

Local Council Representation Review

Final Report



**SWAN HILL RURAL
CITY COUNCIL**

October 2019

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Version 1



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Contents

RECOMMENDATION	1
EXECUTIVE SUMMARY	2
Legislative basis	4
Public engagement.....	4
The VEC’s principles	5
Developing recommendations	6
SWAN HILL RURAL CITY COUNCIL REPRESENTATION REVIEW	8
Profile of Swan Hill Rural City Council	8
Current electoral structure	10
Preliminary submissions.....	10
Preliminary report	13
PUBLIC RESPONSE	16
Response submissions.....	16
Public hearing.....	19
FINDINGS AND RECOMMENDATION	22
The VEC’s findings.....	22
The VEC’s recommendation.....	30
APPENDIX 1: PUBLIC INVOLVEMENT.....	31
APPENDIX 2: MAP.....	32
APPENDIX 3: PUBLIC INFORMATION PROGRAM.....	33

Recommendation

The Victorian Electoral Commission recommends that Swan Hill Rural City Council consist of seven councillors elected from an unsubdivided electoral structure.

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

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

Executive summary

The *Local Government Act 1989* (the Act) requires the Victorian Electoral Commission (VEC) to conduct an electoral representation review of each municipality in Victoria before every third council general election.

The purpose of an electoral representation review is to recommend an electoral structure that provides 'fair and equitable representation for the persons who are entitled to vote at a general election of the Council.'¹ The matters considered by a review are:

- the number of councillors
- the electoral structure of the council (whether the council should be unsubdivided or divided into wards and, if subdivided, the details of the ward boundaries and the number of councillors per ward).

The VEC conducts all reviews based on three main principles:

1. taking a consistent, State-wide approach to the total number of councillors
2. if subdivided, ensuring the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council
3. ensuring communities of interest are as fairly represented as possible.

Current electoral structure

Swan Hill Rural City Council currently comprises seven councillors elected from four wards (one four-councillor ward and three single-councillor wards). More information on Swan Hill Rural City Council and the current electoral structure is available in the council fact sheet on the VEC website at vec.vic.gov.au.

Prior to the last representation review in 2007, Swan Hill Rural City Council was comprised of seven councillors elected from four wards (one single-councillor ward and three two-councillor wards). Visit the VEC website at vec.vic.gov.au to access a copy of the 2007 review final report.

Preliminary submissions

Preliminary submissions opened at the commencement of the current review on Wednesday 12 June 2019. The VEC received 19 submissions for the representation review of Swan Hill Rural City Council by the deadline at 5.00 pm on Wednesday 10 July 2019.

¹ Section 219D of the *Local Government Act 1989*.

Preliminary report

A preliminary report was released on Wednesday 7 August 2019 with the following options for consideration:

- Option A (preferred option)
Swan Hill Rural City Council consist of seven councillors elected from four wards with adjustments to the current ward boundaries (one four-councillor ward and three single-councillor wards).
- Option B (alternative option)
Swan Hill Rural City Council consist of seven councillors elected from an unsubdivided electoral structure.

Response submissions

The VEC received 10 submissions responding to the preliminary report by the deadline at 5.00 pm on Wednesday 4 September 2019.

Public hearing

The VEC conducted a public hearing for those wishing to speak about their response submission at 6.30 pm on Monday 9 September 2019. Two people spoke at the public hearing.

Recommendation

The Victorian Electoral Commission recommends that Swan Hill Rural City Council consist of seven councillors elected from an unsubdivided electoral structure.

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

Background

Legislative basis

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

The Act states that the purpose of a representation review is to recommend the number of councillors and the electoral structure that provides 'fair and equitable representation for the persons who are entitled to vote at a general election of the Council.'²

The Act requires the VEC to consider:

- the number of councillors in a local council
- whether a local council should be unsubdivided or subdivided.

If a local council is subdivided, the VEC must ensure that the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council.³ On this basis, the review must consider the:

- number of wards
- ward boundaries
- number of councillors that should be elected for each ward.

Public engagement

Public information program

The VEC conducted a public information program to inform the community of the representation review, including:

- public notices printed in local and State-wide papers
- public information sessions to outline the review process and respond to questions from the community
- media releases announcing the commencement of the review and the release of the preliminary report
- a submission guide to explain the review process and provide background information on the scope of the review

² Section 219D of the *Local Government Act 1989*.

³ *Ibid.*

- an information email campaign targeted at known community groups and communities of interest in the local council area
- sponsored social media advertising geo-targeted to users within the local council area
- ongoing information updates and publication of submissions on the VEC website.

More information on the VEC's public information program for the representation review of Swan Hill Rural City Council can be found at Appendix 3.

Public consultation

Public input was accepted by the VEC via:

- preliminary submissions at the start of the review
- response submissions to the preliminary report
- a public hearing that provided an opportunity for people who had made a response submission to expand on their submission.

Public submissions are an important part of the review process but are not the only consideration. The VEC ensures its recommendations comply with the Act and are formed through careful consideration of public submissions, independent research, and analysis of all relevant factors.

The VEC's principles

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

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

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

2. If subdivided, ensuring the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council.

This is the principle of 'one vote, one value', which is enshrined in the Act. This means that every person's vote counts equally.

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

Each local council contains a number of communities of interest. Where practicable, the electoral structure should be designed to ensure they are fairly represented, and that geographic communities of interest are not split by ward boundaries. This allows elected

councillors to be more effective representatives of the people and interests in their particular local council or ward.

Developing recommendations

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

- internal research specifically relating to the local council under review, including data from the Australian Bureau of Statistics and .id⁴; voter statistics from the Victorian electoral roll; and other State and local government data sets
- the VEC's experience conducting previous electoral representation reviews of local councils and similar reviews for State elections
- the VEC's expertise in mapping, demography and local government
- careful consideration of all input from the public in written submissions received during the review and via oral submissions at the public hearing
- advice from consultants with extensive experience in local government.

