary Report, the VEC presented two options with multi-councillor wards and two options with single-councillor wards.

The VEC decided that an unsubdivided structure would be unwieldy in a municipality with as many voters as Boroondara. It would be difficult for candidates to canvass an electorate of over 120,000 voters and there would be a high probability of an impractically-large number of candidates on one ballot paper.

As regards deciding between multi-councillor wards and single-councillor wards, the VEC noted that a large proportion of preliminary submissions argued for either single-councillor wards or multi-councillor wards based on arguments about electoral structures in general, rather than issues specific to Boroondara.

The VEC notes that there are advantages and disadvantages to both structures. Some response submitters provided examples of particular councils in which they believed that some of the councillors were not performing well. However, there are councils that reportedly perform well with multi-councillor wards and ones that reportedly perform well with single-councillor wards, and councils that reportedly perform poorly with both structures. Overall, the VEC considers that both electoral structures can provide fair and equitable representation in the right circumstances and does not share the view of many submitters that multi-councillor wards are inappropriate for local government.

Given this, the issue for the VEC to consider was whether single-councillor wards or multi-councillor wards were most appropriate for the particular circumstances of Boroondara, rather than whether one structure is in all cases better than the other. There were two major arguments put forward that were specific to Boroondara in this respect. The first revolved around communities of interest, and the second around the number of voters in Boroondara.

The VEC's preliminary view was that multi-councillor wards would better reflect Boroondara's communities of interest. Submitters had raised a number of issues that affect people on a wider scale than single-councillor wards (such as issues relating to the major commercial hubs) and issues that affect voters who are distributed throughout the municipality rather than being localised to particular areas (such as the concerns of families with children or environmental issues). It was also pointed out that there may be opposing views or different interests within any one ward and that having multiple councillors may better represent this diversity on the Council.

The VEC acknowledged the distinct senses of place across the municipality, and that people do identify with their local area. However, the VEC noted that these areas are not necessarily so different that it would be impossible for a councillor from one area to understand the issues of another area, and that single-councillor wards do not necessarily reflect the local areas with which people identify, due to some areas being larger and some being smaller than the current and proposed single-councillor wards.

The VEC's preliminary preferred and first alternative options each grouped the municipality into three three-councillor wards and one two-councillor ward, but with different boundaries. The VEC noted advantages and disadvantages to each set of boundaries, but concluded that the preferred option better captured communities of interest.

The preliminary second alternative option was for eleven single-councillor wards. The VEC endeavoured to keep the ward boundaries as close as possible to the existing ward boundaries, but had to make some changes to accommodate the extra ward. However, the ward boundaries were by necessity quite arbitrary in places, split some communities of interest and did not necessarily fully reflect the sense of place of the municipality's various localities.

The preliminary third alternative option was the same as the current electoral structure with one minor alteration – the boundary between the Studley and Glenferrie Wards was altered so that Kew and Hawthorn are each only split between two wards rather than three. The VEC noted that this structure also had a number of arbitrary boundaries, split communities of interest in places and did not necessarily reflect the sense of place of the municipality's various localities.

Despite its reservations about the single-councillor ward structures, the VEC put these options forward in the Preliminary Report to encourage people to put forward any additional arguments or evidence that had not been presented in the preliminary submissions.

The review process and public submissions

A number of response submissions were critical that the VEC's preliminary preferred option was not what the majority of preliminary submitters had supported and believed that the final recommendation should be to retain the status quo because of the number of submissions supporting this structure. In coming to preliminary options and final recommendations, the VEC does pay careful attention to all submissions, but takes into account the strength of the arguments and evidence presented rather than the number of people supporting any particular option. There are a number of reasons for the VEC's methodology.

Firstly, making decisions based on the proportion of submitters supporting a view could readily open the electoral representation review process to manipulation by well organised groups. Indeed, in some past reviews, people have signed form letters which have been presented to the VEC as submissions, despite the signatory not being fully informed as to the purpose of the review or understanding the basis for the submission. The VEC has no evidence to suggest that this occurred in Boroondara, but this sort of occurrence shows how readily numbers of submissions can be manipulated.

Secondly, the numbers of people participating in a review process are generally very small relative to the total number of voters. There were more preliminary submissions received for the Boroondara review than for any previous review. Yet there were only 213 submissions received despite there being 121,009 voters enrolled in the municipality. At less than 0.2% of the population, it would be methodologically unsound to assume that those submissions reflected the municipality as a whole. The VEC notes that, in many reviews, people argue that the silent majority are silent because they support the status quo and assume that that arrangement will continue. Other people argue that the silent majority are silent because they support what the majority of submitters want. Still others argue that the silent majority are silent because they support the preliminary preferred option. In reality, there is no sure way to know what the silent majority support without asking them through an appropriate process.

