

Submission to the electoral representation advisory panel



The City of Yarra is pleased to make this submission to the electoral representation advisory panel in relation to the 2023 electoral structure review for Yarra City Council.

Electoral Representation Model

At the outset, Council takes this opportunity to reiterate our position that the community of Yarra is better served by the application of multi-member wards and proportional voting, rather than single member wards counted with the preferential voting system. We believe the electoral representation panel should have had the opportunity to consider that model.

In appointing the electoral representation review panels, the Minister for Local Government stated that they “will ensure that councils are effectively representing the communities they serve”, yet the panels have not been provided with the tools necessary for that task.

Notwithstanding the panel’s terms of reference tasking it to consider the most suitable composition of a Council (unsubdivided, single member wards, multi member wards), sections 16(7)(c) and 16(7)(ca) mean the panel is unable to consider all options without notices having first been published under section 13(5) and 13(5A) in respect of the City of Yarra.

As part of our advocacy effort on this issue, Council recently submitted a motion to the State Council of the Municipal Association of Victoria. The motion was supported by the Victoria-wide membership of the MAV and reads:

1. *That this State Council call on the Minister for Local Government to:*
 - (a) *recognise the expertise of its own appointed electoral representation advisory panels and their ability to recommend an appropriate constitution of a Council, guided by consultation with local communities; and*
 - (b) *publish a notice in the Government Gazette in accordance with section 13 of the Local Government Act 2020 enabling all Victorian Councils to be constituted in any one of the three permissible manners, which will have the effect of allowing the electoral representation advisory panels to consider all options.*

With that being said, we acknowledge that the Local Government Act 2020 and the panel’s terms of reference does not permit it to do anything other than recommend that Yarra be made up of single member wards.

We remain disappointed in this regard, but make this submission nonetheless.

Number of Councillors

With single member wards pre-determined, all that remains for the Panel is to make a recommendation regarding the appropriate number of Councillors to be elected, in a range from five to 12 Councillors.

We agree with the preliminary position of the Panel that nine Councillors is the preferred number.

In determining the appropriate number, it is important that consideration be given to the size, geography, population and the number and distribution of voters in the municipality. Aside from the obvious advantage of maintaining the status quo (Yarra has been served by nine Councillors since our first Council was elected), the following arguments support a nine Councillor structure:

Arguments against any change:

- The 2024 election will see a shift to single member wards, and a move away from the proportional voting system. It will be important to communicate this change to electors ahead of the election and once the new Council is elected. A status quo position in relation to the number of Councillors will assist in this communication effort, by limiting the change to the new electoral model only.

Arguments against a reduction:

- Despite its small geographic footprint, the City of Yarra is made up of distinct neighbourhoods, each with its own strong identity. The inner city location of these neighbourhoods means that travel times between relatively proximate locations can be considerable, especially during peak travel times.
- A reduction in the number of Councillors runs the risk of reducing the diversity of Yarra's Councillors, and compounding the impact of a move away from multi-member wards. Smaller wards, each with fewer electors, provides an opportunity for Councillors with specific appeal in a particular geographic area to be elected.
- Fewer Councillors means that the temporary absence of a Councillor (due to reasons such as illness, leave of absence, conflict of interest or suspension) has a greater impact on the orderly operation of Council meetings, and a possibly greater influence on the outcome of any matter to be considered in the Chamber.
- Fewer Councillors increases the likelihood of a Council meeting lapsing due to a failure to achieve a quorum. For example, a Council of nine can proceed with four Councillors absent, while a Council of seven would be unable to proceed in those circumstances.
- The two-thirds majority required for the adoption of a Councillor Code of conduct can be achieved exactly with nine Councillors (the only other permissible models where this is the case being six or 12 Councillors). The effective threshold for adopting a Councillor Code of Conduct under other models is significantly higher. For 10 Councillors it is 70%, for seven it is 71%, for 11 it is 73%, for eight it is 75% and for five it is 80%.

Arguments against an increase:

- The City of Yarra's small geographic footprint means that an increase in the number of Councillors (especially a significant one) would result in wards that could be very small indeed – in some cases perhaps a few hundred metres across.
- The larger a ward, the easier it is for a Councillor "to represent the interests of the municipal community" (as they are required to do under the Local Government Act 2020), rather than only the interests of a specific ward.
- An increase in the number of Councillors in Yarra would increase the cost to the community associated with Councillor allowances, professional development and associated support costs.
- A greater number of wards would result in the necessary ward boundary changes (to ensure the number of electors remains within 10% of the mean) would be more significant, as individual developments or populations shifts in a small area have a greater impact on the balance of electors across wards.