Deciding on the number of councillors

The Act allows for a local council to have between five and 12 councillors but does not specify how to decide the appropriate number.⁵ In considering the number of councillors for a local council, the VEC is guided by the Victorian Parliament's intention for fairness and equity in the local representation of voters under the Act.

The starting point in deciding the appropriate number of councillors for a local council is comparing the local council under review to other local councils of a similar size and type (Principle 1). Generally, local councils that have a larger number of voters will have a higher number of councillors. Often large populations are more likely to be diverse, both in the nature and number of their communities of interest and the issues of representation.

However, the VEC also considers the particular circumstances of each local council which could justify fewer or more councillors, such as:

- the nature and complexity of services provided by the Council
- geographic size and topography
- population growth or decline

⁴ .id is a consulting company specialising in population and demographic analysis and prediction information products in most jurisdictions in Australia and New Zealand.

⁵ Section 5B(1) of the *Local Government Act 1989*.

- the social diversity of the local council.

Deciding the electoral structure

The Act allows for a local council ward structure to be unsubdivided—with all councillors elected ‘at-large’ by all voters—or subdivided into a number of wards.

If the local council is to be subdivided into wards, there are three options available:

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

A subdivided electoral structure must be developed with internal ward boundaries that provide for a fair and equitable division of the local council.

The Act allows for wards with different numbers of councillors, as long as the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council (Principle 2). For example, a local council may have one three-councillor ward with 15,000 voters and two single-councillor wards each with 5,000 voters. In this case, the average number of voters per councillor would be 5,000.

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

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

- the VEC’s recommendation at the previous representation review and the reasons for that recommendation
- the longevity of the structure, with the aim of keeping voter numbers per councillor within the 10% tolerance for as long as possible (Principle 2)
- communities of interest, consisting of people who share a range of common concerns, such as geographic, economic or cultural associations (Principle 3)
- the number of candidates in previous elections, as outcomes from previous elections indicate that large numbers of candidates can lead to an increase in the number of informal (invalid) votes
- geographic factors, such as size and topography
- clear ward boundaries.

Swan Hill Rural City Council representation review

Profile of Swan Hill Rural City Council

Swan Hill Rural City Council is located on the New South Wales border approximately 340 kilometres north of Melbourne. The Murray River forms the northern and eastern boundaries of the local council and plays an important role in the economy and lifestyle of the region.

At the 2016 Census, Swan Hill Rural City had a population of 20,584. More than half the population resides in the town of Swan Hill (10,905), located in the south-east of the local council area. The second largest town is Robinvale (3,088), located in the far north. Robinvale also supports a number of smaller communities in the northern region of Swan Hill Rural City.⁶ Swan Hill and Robinvale are both located on the Murray River and have close ties with localities in New South Wales. Robinvale is situated across the Murray River from the New South Wales town of Euston, forming the Robinvale-Euston twin towns. Smaller towns located throughout the local council area include Lake Boga (985), Nyah (530), Nyah West (663), Manangatang (309), Woorinen (260) and Piangil (259).⁷

Swan Hill Rural City Council is a rural local council with a predominantly agricultural focus. Agriculture is the main industry, with the region being a major producer of grapes, almonds, pistachios, olives and olive oil.⁸ Irrigated farming occurs in areas close to the Murray River (mainly in the east and north), while dryland farming is predominant in the west.⁹ Construction, rental and real estate services, financial and insurance services, and the retail trade are also important contributors to the Swan Hill Rural City economy.¹⁰ Tourism is also an important industry, mainly focused around the Murray River and nearby towns.

The agricultural industry employs the largest proportion of residents in the local council. Many residents also work in health care and social assistance, retail, education and training, and

⁶ Department of Environment, Land, Water and Planning, 'Swan Hill Planning Scheme', http://planning-schemes.delwp.vic.gov.au/schemes/swanhill/ordinance/21_mss10_swan.pdf, accessed 20 September 2019.

⁷ Australian Bureau of Statistics, '2016 Census QuickStats - Swan Hill (RC)', <https://www.abs.gov.au/websitedbs/D3310114.nsf/Home/2016%20QuickStats>, accessed 20 September 2019.

⁸ Remplan Economy, 'Swan Hill Rural City Council: Economy Profile', <https://www.economyprofile.com.au/swanhill/>, accessed 20 September 2019.

⁹ Local Government Victoria, 'Know Your Council: Swan Hill Rural City', <http://knowyourcouncil.vic.gov.au/councils/swan-hill>, accessed 20 September 2019.

¹⁰ Australian Bureau of Statistics, 'Region Data Summary: Swan Hill (RC) (LGA)', <https://itt.abs.gov.au/itt/r.jsp?databyregion&ref=CTA2#/>, accessed 20 September 2019.

manufacturing.¹¹ The unemployment rate of 5.1% is lower than both the regional Victorian average (6%) and the State-wide average (6.6%).¹²

The median weekly household income for Swan Hill Rural City residents (\$1,094) is lower than both the regional Victorian (\$1,124) and State-wide (\$1,419) median household incomes. The median weekly personal income (\$580) is slightly higher than that for regional Victoria (\$576) but lower than the State-wide median (\$644).¹³ Some areas within the local council are experiencing significant disadvantage. Swan Hill, Nyah, Boundary Bend and Piangil are experiencing higher levels of disadvantage compared to regional Victorian averages, and levels of disadvantage for Nyah West and Robinvale are particularly high. In contrast, other parts of the local council are experiencing lower than average levels of disadvantage (Lake Boga, Ultima, Chinkapook, Woorinen, Bolton).¹⁴

The median age in the local council is 40 years, which is lower than the regional Victorian average (43 years) but higher than the State-wide average (37 years). The proportion of residents born in Australia (74.7%) is lower than the average for regional Victoria (80.7%), indicating a higher than average proportion of immigrants residing in the local council. Of those born overseas, the largest groups are from India (1.2%), Italy (1.1%), England (0.9%), Vietnam (0.8%) and Malaysia (0.8%).¹⁵

The proportion of the local council's population identifying as Aboriginal and Torres Strait Islander (4.0%) is also much higher than the average for regional Victoria (1.6%). The Wemba Wemba, Latji Latji, Tati Tati, Wadi Wadi and Barapa Barapa peoples are the original custodians of the lands now known as Swan Hill Rural City.¹⁶

Robinvale is one of the most culturally diverse towns in regional Victoria. Aboriginal and Torres Strait Islander peoples comprise 8.1% of the population, and many residents were born overseas. At the 2016 Census, the most common countries of birth included: Vietnam (4.6% of the population), Tonga (3.8%), Malaysia (2.6%), New Zealand (1.6%) and Italy (1.6%). Robinvale also accommodates a significant transient population of seasonal agricultural workers.¹⁷ A recent study estimated the resident population of Robinvale (including transient and long-term

¹¹ Ibid.