A third and related point is the fact that many participants in the review process have either personal stakes in the electoral review outcome or ideological views influencing their preferences. It is for that very reason that the Government placed the reviews in the hands of independent electoral commissions rather than the councils themselves. The VEC notes that, of the 32 presentations at the public hearing for Boroondara, for example, seven were made by sitting councillors, one was made by a political party, one by a residents' organisation that has supported particular candidates in previous elections and two by members of the Proportional Representation Society.

In the case of Boroondara, the number of submissions supporting ten single-councillor wards may also have been elevated by the Council's campaign (see Section 4.9 above). The VEC notes that a "Fact Sheet" about the preliminary options distributed by the Council described the preliminary preferred and first and second alternative options respectively as "detrimental to effective local representation", "equally inappropriate" and as having "ward boundaries [that] are quite arbitrary, in order to justify an unnecessary eleventh councillor". While not disputing the Council's right to publicise its point of view on the options, the VEC notes that these materials may not have encouraged submitters to approach all of the VEC's preliminary options with an open mind. This is particularly a concern in that a number of submitters did not read the VEC's Preliminary Report explaining the reasons behind each of the options on which public comments were invited.

The VEC reiterates that, because of these considerations, it does not make its decisions based on a "straw poll", but by assessing the arguments and evidence in submissions and comparing that with its own research and methodology. Whilst strong public support is one factor that is taken into account, it is by no means either the only factor or the most weighty. If the VEC were to make its decisions based on the levels of public support for an option, it would undertake a very different process – one designed to overcome the problems listed above as far as possible.

The options are tested

As detailed in Sections 6 and 7 above, there were many arguments put forward in support of both multi-councillor wards and single-councillor wards in response submissions and at the public hearing.

Many of the arguments put forward were focused on general features of multi-councillor wards and single-councillor wards. As discussed above, the VEC believes that both structures can provide for the election of accessible, accountable and responsible councillors.

A number of submissions discussed the way that the various electoral options reflected communities of interest. Submitters were able to identify issues with each of the options. With every option, there are some communities that are split. The VEC notes the Mayor's submission which provided extensive lists of examples of facilities that would be in different wards to their users in the preferred and first and second alternative options, citing facilities such as Maternal and Child Health Nurses, sporting grounds and community centres. At the public hearing, the Mayor stated that, as far as she knew, this did not occur with the existing structure. However, the VEC notes that the existing structure does indeed split such communities of interest. To take Maternal and Child Health Nurses, for example, there are two wards which do

not include Maternal and Child Health Nurses – so, clearly, people from these wards are not in the same wards as the facilities that they use – and the North Balwyn centre, for example, currently provides service to parents in three of the single-councillor wards. In addition, the VEC notes that the current boundaries split a number of commercial hubs into two wards. Whitehorse Road in Balwyn is divided between Maranoa and Maling Wards and the Auburn shopping centre is divided between Glenferrie and Junction Wards.

The reality is that there are almost always going to be communities of interest that are split by subdividing a municipality into wards, especially in a densely-populated urban area, and the question which must be answered is not whether or not an option splits any communities of interest, but whether one option splits them more than another. In this case, the VEC believes that fewer communities of interest are split by the multi-councillor wards than the single-councillor wards, which by necessity are significantly smaller. The VEC has not been convinced by submitters that the wards in the current structure or the preliminary third alternative option particularly reflect geographic communities or the areas with which people identify.

As pointed out by some submitters, though, the VEC's multi-councillor ward options would combine some geographic areas that have little to do with each other (such as Camberwell and Ashburton or Hawthorn and Kew). This may mean the wards are less meaningful to residents and more difficult for councillors to represent.

Some submitters were of the view that the most important communities of interest within the municipality were the local areas, while others believed that it was more important to represent broader issues. It is the VEC's view that it is important for both of these perspectives to be represented on the Council. Boroondara is a council where both perspectives certainly need representation as there are a number of important features (such as the two major commercial hubs and various recreation facilities) which affect large proportions of people in the municipality.