Arguments against an even number of Councillors (six, eight, 10 or 12):

- Any even number of Councillors has the potential to increase the likelihood of the Mayor having to exercise a casting vote – something which is best avoided. This is particularly the case in circumstances where the Mayor observes the long standing custom of voting to maintain the status quo – meaning that a matter could reach a stalemate position.
- Any even number of Councillors increases the possibility of a stalemate in an election for the office of Mayor – a tie which cannot be broken by a ballot, casting vote or any other method.

Principles for ward boundary determination

We do not seek in this submission to offer commentary about the specific ward boundaries recommended in the Panel's preliminary report, and we will leave it to others to make observations in that regard. Instead, we offer a series of principles the Panel should apply in considering community feedback on the preliminary proposal and forming a final recommendation.

In addition to the legislative requirement that ward boundaries must result in a structure where the number of voters per ward does not vary by more than 10 per cent from the average number of voters for all of the wards, we suggest that the following principles be observed in forming a final position:

- established and distinct communities should not be unnecessarily split between two or more wards, and that careful consideration be given to submissions made by the community in this respect;
- where ward boundaries are proximate to major roads and railway lines, the ward boundary should follow that geographic feature where possible;
- where ward boundaries are proximate to existing suburb boundaries, the ward boundary should follow the suburb boundary where possible; and
- wards should not be overly complicated in shape.

Ward names

Traditional naming

The Panel's terms of reference require that advice be provided on "the names of the wards of the municipal district of the Council, having regard to local Traditional Owner groups' interests".

We agree with the Panel that there should be meaningful consultation with local Aboriginal communities and groups before a ward is named using Aboriginal language. We appreciate that meaningful consultation is a significant process and understand that the Panel is not able to undertake within the timeframes of the current review program.

By way of assistance to the Panel, Council has commenced its own engagement process with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation – the Registered Aboriginal Party for the land on which the City of Yarra stands today.

In recent months, Council officers have been working with Wurundjeri Woi-wurrung elders to identify possible ward names in the Woi-wurrung language that would be suitable for presentation to the panel in this submission.

While this process is not yet complete, we are hopeful that it may be completed ahead of the panel's deadline, and enable a subsequent submission in relation to Council's preferred ward names. Should this not be possible (or in the event that the final recommendation on ward numbers or boundaries differs markedly from that in the preliminary report), Council intends to make representations direct to the Minister ahead of the final decision being made.

Suburb Naming

We offer only one comment on the names suggested by the Panel in the Preliminary Report, which is that naming wards based on suburbs, without the ward boundaries matching the actual suburb is confusing for residents and should be avoided.

As the analysis below shows, the proposed ward boundaries and names correlate poorly with Yarra's suburbs, with just 63.1% of electors being eligible at a property with a suburb address matching the proposed ward name.

Some notable anomalies are:

- a voter in Burnley Ward is nearly 13 times as likely to be from a suburb other than Burnley (93%) as they are to be from Burnley itself (9%);
- the suburb of Cremorne contributes only 26% of the voters to Cremorne Ward, with the remainder coming from Richmond (74%);
- more electors from the suburb of Richmond are located outside Richmond Ward (65%) than inside it (35%);
- voters from the suburb of Richmond are spread across four different wards (Abbotsford, Burnley, Cremorne and Richmond);
- three suburbs (Alphington, Carlton North and Fairfield) extend beyond Yarra's boundaries into neighbouring municipalities; and
- only two of the nine wards (Collingwood and Fitzroy) have precise alignment between the suburb and ward boundaries.

Alignment between ward boundaries and suburb boundaries

Name	Electors in both the ward and suburb of that name	Electors in the ward of that name, but not the suburb	Electors in the suburb of that name, but not the ward
Abbotsford	7,728	1,816	843
Alphington	-	-	2,385 *
Burnley	670	8,677	0
Carlton North	6,056	3,744	0 **
Clifton Hill	-	-	5,598
Collingwood	8,808	0	0
Cremorne	2,024	7,754	0
Fairfield	-	-	541 *
Fitzroy	9,375	0	0
Fitzroy North	8,783	0	2,106 ***
Princes Hill	-	-	1,809
Richmond	9,123	0	17,404
Yarra Bend	-	8,695	-
TOTAL	52,567	30,686	30,686

* plus an unknown number of electors in the City of Darebin

** plus an unknown number of electors in the City of Melbourne

*** plus an unknown number of electors in the City of Merri-bek

These anomalies are only likely to be exacerbated as subsequent boundary realignments become necessary due to population changes.

This submission was endorsed by Council on 18 July 2023.