¹² Australian Bureau of Statistics, '2016 Census QuickStats - Swan Hill (RC)', loc. cit.. See also: '2016 Census QuickStats: Rest of Vic'.

¹³ Ibid.

¹⁴ Australian Bureau of Statistics, 'Census of Population and Housing: Socio-Economic Indexes for Areas (SEIFA), Australia, 2016', <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/2033.0.55.0012016?OpenDocument>, accessed 20 September 2019.

¹⁵ Australian Bureau of Statistics, '2016 Census QuickStats - Swan Hill (RC)', loc. cit..

¹⁶ Office of Aboriginal Affairs, "Aboriginal community profile series: Swan Hill local government area", <http://www.maggolee.org.au/wp-content/uploads/2015/09/LGA-Profile-Final-Swan-Hill.pdf>, accessed 20 September 2019.

¹⁷ Robinvale-Euston Visitor Centre, 'Our Wonderfully Diverse Region', <https://www.robinvaleeuston.com/about-robinvale-euston/>, accessed 20 September 2019.

residents) fluctuates between 7,000 and 8,800, which is significantly higher than the official 2016 Census population figure.¹⁸

There are an estimated 14,915 registered voters in Swan Hill Rural City Council, with an average of 2,131 voters per councillor. Little population growth is expected for the local council area over the coming decade. The most recent Victorian State Government population projections indicate that some growth is expected for the town of Swan Hill, whereas Robinvale and rural areas are expected to experience population decline. The overall population of Swan Hill Rural City is expected to decrease from the 2016 Census figure of 20,584 to 20,540 by 2031.¹⁹

Current electoral structure

Swan Hill Rural City Council currently comprises seven councillors elected from four wards (one four-councillor ward and three single-councillor wards). More information on Swan Hill Rural City Council and the current electoral structure is available in the council fact sheet on the VEC website at vec.vic.gov.au.

Prior to the last representation review in 2007, Swan Hill Rural City Council was comprised of seven councillors elected from four wards (one single-councillor ward and three two-councillor wards). Visit the VEC website at vec.vic.gov.au to access a copy of the 2007 review final report.

Preliminary submissions

At the close of submissions on Wednesday 10 July 2019, the VEC had received 19 submissions for the representation review of Swan Hill Rural City Council. A list of people who made a preliminary submission can be found in Appendix 1.

Submissions were received from a range of stakeholders including individuals, community organisations, individual councillors and Swan Hill Rural City Council. The submissions were made available on the VEC website.

Number of councillors

Of the 19 preliminary submissions received, 11 indicated a preferred number of councillors.

Eight preliminary submissions supported keeping the number of councillors for Swan Hill Rural City Council at seven. Of these, one also supported decreasing the number of councillors to six, while another also supported increasing the number of councillors to nine.

¹⁸ Geografia Pty. Ltd., 'Robinvale Population Determination: Briefing Paper', <https://www.swanhill.vic.gov.au/wp-content/uploads/2019/08/Robinvale-Population-Determination-Briefing-Paper-1-1.pdf>, accessed 20 September 2019.

¹⁹ Department of Environment, Land, Water and Planning, 'Victoria in Future 2019', <https://www.planning.vic.gov.au/land-use-and-population-research/victoria-in-future>, accessed 20 September 2019.

Three additional submitters proposed an increased number of councillors. Of these, one submitter proposed nine councillors, one submitter proposed 10 councillors, while the third submitter proposed an increase but did not state a specific number of councillors.

Eight preliminary submissions did not indicate any preference regarding the total number of councillors.

While the majority of preliminary submissions did not specifically mention or dispute the total number of councillors, a common theme in submissions was for the existing number of councillors to be redistributed across the local council area, with more councillors to be allocated to rural wards.

Electoral structure

The majority of preliminary submissions supported a subdivided electoral structure, while three submissions supported a move to an unsubdivided electoral structure. Of these, one submitter (the Proportional Representation Society of Australia (Victoria-Tasmania) Inc. (PRSA)) supported both subdivided and unsubdivided electoral structures. One additional submitter proposed a combined subdivided and unsubdivided electoral structure, which is out of scope for this representation review.

Those supporting a move to an unsubdivided electoral structure argued that this would provide the best opportunity for more than one representative to be elected from the Robinvale region, reduce the risk of uncontested elections, help foster a council-wide perspective, encourage more rural candidates to nominate, provide greater choice for voters, potentially improve the calibre of councillors, and aid the sharing of councillor workloads. All three submissions that supported an unsubdivided electoral structure were opposed to single-councillor wards, arguing that this would result in the town of Swan Hill being split across a number of wards, splitting communities of interest and further exacerbating existing issues within the local council. They also argued that single-councillor wards are not favourable for voters as they maximise the number of wasted votes at an election, minimise voter choice, cause vacancies to be filled via a by-election rather than a countback, make it difficult to establish meaningful and sustainable ward boundaries, and that communities of interest are not necessarily geographic.

A range of proposals for ward representation were put forward, with some submitters supporting more than one subdivided electoral structure model.