Multi-councillor wards are often a way to provide representation for both broader and more local issues according to voters' wishes, as voters are given the option of choosing candidates representing local areas and candidates representing broader issues. In the case of Boroondara, however, the VEC notes that the Council's governance procedures appear to provide councillors with a means of understanding and representing both local and broader issues. While the single-councillor wards and the approachability of the councillors for their constituents provide the local knowledge, the Council undertakes a large number of public consultations on matters to assist it to understand how issues affect the wider community. The VEC notes that such consultations may not be practicable for a less prosperous municipality, but are open to Boroondara City Council.

A number of submissions expressed concern about the potential size of multi-councillor wards in Boroondara, with the VEC's preliminary options including almost 35,000 voters in some wards. The VEC notes that there are wards of similar sizes in other municipalities, and that a change from smaller to larger wards can require candidates to adopt different strategies for campaigning but do not necessarily lead to political party involvement in council elections. Moreover, in a three-councillor ward, a candidate only needs to achieve over 25% of the votes to be elected, so it is quite possible for a candidate who is well known and strongly supported in only part of a ward to be elected. However, the VEC accepts that 35,000 is a large number of

voters for a ward and does consider this to be a less than ideal feature of the multi-councillor ward options.

Another key point of disagreement between submitters was with respect to the importance of having multiple councillors for each area. Some argued that the diversity within any area in Boroondara necessitates multiple councillors to represent the different views. Others did not disagree that there was such diversity, but argued that it was not necessary to have multiple councillors in order for those views to be reasonably represented on the Council. Instead, it was argued that it is not a councillor's role to advocate a particular viewpoint, but to understand and analyse all of the points of view within his or her ward and make decisions about what is best for Boroondara with that understanding in mind.

The VEC accepts that this is a feature of the way that councillors work in Boroondara, and notes that this approach is supported by the extensive public consultation processes put in place by the Council. Submissions also suggest that there is a community expectation that councillors represent people in this way. This differs from the way that communities view their councillors in some other municipalities, where it is expected that councillors will advocate on behalf of particular points of view or ideologies.

The VEC also notes a strong community expectation that councillors will be familiar with very local issues and be easily and locally accessible. The VEC notes that, at the 2007 Cotham Ward by-election, for example, many of the candidates dealt with very local issues. Again, this is an expectation in Boroondara that is not found in some other municipalities, where there is a much stronger focus on councillors representing the municipality as a whole and being strategic rather than dealing with local issues. Boroondara City Council is more able than some municipalities to support this kind of approach to governance given its income, which allows for:

- a large, professional administration to support councillors;
- regular (and often ward-specific) communications and consultation; and
- services to be delivered at a local level (in contrast to many other municipalities, where services are more centralised).

Moreover, the Boroondara City Council has established thorough processes to ensure that councillors are well supported to provide effective representation for their constituents. This mitigates against some of the concerns that people have expressed about single-councillor wards, such as the fear of lazy councillors and concerns about how a ward is represented if a councillor is absent from a council meeting.

Overall, the VEC considers that the single-councillor ward structure is a fundamental feature of the governance and representation processes that the Council has established since 1997. The VEC notes that the current single-councillor ward boundaries have only had minor adjustments since then and that the Council has put substantial work into encouraging people to become familiar with their respective wards.

Given these considerations, the VEC believes that single-councillor wards can provide fair and equitable representation for the voters of Boroondara and that there are appropriate governance and management processes in place to represent both the local and broader communities of interest within the municipality.

Having reached this conclusion, the VEC was then faced with deciding between ten or eleven single-councillor wards. Given the familiarity people have with the current wards and the importance of this for the Council's representation processes, and bearing in mind the issues discussed in Section 8.1 above, the VEC does not believe that there would be substantial benefit in increasing the number of councillors from ten to eleven.

The VEC notes that many submissions expressed support for ten single-councillor wards or the status quo without noting that the VEC's preliminary third alternative option did contain a small boundary alteration. Given the community focus in response submissions on whether there should be single-councillor or multi-councillor wards, this change has undergone very little scrutiny. However, the VEC considers this to be a worthwhile change as it reduces the extent to which Kew and Hawthorn are split by ward boundaries and provides geographically more compact wards, which are more likely to have an established community of interest.

One concern that the VEC has with this option is that it is likely to require a subdivision review (moving the ward boundaries) prior to the 2012 Council elections due to projected changes in the voter numbers. Although there is a small rate of growth overall for Boroondara, the growth that does exist is concentrated in particular localities. As a result, it is likely that one of the wards will exceed a 10% variation from the average before the 2012 elections. The VEC set deviations high in some wards in the preliminary preferred and second alternative options to reduce the likelihood of a subdivision review, but with the minimal-change approach that has been taken with the third alternative option, this solution has not been possible.

