

# Electoral Representation Reviews

## Submission Template

Submissions must be lodged by **Wednesday, 22 January 2010**.

- By Email to [local.government@dpcd.vic.gov.au](mailto:local.government@dpcd.vic.gov.au)
- By Post to Local Government Victoria, Department of Planning and Community Development, GPO Box 2392, MELBOURNE 3001.

*[Note: This template is for submissions in response to the consultation paper, "Electoral Representation Reviews", which can be found on [www.localgovernment.vic.gov.au](http://www.localgovernment.vic.gov.au)]*

Submitter

Insert name of submitter Victorian Local Governance Association
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Representative (If from a Council or Organisation)

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### Confidentiality

This submission is a public document unless specified otherwise by the submitter.

Please indicate by marking the relevant boxes, if you wish any part of your submission to be kept confidential.

- Do not publicly disclose the **name** of the submitter
- Do not publicly disclose the **contact details** of the submitter
- Do not publicly disclose the **comments** of the submitter

## Section A – Existing Arrangements

This section deals with views about the existing arrangements for the conduct of electoral representation reviews (See section 2 of the consultation paper).

1. Have you, or the organisation you represent, made a submission to an electoral representation review conducted by the Victorian Electoral Commission?

Yes

No

[Mark one box]

As a unique peak body for councillors, community leaders and local governments working to build and strengthen their capacity to work together, the VLGA has not made a specific submission for the electoral reviews of individual councils.

Nevertheless, we have over-arching interests in the processes for conducting the reviews of local government electorates, as well as any impacts on local governance and representation.

2. What is your general view of the existing process?

Excellent Process – requires no alteration

Reasonable process – would benefit from improvement

Poor process – requires significant alteration

Other A thorough and independent review of the review processes and the outcomes of these reviews is required in order to answer this question. However, a general view of local governments is that significant improvements would be welcomed.

**3. What, if any, are your main concerns with the current process?**

The VLGA appreciates the opportunity to comment on the Consultation Paper.

Overall, the VLGA is of the view that the current processes do not have a sufficiently advanced policy framework beyond "fair and equitable representation", leading to a rather prescriptive translation of councillor/population/geographic ratios. While the concept of "communities of interest" is a good starting point to broaden this policy framework, the VLGA believes that an improved policy framework could eventuate if its aim was to facilitate good governance.

We therefore believe that this Review is not making the most of the opportunity to look at the broad issues raised by VEC Commissioner Steve Tully in his October 2009 Report - Report of local government electoral activity 2008-09 (Part III: Report of local government electoral representation reviews conducted by the VEC between 2004 and 2008October 2009).

Commissioner Tully reported comprehensively on a wide range of issues that emerged over the past four years and 77 reviews.

We would prefer a more comprehensive approach to the review that involves an overall analysis of the impact of the last round of reviews on the elections and the election outcomes, and a measurement of the effectiveness of previous changes.

We believe that this more comprehensive approach could result in an independent study or inquiry to explore questions such as:

- \* Have representation and governance improved since the reviews and electoral changes?
- \* Can issues which have emerged be attributed to changing electoral structures and different numbers of councillors?
- \* Have the last round of elections resulted in greater diversity amongst councillors?
- \* What is the impact of the reduction in councillor numbers on diversity, representation and good governance?

The key issue around electoral reviews is that electoral processes contribute to better governance and greater participation of citizens in local decision making processes. Such an inquiry/study could therefore also identify possible criteria for making key decisions, and produce research results as a basis for the development of criteria.

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## **Section B – Review Criteria**

**This section invites feedback on the criteria that should be used by a reviewer. See section 3 of the consultation paper.**

**4. Should there be legislated criteria for electoral reviews?**

Yes                       No                       Don't know                       [Mark one box]

Legislated criteria would represent a common understanding of the aim and objective of reviews. They would also provide greater clarity as to the State Government's policy intentions, as recommended by Commissioner Tully.

**5. What criteria should be considered by a reviewer when recommending the number of Councillors for a municipality? (Consultation paper section 3.2)**

The VLGA supports Commissioner Tully's criteria as mentioned on page 19 of the aforementioned October 2009 Report, that is:

- \* the diversity of the population
- \* councillors' workloads, and
- \* the desirability of preventing tied votes

While these criteria make good sense, the VLGA also believes that the main criteria should be the number of councillors that will best support good governance and which encourage diversity in nomination and representation.

Other criteria could also include having a sufficiently sized pool of councillors from which to fill leadership positions, encourage constructive diversity of views and debate, maintain reasonable councillor workloads and ensure that all councillor role requirements are met.