One submitter proposed a three-ward model with northern, central and southern wards and two councillors per ward. Another submitter proposed a nine-councillor model composed of three wards with three councillors per ward. Three submitters proposed splitting the current Central Ward and combining this with rural areas, so that all councillors had some responsibility for representing rural areas within the local council. One submitter suggested an increase in the

number of wards in order to decrease the size of rural wards but did not describe a specific electoral structure. In addition, two submitters supported an electoral structure comprising seven single-councillor wards as a second preference.

Nine submissions (including two from the same submitter) supported retaining the existing electoral structure with either current ward boundaries or with minor ward boundary modifications. Many of these submitters wished to re-arrange the allocation of councillors to reduce the number of councillors for Central Ward and increase the number of councillors allocated to one or more of the rural wards. Submitters from Robinvale felt that Central Ward had too much influence and unfairly dominated council decision-making, and that the interests and needs of the Robinvale region were poorly represented as a result. Submitters from Murray-Mallee Ward argued that this ward was much larger than all other wards and as a result, the Murray-Mallee Ward councillor had a much larger workload which disadvantaged rural voters. Submitters argued that the number of councillors per ward should be based on the geographic size of the ward, or that more councillors be introduced to enable the creation of smaller rural wards. Four submitters from Robinvale argued that additional councillors should be allocated to the Robinvale Ward based on the population of Robinvale, which has a large transient population of seasonal agricultural workers that is not reflected in Census population data.

Those in support of retaining some form of subdivided electoral structure argued that wards were preferable to an unsubdivided electoral structure because they were more likely to result in councillors who were local residents with good knowledge of local issues, and in addition be known to locals, more engaged in their local communities and more accessible to voters. They argued that there were diverse regions and communities within the local council area, and that these regions and communities had different needs and therefore needed individual representation. Supporters also felt that with wards, councillor performance was easier to evaluate, councillors were more accountable to voters, and that communities felt more empowered and confident that their voice was heard by their representatives.

Many submitters supporting a subdivided electoral structure opposed an unsubdivided electoral structure. There was concern that representation for rural areas and small communities would decline with an unsubdivided electoral structure, that it would be difficult for candidates from rural areas and Robinvale to compete against Swan Hill candidates, that town-based councillors would not understand or appreciate the issues faced by rural voters, and that councillor accountability and accessibility would be reduced.

Preliminary report

A preliminary report was released on Wednesday 7 August 2019. The VEC considered public submissions and research findings when formulating the options presented in the preliminary report.

Number of councillors

When considering the appropriate number of councillors for a local council, the VEC reviews population data and assesses other factors which may warrant an increase or decrease in the number of councillors, such as projected population growth or special circumstances relating to distinct communities of interest.

When compared to other Country Victorian local councils of a similar size and number of voters, Swan Hill Rural City Council sits in the mid-range of the seven-councillor local councils. The local council has a reasonably stable population with little population change projected over the mid- to long-term, and would not require additional councillors on these grounds.

However, there are special circumstances within the local council that may impact councillor workloads. Compared to regional Victorian averages, cultural and linguistic diversity within the Swan Hill Rural City population is higher than average, including a high proportion of Aboriginal and Torres Strait Islander peoples. Robinvale and its surrounding region has an especially high level of diversity. There are also very high levels of socio-economic disadvantage in Robinvale and Nyah West, and higher than average levels in Nyah, Manangatang, Swan Hill, Boundary Bend and Piangil. Robinvale also has a large transient population, which a recent study has found more than doubles the 2016 Census population figure of 3,088.²⁰

Although these special circumstances particularly impact the Robinvale region, due to the legislated equality requirement, the number of councillors for Robinvale Ward cannot be increased without substantially increasing the size of Robinvale Ward to include additional voters. In order for a ward containing Robinvale to have two councillors, the boundary must drop down to the vicinity of the current boundary between Murray-Mallee and Lakes Wards, and also take in part of Central Ward. This effectively combines Robinvale and Murray-Mallee Wards into a very large two-councillor ward, resulting in a ward that no longer has Robinvale as its focus and negating any benefit of additional representation for Robinvale voters. The VEC also noted that these special circumstances were not new and were present during the last representation review of Swan Hill Rural City Council in 2007.

²⁰ Geografia Pty. Ltd., 'Robinvale Population Determination: Briefing Paper', <https://www.swanhill.vic.gov.au/wp-content/uploads/2019/08/Robinvale-Population-Determination-Briefing-Paper-1-1.pdf>, accessed 20 September 2019.

There was little call in preliminary submissions for an increase in the total number of councillors. Instead, the dominant view in submissions was for a redistribution of current councillor numbers across wards, which again is not possible due to the legislated equality requirement.

After careful deliberation of the above factors, the VEC considered that an increase in the total number of councillors would not substantially improve representation for voters in Swan Hill Rural City Council, and that no special circumstances had arisen in the local council since the last representation review in 2007 that would warrant an increase in the total number of councillors.

Electoral structure

In its preliminary report, the VEC found that the distribution of voters and uneven rate of population growth in Swan Hill Rural City Council posed challenges for developing meaningful and sustainable ward boundaries.

The VEC recognised that subdivided models were more popular in preliminary submissions than an unsubdivided electoral structure. Various subdivided electoral structures were proposed in preliminary submissions, but many of these were found to be unviable because of difficulties in balancing voter-to-councillor ratios across wards within the legislated plus-or-minus 10% tolerance, and difficulties in determining meaningful and sustainable ward boundaries. However, the concepts and concerns raised in preliminary submissions were seriously considered and informed the development of the preliminary options.

After modelling alternative electoral structures, the VEC found that the current electoral structure continued to be the strongest subdivided option for fair and equitable representation in Swan Hill Rural City Council. A large proportion of preliminary submissions had also indicated support for the current arrangement of wards; that is to either stay as they are or for minor ward boundary adjustments to be made. The VEC put forward a four-ward model as its preferred option in the preliminary report, reflecting the existing electoral structure of the local council. The VEC found that minor boundary adjustments were needed to correct two main issues concerning the current electoral structure. First, voter projections indicated that Murray-Mallee Ward is likely to deviate from the average voter-to-councillor ratio by more than -10% before the next scheduled representation review, therefore adjustments to the current ward boundaries were necessary to balance voter-to-councillor ratios into the future. Second, the town of Swan Hill has expanded southwards over the current ward boundary into Lakes Ward, and a boundary adjustment was required to correct this issue. In Option A, the Central Ward boundary was modified to incorporate all of the town of Swan Hill into Central Ward and to balance projected voter-to-councillor ratios across the Murray-Mallee, Central and Lakes Wards. The Robinvale Ward boundary remained unchanged. Option A enabled the current system of representation to continue with the least disruption to the voters of Swan Hill Rural City.