On balance, however, the VEC considers this concession to be a necessary cost of keeping the current electoral structure with only the one minor alteration to ward boundaries.

The VEC has recommended the continuation of the existing ward names, as it notes the high level of support that they received in the preliminary submissions.

8.3 Recommendation

Having taken into account all relevant factors, including the submissions and presentations at the public hearing, the VEC recommends that the Boroondara City Council consist of ten councillors to be elected from ten single-councillor wards.

Steve Tully

Electoral Commissioner

9 Appendices

9.1 Public notices of the electoral representation review

9.2 Media releases

9.3 Information leaflet

9.4 Guide for Submissions

9.5 List of people and groups making submissions

Preliminary submissions

Adams, K.	Dale, C. and Johnstone, P.
Adams, M.	Davenport, G.
Allan, L.	Davey, L.
Barker, S. and M.	Davey, P.
Barta, H. and T.	Davies, P. and S.
Bartak, N.	Doughty, P.
Beale, J.	Drach, A.
Beech, E. and L.	Drost, M.
Bennett, L.	Duggan, V.
Bethell, K.	Eckhardt, C.
Beuchat, M. and A.	Elliott, G.
Birch, J.	Fenner, W.
Block, T.	Fenner, W. and M.
Boardman, J.	Ferres, D.
Boroondara City Council	Fisher, E.
Boroondara Residents' Action Group	Flesch, J.
Briggs, J.	Flipo, J.
Broadbridge, A.	Flynn, M.
Brownell, R.	Flynn, P.
Burns, G.	Ford, D.
Burton, L.	Ford, L.
Camberwell Centre Trader's Association	Ford, M.
Camberwell United Tennis Club	Forster, G.
Campbell, P.	Funnell, B. and A.
Cartwright, C.	Galang, A.
Chalk, G.	Game, C.
Christ Church, Hawthorn	Geyer, D.
Clark, R.	Gibb, I.
Conroy, C.	Gilbert, M.
Cook, J.	Giulieri, D.
Coote, A.	Glasson, L. and R.
Corney, T.	Glen Iris Branch Liberal Party
Crawford, A. and L.	Glover, J.
Cross, J.	Gluck, A.
Cullin, C.	Glynn, J.
	Godel, M.
	Goldberg, J.
	Goldsworthy, D.

Goode, R.	Kreutz, H.
Goodey, J.	Lanyon, H. and G.
Gray, L.	Le Couteur, G.
Gregory, A.	Lethbridge, M.
Griffiths, N.	Lewis, L.
Gunter, A.	Lindsay, G.
Hall, B. and G.	Littlechild, L.
Hall, D.	Long, B.
Hanlon, A. and K.	Lovering, K.
Harcourt, A.	Madder, G.
Hare, J.	Madder, J.
Harris, R.	Marcard, M.
Hart, C.	Martin, F. and J.
Hart, P.	Maskell-Knight, H.
Harvey, K.	Mason, J.
Hatch, H.	Mathers, M. and Eastwood, F.
Hayward, M. and B.	Matthews, B.
Head, R.	Matthews, B. P.
Healey, P.	McBean, Y. and Marks, I.
Henley, E.	McCarland, J.
Henry, P.	McColl, P.
Henshaw, D.	McFarlane, G.
Henwood, E. and B.	McIntosh, A.
Herschtal, L.	McKenna, M.
Herschtal, R.	McKenzie, B.
Herten, K.	McKenzie, P.
Hewett, A.	McLaren, A.
Hobson, P.	Meggs, P.
Hogan, M.	Menting, D.
Hojaii, C.	Mentor, J.
Hood, M.	Michael, T.
Hurd, S.	Mole, T.
Ives, R.	Moore, D.
Johnson, W.	Moreton, L.
Johnston, S. and B.	Morton, I.
Jones, R.	Morton, N.
Kew Association of Boroondara Inc.	Mules, N.
Kibble, S.	Nathan, J.
Kovic, J. and C.	Nathan, J. L.
Krelle, M.	Newton, M.
	Oag, M.