While the criteria are important, their application is also a key consideration. Therefore the VLGA recommends that the second criteria (councillor workloads) either be more thoroughly researched as recommended by the Independent Councillor Remuneration Panel in 2007, or an agreed measurement tool be implemented with the agreement of relevant peak bodies.

**6. What criteria should be considered by a reviewer when recommending the best electoral structure for a municipality? (Consultation paper section 3.3)**

The current criteria of population, geography and communities of interest are relevant. The VLGA believes (and the VEC has acknowledged) that councils provide important information on these issues and more weight should be given to councils' input.

Criteria around good governance need to be added. These include what structures would support diversity, facilitate cooperation between councillors, support communities in making informed choices and best support councillors in fulfilling their many and sometimes contradictory roles.

Further to our overarching response to question 3 above, the VLGA would also like to see a far more open and thorough inquiry into the governance costs and benefits of multi-member and unsubdivided wards. It appears to us that while there is a higher level preference for both in the State Government, the question of whether, on balance, they deliver good governance outcomes should also be posed and answered.

**7. What criteria should be considered by a reviewer when recommending the locations of Ward boundaries? (Consultation paper section 3.4)**

Communities of interest and geographic issues should be the main criteria, as recommended by Commissioner Tully in the aforementioned report. These should be identified through proper analysis and consultation (particularly with councils and communities) and not rely so heavily on the use of postcodes and locality areas as seems to be the current practice. The VLGA is also keen that the VEC lend greater weight to two other criteria recommended by Commissioner Tully, when making its decisions, that is:

- \* models of representation; and
- \* other factors relevant to the municipality under review.

There is a widely held that these two criteria are rarely paid the due weight that they deserve, especially when they are contained in council submissions.

## Section C – Optional Arrangements

This section invites feedback on ways in which the arrangements for electoral representation reviews might be improved, if at all. These options are discussed in detail in section 4 of the consultation paper.

### More Time between reviews

**8. Would it be better to allow more time between electoral representation reviews? (Consultation paper section 4.1)**

Yes                       No                       Don't know                       [Mark one box]

Eight years appears to be too short a time between reviews.

**9. If yes, how long should be allowed between reviews?**

12 - 16 years.

**10. Under what circumstances would additional reviews be needed?**

Only when voter numbers between wards or ridings vary significantly beyond the prescribed range.

**Separate process for Councillor numbers**

**11. Would it be preferable to have a separate process to determine the number of Councillors for a municipality? (Consultation paper section 4.2)**

Yes  No  Don't know  [Mark one box]

The comment that "there is a reasonable case that decisions about the number of councillors should be heavily influenced by governance considerations and may be better determined under a separate process" is strongly supported. This does though seem to be at odds with those criteria suggested for structure review.

The VLGA believes the issues around governance structures and numbers of councillors can be different. The formulae which have produced the current, generally smaller numbers do not take into account the leadership roles required of councillors, the smaller skills pool which becomes available, the intensity produced by smaller numbers and a reduction in diversity.

In considering the principles, while there may be different issues around structure and numbers of councillors, the preferred structure should be such that it can accommodate the preferred number of councillors.

The VLGA is concerned that separate reviews may be costly, complex and inefficient. Therefore, there should be ways in which the separate review of councillor numbers should be at little if any cost to councils.

**12. What should that process involve?**

The VLGA supports the idea of an independent panel to consider applications from councils to change their numbers. We also believe that councils and councillors should be able to submit.

**Separate structure and boundary reviews**

**13. Would it be preferable to have separate structure and boundary reviews?**  
(Consultation paper section 4.3)

Yes                       No                       Don't know                       [Mark one box]

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: See response to question 13 above. :  
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**14. How often should each type of review be conducted and by whom?**

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: Refer previous comments. :  
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**Independent panels**

**15. Is there a role for independent panels of experts in conducting electoral reviews?** (Consultation paper section 4.4)

Yes                       No                       Don't know                       [Mark one box]

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: The VLGA believes that there is a role for independent panels of experts to :  
: conduct electoral reviews. These independent panels should be comprised of :  
: people from a list agreed to by LGV and relevant peak bodies. :  
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**16. If yes, what should that role be and how would the panel be supported?**

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: The VLGA believes that Panels could be supported by either the VEC or DPCD. :  
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**17. Also, what expertise would be required on an independent panel?**

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: Those skills and experience mentioned in the Consultation paper plus skills and :  
: experience in governance. The VLGA also believes that previous experience as an :  
: elected councillor should also be highly regarded, and that this experience should :  
: be contemporary. :  
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**Formal role for Councils**