The VEC also found that an unsubdivided electoral structure is a suitable model for the local council and observed some support for an unsubdivided structure in preliminary submissions. An unsubdivided structure can effectively address concerns regarding the current subdivided electoral structure, such as difficulties establishing and maintaining meaningful ward boundaries while also balancing voter-to-councillor ratios. An unsubdivided electoral structure provides an opportunity for additional representatives to be elected for the region currently covered by Robinvale and Murray-Mallee Wards, which is not possible with the current subdivided electoral structure. The VEC also considered the history of low numbers of candidates and occasional uncontested ward elections within the local council, which are less likely with an unsubdivided electoral structure. Therefore, the VEC put forward an unsubdivided electoral structure as Option B in the preliminary report. Unsubdivided electoral structures can also foster a 'whole-of-council' approach to representation, may assist councillors to share workloads more equitably, allow voters to choose from the widest selection of candidates, enable representatives to be elected from both geographic and non-geographic communities of interest, and allow communities of interest to exist undivided.

Options

After careful consideration, the VEC put forward the following options:

- Option A (preferred option)
Swan Hill Rural City Council consist of seven councillors elected from four wards with adjustments to the current ward boundaries (one four-councillor ward and three single-councillor wards).
- Option B (alternative option)
Swan Hill Rural City Council consist of seven councillors elected from an unsubdivided electoral structure.

Public response

Response submissions

The VEC accepted submissions responding to the preliminary report from Wednesday 7 August 2019 until 5.00 pm on Wednesday 4 September 2019. The VEC received 10 response submissions. A list of people who made a response submission can be found in Appendix 1. Table 1 indicates the level of support for each option.

Preferences expressed in response submissions

Option A	Option B	Other
5*	5	1*

* One submitter expressed some support for Option A, but preferred an alternative structure.

A range of arguments were put forward in favour of the two options. Arguments seen in response submissions were similar to those at the preliminary submission stage.

Support for Option A

Five response submissions indicated either partial or full support for Option A. All supporters of Option A came from Robinvale.

The predominant argument put forward in favour of Option A was that this was the only option that had wards and therefore guaranteed locally based representatives for areas outside of the town of Swan Hill. Supporters of Option A argued that Robinvale and other small towns needed local representatives, as local people have a better understanding of local issues, are more accessible and accountable to voters within their ward, and enable rural areas to have a voice on the Council.

One submitter (Helen Harris) indicated reluctant support for Option A, stating that while Option A was better than Option B, neither option offered an opportunity for Robinvale to 'gain equity'. Ms Harris suggested an alternative subdivided model with six councillors. This model consisted of a three-councillor ward for the town of Swan Hill, and for the remaining three councillors to represent rural areas. Ms Harris did not specify whether the rural area would consist of a single three-councillor ward or three single-councillor wards. Ms Harris' intention for this model was to separate the urban and rural areas of the local council and for equal numbers of councillors to represent each of these areas.

Opposition to Option A

Supporters of Option B strongly opposed Option A. Those opposed to Option A argued that retaining the current electoral structure would do nothing to address low candidate nominations, low voter turnout, nor the risk of uncontested elections. They argued that low numbers of candidates and low voter turnouts were not desirable for democracy, and that uncontested elections were unfavourable as the community did not have the opportunity to elect a representative of their choice.

Those opposed to Option A also argued that wards do not guarantee locally based representatives, and therefore the main argument in favour of Option A was flawed. Supporters of Option B argued that councillors do not need to reside within the ward that they represent, with submissions from Councillor Chris Jeffery and Councillor Leslie Thomas McPhee providing examples where candidates and councillors did not reside within the wards they had nominated to represent under the current electoral structure. It was also argued that because voters had previously elected candidates from outside their wards, this indicated that voters may place greater importance on a candidate's qualities rather than where they reside when selecting their preferred candidates. Similarly, it was also argued that how well a councillor performs in their role is not dependent on where they reside, but on the personal qualities of that councillor.

Those opposed to Option A also argued that the current ward boundaries were meaningless to some voters, as many voters were unaware of the current ward boundaries and would like the opportunity to vote for all councillors at an election.

One submitter in support of Option A (Ms Harris) also discussed misgivings about the structure. As in her preliminary submission, Ms Harris argued that the current allocation of councillors to wards was unfair, as there was a possibility the four Central Ward councillors could form a voting bloc which could out-vote the three rural councillors. Ms Harris disagreed with the VEC's conclusion that an electoral structure that split the town of Swan Hill was not appropriate for Swan Hill Rural City Council, citing Greater Bendigo City Council as an example of where such a structure had been in place previously. Ms Harris argued that such a structure would enable all councillors to be responsible for both urban and rural areas and to share workloads. Ms Harris also addressed the low numbers of candidates for Robinvale Ward at previous elections, indicating that people from Robinvale were deterred from nominating because of the travel that would be required between Robinvale and Swan Hill, and the perception that the Council was 'Swan Hill-centric'. Ms Harris argued that many Robinvale residents felt that standing for election was pointless, due to a perception that Central Ward councillors were not interested in Robinvale's progress and would not cooperate with a Robinvale Ward councillor. Ms Harris cited the current Robinvale housing shortage as evidence of a lack of support for Robinvale issues.

Support for Option B

Option B was supported by five response submitters, including Swan Hill Rural City Council, two current councillors, and two submitters from outside the local council area. Supporters of Option B put forward similar arguments in favour of an unsubdivided electoral structure to those seen in preliminary submissions.