O'Brien, F.	Stevenson, V.
O'Brien, J.	Stone, G.
O'Hara, J.	Stuart, J.
O'Shannassy, M.	Sutherland, D.
Paton, A.	Sutherland, F.
Pearson, B.	Thomas, E. and D. and Rodda, B.
Perryman, B.	Tonti-Filippini, M.
Pirie, J. and C.	Torey, G.
Pittman, E.	Urquharet, B.
Poole, D.	Vietz, T.
Porter, B. and M.	Voce, J.
Proportional Representation Society of Australia (Victoria- Tasmania) Inc.	Walford, R.
Reddaway, L. and V.	Walsh, B.
Reid, D.	Walter, K.
Reid, K.	Watts, R.
Renehan, M.	Whelan, D.
Richards, I.	Whiting, L.
Roach, D. and J.	Wilkinson, M.
Ronayne, M.	Williams, M.
Ross, C.	Wilson, D. and C.
Rowland, M.	
Russell, C.	
Sandral, S.	
Schneider, P.	
Shearer, T.	
Sheehan, R.	
Shields, B.	
Shields, E.	
Shields, R.	
Sienkiewicz, J.	
Sienkiewicz, P.	
Slaughter, A.	
Slaughter, S.	
Sloman, J. and J.	
St Michael's Primary School	
Stapar, S.	
Stents, E.	
Stephen, G.	
Stephens, G.	

Response submissions

Adams, K.
Adams, P.
Addis, J.
Allan, L.
Andersen, K.
Anderson, P.
Arnold, I.
Attard, B.
Ayers, T.
Balwyn Cricket Club
Barnett, M. and S.
Barrett, B.
Bastow, E.
Batrouney, B.
Beech, E. and L.
Bell, J.
Blackett-Smith, C.
Blood, B.
Bloom, D.
Blundell, P.
Boroondara City Council
Boroondara Residents' Action Group
Boroondara Theatre Company and
Camberwell Youth Theatre Inc.
Burton, L.
Butler, M.
Buttner, L.
Camberwell Magpies Cricket Club
Camberwell Sharks Junior Football
Club
Camberwell Traders Association
Camberwell United Tennis Club Inc.
Campbell, C.
Campbell, P.
Capling, A.
Carey, J.
Caroe, A.
Carroll, K. and J.
Castles, G.
Cheng, S.
Chisholm, B.
Clark, R.
Coghill, K.
Coote, A.
Cotter, D.
Cramer, P.
Crawford, A. and L.
Dale, C.
Davenport, G.
Davey, A.
Davey, P. and J.
Davies, P.
Day, L.
Drost, M.
Duggan, V.
Eastwood, F. and Mathers, M.
Edwards, D.
Elliot, B.
Elms, B.
Fenton, J.
Fernando, G. and Baden-Powell, W.
Ford, D.
Forster, G.
Gador-Whyte, P.
Gallagher, C.
Glasson, D.
Glasson, L. and R.
Gluck, A.
Glynn, M.
Grace Park Residents Association Inc.
Gunter, A.
Halikias-Byrnes, M.
Hammond, M.
Harris, J.
Harris, R. and M.
Hayward, H.
Head, R.
Healey, P.
Heaton, S.
Hewett, A.

Hindle, J.	Powell, G.
Hoadley, J.	Poyser, D.
Hobson, P.	Proportional Representation Society of Australia (Victoria-Tasmania) Inc.
Hopper, J.	Quaife, R.
Hudson, N. and L.	Quinn, M.
Hundley, I.	Reddaway, L. and V.
Johnstone, P.	Reeve, K.
Junor, P.	Roach, J.
Kennett, J.	Ross, C.
Kerr, R.	Ruston, E.
Kew Croquet Club	Seeley, R.
Lanyon, G. and H.	Shields, B.
Lewis, R.	Shields, E.
Liberal Party of Australia (Victorian Division), Glen Iris Branch	Sienkiewicz, J. and T.
Lovering, K.	Slattery, P.
Martin, L.	Slaughter, S.
McCleery, D.	Smith, L.
McColl, P.	St Dominic's Parish Tennis Club
McCoubrie, G. and L.	Stapar, S.
McFarlane, G.	Stensholt, B.
McKay, G.	Stokes, J.
McKenzie, P. and S.	Sutherland, F.
McLaughlin, S.	Sweeney, M. and D.
McLean, J.	Tacker, T.
Meddings, A.	Timcke, A. and B.
Meggs, P.	Tracey, D.
Menting, D.	Tregear, J.
Merrick, B.	Trinca, N. and R.
Miles, B.	Ullin, C.
Murphy, L.	Voce, J.
Murray, T.	Vogels, C.
Newton, D. and J.	Walter, K.
Oakley, W.	Wegman, J.
O'Loughlin, S.	White, T.
O'Shea, A.	Wilkinson, M.
Ostrowski, V.	Williams, M.
Penman, M.	Willink, G. and G.
Plitsch, R.	Wunderlich, J.
Poole, D.	Yeates, A.
Povey, C.	