**18. Should there be a formal role for Councils in the conduct of electoral reviews?** *(Consultation paper section 4.5)*

Yes                       No                       Don't know                       [Mark one box]

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- This is our greatest area of concern, as we refute the view that Councils or  
- councillors have a conflict in making submissions.  
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- While the aforementioned VEC Report begins a discussion of some  
- concerns, in our view there are not currently any sound or reasoned  
- arguments for reform.  
-  
- Given there is an independent process to make decisions on what their  
- submissions will contain, the VLGA believes that councils and councillors  
- should be as free to submit as they currently are.  
-  
- We suggest that conflict of interest is not an issue as the council is not the  
- decision-maker. While we note that governments cannot submit as part of  
- state and federal electoral review processes, political parties are able to do  
- so on their behalf.  
-  
- Individual councillors should be able to submit as can state or federal  
- politicians. Assumptions should not be made as to whether these are  
- motivated by self-interest and they should be considered as contributors to  
- an independent process. Council resources should be no more or less  
- available than they normally are to assist the council to make submissions,  
- and if this is the real problem implied in this Consultation Paper, then  
- perhaps other actions should be considered.  
-  
- The VLGA rejects the view that it is a conflict to have an interest in an issue  
- on which a council is making a submission. If this were the case, council  
- submissions to a whole host of inquiries would be suspect. Submissions to  
- reviews and inquiries nearly always come from bodies who have an interest  
- in the matter – which is why submissions are put forward.  
-  
- Conflicts of Interest are only relevant to those making decisions – either as  
- the Council or under delegation.  
-  
- Any comparison with other levels of government is unhelpful. Other levels of  
- government make decisions about electoral structures (such as reform of the  
- Legislative Council by the State Government in 2005). That is, other levels of  
- government are the law makers on this matter and that is why submissions  
- are not appropriate or necessary.  
-  
- It should be noted that the vast majority of submitters to VEC inquiries were  
- individuals – 80% compared to 6% submissions from councils  
-  
- Once again, the VLGA quotes Commissioner Tully on page 55 of the  
- aforementioned report:  
-  
- “many councils provided significant quantities of useful local information that  
- helped the VEC to understand the municipality”  
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- Finally, Councils are obliged to put their view through a public process, so their  
- position is transparent, and this position can be (and often is) contradicted by  
- individual councillors or community members at VEC hearings.  
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**19. If yes, what should that role be and how would it be consistent with a fully independent process?**

The role should remain the same as it is now, and the value that the VEC gains from constructive Council involvement should be promoted.

**Other option**

**20. Is there another option you wish to advocate?**

Yes

No

[Mark one box]

**21. If yes, please describe it here?**

See initial comments re a more substantive inquiry into the governance outcomes of the reviews.

There are significant questions of 'fair and equitable representation' that remain untested, let alone significant governance concerns arising from current structures.

The VLGA would like to see all parties commit to a more thorough and independent review to test the assumptions and arguments put forward thus far.

## Section D – Comparing Options

**22. Which option, or options, would be most transparent and independent?**

[Mark one or more boxes]

Existing process

More time between reviews

Separate process for Councillor numbers

Separate structure and boundary processes

Independent panels

Formal role for Councils

Other option (Specified above)

A thorough and independent review of the review processes and the outcomes of these reviews is required in order to answer this question. The VLGA would be prepared to reconsider these questions if more information and analysis was available.

**23. Which option, or options, would be least costly for Councils?**

*[Mark one or more boxes]*

- Existing process
- More time between reviews
- Separate process for Councillor numbers
- Separate structure and boundary processes
- Independent panels
- Formal role for Councils
- Other option (Specified above)

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: A thorough and independent review of the review processes and the outcomes of :  
: these reviews is required in order to answer this question. The VLGA would be :  
: prepared to reconsider these questions if more information and analysis was :  
: available, including cost data benchmarked across local governments. :  
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**24. Overall which option, or options, do you prefer?**

*[Mark one or more boxes]*

- Existing process
- More time between reviews
- Separate process for Councillor numbers
- Separate structure and boundary processes
- Independent panels
- Formal role for Councils
- Other option (Specified above)

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: A thorough and independent review of the review processes and the outcomes of :  
: these reviews is required in order to answer this question. The VLGA would be :  
: prepared to reconsider these questions if more information and analysis was :  
: available. :  
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## **Section E – Other Feedback**

**25. Are there other issues or comments you wish to make about electoral representation reviews?**

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: The VLGA agrees with Commissioner Tully that an opportunity to address a range :  
: of broader questions should be taken. A substantial and independent review :  
: undertaken in the next term of the State Government would represent such an :  
: opportunity. :  
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