The submission from Swan Hill Rural City Council argued that a ward-based structure that complies with legislated requirements cannot meet the outcomes sought by most preliminary submitters, whereas Option B was the best way to meet these outcomes.

Supporters argued that Option B:

- was the only option that would allow additional representatives to be elected from the areas currently covered by the single-councillor Robinvale, Murray-Mallee and Lakes Wards
- would provide voters with a greater choice of candidates at an election, the ability to contribute to the election of all councillors, and a greater choice of councillors to approach to discuss issues and concerns
- would encourage the sharing and rotating of workloads between councillors, exposure to issues across the local council area, and whole of council approach from councillors. It was argued that this would result in councillors with a better understanding of issues across the local council, provide the community with better access to councillors, and may also help reduce perceptions of a Central Ward voting bloc under the current electoral structure
- would ensure that every vote counts equally, as the same counting system would be used across the whole local council area at an election, and an equal number of votes would be required for each councillor to be elected.

They argued that moving to an unsubdivided electoral structure would reduce the need for further review as a potential result of the additional reforms to the proposed Local Government Bill 2019, which would be a further cost to ratepayers in the local council.

Opposition to Option B

Supporters of Option A strongly opposed Option B, arguing that an unsubdivided electoral structure would be likely to result in the majority of councillors residing in the town of Swan Hill,

that urban councillors would have limited knowledge of rural issues and be reluctant to travel to rural areas, and that representation for rural areas would be diminished.

Public hearing

The VEC conducted a public hearing for those wishing to speak about their response submission at 6.30 pm on Monday 9 September 2019 in Meeting Room 2, Swan Hill Town Hall, 53-57 McCallum Street, Swan Hill. Two people spoke at the public hearing. A list of people who spoke at the hearing can be found in Appendix 1.

The first speaker was Cr McPhee, current representative for Lakes Ward. The second speaker was Cr Jeffery, current representative for Central Ward. Both councillors spoke in support of Option B and covered similar topics to those outlined in their response submissions.

Cr McPhee stated that he had originally supported the current electoral structure when first elected in 2008, however his experience as a councillor since then had led him to change his view, and he now supported an unsubdivided electoral structure for Swan Hill Rural City Council.

Both councillors addressed the main argument put forward by supporters of Option A — that wards guarantee locally based representatives. Cr McPhee and Cr Jeffery argued that this belief was incorrect, as councillors do not need to reside within the ward they represent, and that this had occurred under the current electoral structure. Both speakers provided evidence of candidates that had nominated for wards they did not reside within, and of councillors that had been elected to represent wards they did not reside in. Cr Jeffery also argued that it wasn't necessarily the case that voters only vote for local candidates. He stated that voters consider the views and characteristics of a candidate and what they stand for, and that voters base their decision on the overall quality of the candidate rather than just where they live. Cr Jeffery cited a history of voters in Central Ward electing councillors that did not reside in their ward as evidence that Swan Hill residents were willing to vote for candidates from outside their ward if they thought they would be the best representatives for the local council.

Cr McPhee and Cr Jeffery argued that although many Robinvale submitters were concerned about diminished local representation under an unsubdivided electoral structure, there was a good chance of at least one and possibly two local councillors being elected from the Robinvale area. Cr Jeffery argued that voters in the northern region would be likely to support a Robinvale candidate as they would be likely to be familiar with that candidate. He stated that there was no reason why the Robinvale region would not gain additional councillors if good quality candidates stood from that region and had support in the broader community. Cr McPhee argued that the diversity and range of communities of interest across the local council area, as well as interaction between different communities through sport and other activities, meant that additional candidates from Robinvale could gain support from outside that region.

Both councillors raised concerns about the risk of uncontested elections under the current electoral structure, arguing that single-councillor wards can result in poor quality candidates with little community support being elected uncontested. From his personal experience, Cr McPhee shared his feeling that it was more rewarding to be elected in a contested election as the councillor knows they are truly appointed by the people. Cr McPhee added that he actively encouraged more people from across the local council area to stand as candidates at elections, as this was more rewarding for the candidate elected and better for the community to have a choice of representative.

Cr Jeffery and Cr McPhee also noted that the current ward boundaries were not well understood by many residents, that the boundaries did not capture geographic areas well, and that some voters had indicated a wish to vote for candidates outside their ward.

Cr McPhee also argued that an unsubdivided electoral structure, which uses the proportional representation system at elections, would ensure that the Council represented and reflected the diversity of the Swan Hill Rural City community, whereas single-councillor wards could result in limited representation of communities of interest.

Both councillors addressed the number of submissions from Robinvale residents that expressed discontent with the Council, with Cr McPhee indicating a belief that this was likely due to a single recent decision made by the Council that was not supported by a section of the Robinvale community. Both speakers indicated that the needs and concerns of the Robinvale region are taken seriously by the Council, citing recent examples of major projects for the area including works along Bromley Road and Perrin Street, as well as funding for Robinvale P-12 College and the maternal and child health centre. Speakers also provided examples of the Council's efforts to address the housing shortage in Robinvale, including a recent population study to provide evidence in support of external funding applications for Robinvale, a recently completed housing strategy, and a levy to reclaim flood-prone land for development. Cr Jeffery acknowledged that people from outside Swan Hill sometimes felt that the Council was 'Swan Hill-centric', but argued that residents were not always aware of the work undertaken by the Council on behalf of smaller communities, or the limiting factors beyond the control of the Council, such as difficulties gaining funding or cooperation from external partners.

Both councillors supported their views that the current councillor group was not solely concerned with matters within their own wards by highlighting the personal and professional connections of the current councillor group with communities across the local council area. Cr McPhee noted the importance of community engagement, stating that councillors and council staff travel to and actively engage with communities across the local council area. Further, Cr McPhee cited examples of engagement with the Robinvale community, such as regular attendance at local community meetings, monthly visits by the Mayor and Chief Executive Officer, weekly visits by

planning staff, and a recently introduced 'Coffee with a councillor' initiative.

Cr McPhee also argued that this community engagement would be improved under an unsubdivided electoral structure. He stated that currently, councillors were generally allocated responsibilities within their ward but that councillor workloads were uneven due to the varying size and different communities of each ward. He argued that an unsubdivided electoral structure could assist councillors to share and rotate responsibilities, workloads and travel, which would provide communities with greater access to and ownership of all councillors, enable councillors to hear first-hand from communities, and provide councillors with greater exposure to and knowledge of issues across the local council area.

Both councillors also addressed concerns raised in submissions about a real or perceived Central Ward voting bloc. Cr Jeffery stated that at the 2016 election the current Central Ward councillors were elected as a bloc, but that they had not voted as a bloc on Council. Cr Jeffery stated there were many occasions where Central Ward councillors had disagreed, citing a recent council meeting (Friday 30 August 2019) where this had occurred. Cr Jeffery maintained that each councillor votes in the way that they think is best for the community, according to their individual views. Although both speakers felt that the current Central Ward councillors do not vote as a bloc, Cr McPhee argued that there was a risk of a voting bloc emerging with a different councillor group in the future if the current electoral structure is retained. He argued that moving to an unsubdivided electoral structure may help address current community perceptions of Central Ward councillors dominating council decision-making, and also address the risk of voting blocs occurring in the future. Cr McPhee stated that the Council consider communities of interest to be very important and take community planning seriously, and that an unsubdivided electoral structure where every member of the community votes to elect every councillor was needed to enable community outcomes to improve into the future.

Findings and recommendation

The VEC's findings

Number of councillors

The VEC considers that seven is the most appropriate number of councillors for Swan Hill Rural City Council.

Swan Hill Rural City currently has 14,915 voters represented by seven councillors, with an average of 2,131 voters per councillor. The local council also covers an area of 6,115 square kilometres.²¹ Country Victorian local councils with a similar size and number of voters generally also have seven councillors, although in some cases special circumstances may exist in a local council area that support a recommendation for fewer or more councillors.

Although Swan Hill Rural City covers a large geographic area, the number of voters is not high and Swan Hill Rural City Council sits in the mid-range when compared to other Country Victorian local councils with seven councillors. The most recent population projections published by the Victorian Government indicate that Swan Hill Rural City has a reasonably stable population with little population change projected over the mid- to long-term.²² Therefore, Swan Hill Rural City Council would not require additional councillors on the grounds of significant population growth.

However, as discussed in the preliminary report, special circumstances do exist within the local council that could support an argument for an increased total number of councillors, if that increase would substantially improve representation for voters. Although many of these special circumstances impact the Robinvale region, increasing the total number of councillors to eight or nine cannot increase the number of councillors for the Robinvale region due to the legislated equality requirement. Any increase in the number of councillors for the Robinvale Ward would require a corresponding increase in the number of voters within that ward, which can only be achieved by substantially increasing the size of the ward. This would result in a ward that no longer has Robinvale as its focus, negating any benefit of additional representation for Robinvale voters.

There was also little call in submissions or at the public hearing for an increase in the total number of councillors. Instead, the dominant view in submissions was for a redistribution of

²¹ Due to a slight variation in mapping data supplied to the VEC, this figure varies slightly from the total area of the local council figure provided in the Local Council Representation Review Fact Sheet and Local Council Representation Review Submission Guide.

²² Department of Land, Water and Planning, 'Victoria in Future 2019', <https://www.planning.vic.gov.au/land-use-and-population-research/victoria-in-future>, accessed 17 September 2019.

current councillor numbers across wards, which is (as discussed above) not possible due to the legislated equality requirement.

While the VEC acknowledges that there are special circumstances in Swan Hill Rural City, the VEC also notes that these special circumstances are not new and were also present during the last representation review of Swan Hill Rural City Council in 2007.

After careful deliberation of the above factors, the VEC considers that an increase in the total number of councillors would not substantially improve representation for voters in Swan Hill Rural City Council, and that no additional special circumstances have arisen in the local council since the last representation review in 2007 that would warrant an increase in the total number of councillors. For these reasons, the VEC considers that seven councillors continues to be an appropriate number for Swan Hill Rural City Council.

Electoral structure

In 2007, the VEC recommended that Swan Hill Rural City Council change from an electoral structure consisting of one single-councillor ward and three two-councillor wards, to a structure consisting of one four-councillor ward and three single-councillor wards.

At the 2007 review, the VEC's preliminary preferred option was for an unsubdivided electoral structure. At that time, the VEC initially considered an unsubdivided structure to be the most suitable option because this electoral structure:

- would have removed difficulties associated with developing ward boundaries that adequately captured communities of interest in the local council
- would have used the proportional representation system at elections, which may have enabled the different geographic and non-geographic communities of interest within Swan Hill Rural City Council to gain representation on Council (whereas the preferential voting system used in single-councillor wards provided less chance of representation for large minorities)
- would have enabled all voters to vote for all candidates regardless of where they resided within the local council area, providing greater choice for voters and allowing voters to select the candidate that best represented their needs or interests (whereas single-councillor wards would limit the number of councillors that voters within a ward could elect, limiting the number of councillors that could be elected by voters from the Robinvale region)
- could have supported more equitable sharing of councillor responsibilities and workloads, and a 'whole of council' approach by councillors.

Although there was some support for a move to an unsubdivided electoral structure at the time, many submitters to the 2007 review, and particularly those from the Robinvale region, expressed strong opposition to the proposed unsubdivided electoral structure. Submitters felt that a change to an unsubdivided structure at the time would result in the majority of councillors residing in the Swan Hill urban area, and that this would result in diminished rural representation. These submitters to the 2007 review argued that:

- the size of the local council area meant that voters could not make informed decisions about issues in far-away areas of the local council
- a subdivided electoral structure would guarantee representation for the Robinvale area
- a subdivided electoral structure offered the best opportunity for fair and equitable representation, especially for voters in Robinvale who had special support needs and were concerned about reduced local representation.

The VEC's final 2007 recommendation to retain the subdivided structure (albeit with a different ward arrangement) responded to the strong opposition to an unsubdivided electoral structure expressed in submissions and at the public hearing.

The current electoral structure has now been in place for the Council's last three general elections (held in 2008, 2012 and 2016). Although the current structure provides representatives for different parts of the local council area (the southern lakes region, urban Swan Hill and surrounds, central rural region, and the Robinvale region), concerns regarding representation under a subdivided electoral structure have continued.

Under the current electoral structure, the VEC has observed consistently low numbers of candidates and occasional uncontested elections for the single-councillor rural wards. At the 2008 general election there were two candidates each for Robinvale and Murray-Mallee Wards, with Lakes Ward uncontested. At the 2012 general election there were two candidates each for Robinvale and Murray-Mallee Wards and four candidates for Lakes Ward. At the 2016 general election there were three candidates for Murray-Mallee Ward, two candidates for Lakes Ward, with Robinvale Ward uncontested. Both Robinvale and Murray-Mallee Wards had by-elections in March 2019, with the Robinvale Ward by-election uncontested.

This pattern of low candidate numbers and occasional uncontested elections for rural wards also occurred under the previous subdivided electoral structure in place prior to the 2008 general election. Although an uncontested ward may mean the community is entirely satisfied with its representation, uncontested elections are not conducive to achieving fair and equitable representation as voters are not given the opportunity to elect a representative of their choice. Similarly, low candidate numbers in single-councillor wards provides limited choice for voters when selecting their preferred representative.

Voter turnout at general elections has also been low for some wards, particularly in Robinvale Ward. In the 2008 and 2012 general elections, voter turnout in Robinvale Ward was 71.13% and 70.34%, respectively. In comparison, voter turnout in 2008 was 81.19% in Central Ward and 79.47% in Murray-Mallee Ward (with Lakes Ward uncontested), while in 2012 voter turnout was 80.18% for Central Ward, 80.65% for Lakes Ward and 77.71% for Murray-Mallee Ward.

Submissions to this review also indicated that wards under the current electoral structure do not necessarily capture communities of interest well. For example, submitters and speakers at the public hearing indicated that Robinvale services a wide area extending outside the Robinvale Ward boundary, meaning that the wider community of interest connected to Robinvale is split between two wards.

The VEC also observed strong support in submissions from Robinvale Ward (and to a lesser extent from Murray-Mallee Ward) for additional councillors to be allocated to represent these areas, however this is not possible under the current electoral structure due to the legislated equality requirement. Submitters from these areas expressed concern that the four councillors representing the current Central Ward can potentially form a voting bloc that outnumbers rural councillors.

The issues and concerns identified during research and community feedback to this review have largely mirrored the concerns and issues raised during the 2007 representation review, and the VEC continues to consider that both unsubdivided and subdivided electoral structures offer the possibility of fair and equitable representation for the Swan Hill Rural City community.

Option A responded to preliminary feedback to the current review, which indicated support for retaining a subdivided electoral structure and concern that an unsubdivided structure may lead to a decline in local representation for rural areas. Of all the subdivided models explored, the VEC considered that the current electoral structure (with minor adjustments to correct two issues with the current boundaries) continued to be the strongest subdivided option for Swan Hill Rural City Council. Option A enabled the current system of representation to continue with the least disruption to the voters of Swan Hill Rural City.

Five response submitters indicated either full or partial support for Option A, with Ms Harris suggesting an alternative subdivided model with six councillors. The VEC modelled this proposed structure as a three-councillor ward for the town of Swan Hill and three single-councillor wards for the rural areas. This model had a number of drawbacks: the town of Swan Hill did not fit entirely within a three-councillor ward, resulting in this geographic community being divided across two wards; Lakes and Robinvale Wards were very large, covering the majority of the local council area; there was a risk the Murray-Mallee Ward voter-to-councillor ratio would exceed the -10% legislated tolerance by the next scheduled representation review; this arrangement could entrench perceptions of division in the local council; and, this model required

a decreased total number of councillors, which the VEC does not consider appropriate for Swan Hill Rural City Council. As a result, the VEC considered this alternative model unsuitable.

The main argument put forward by supporters of Option A was that wards would ensure locally based representatives, whereas the unsubdivided structure of Option B may lead to reduced rural representation. Supporters of Option A felt that locally based representatives were needed, arguing that local representatives had better knowledge of local issues, were more accessible and accountable to voters, and enabled rural voters to have input on Council decisions.

However, submitters and the two speakers at the public hearing who were in favour of Option B pointed out that the belief that wards guarantee local representatives is incorrect. They argued that there is no legislated requirement for a candidate to reside within the ward they nominate for, nor for a councillor to reside within the ward they represent, and that this had in fact occurred at multiple elections for Swan Hill Rural City Council under the current electoral structure. These submitters also argued that, although voters within a ward may sometimes prefer to vote for a local representative, under the current electoral structure there were instances of voters electing candidates from outside their ward in preference to candidates from within their ward. The VEC's examination of candidates at previous elections under the current electoral structure supports these arguments. The VEC can verify that candidates have nominated for wards they don't reside within, councillors have represented wards they don't reside within, and voters have elected a candidate from outside their ward over a candidate from within their ward. However, it should be noted that 'ward-jumping' has generally only occurred in Murray-Mallee, Lakes and Central Wards. Under the current electoral structure to date, candidates and councillors for Robinvale Ward have always resided within that ward, however, there is no guarantee of this continuing in the future. There are a number of scenarios under the current subdivided electoral structure that could result in a non-local Robinvale Ward councillor, such as:

- an uncontested election where the only candidate resides outside the ward
- a contested election where all candidates reside outside the ward (this occurred at the 2019 by-election for Murray-Mallee Ward)
- a contested election where voters prefer a candidate who lives outside the ward.

Option A also has potential disadvantages. It does not reduce the risk of uncontested elections for single-councillor rural wards, where a pattern of low candidate numbers and occasional uncontested elections has occurred. It does not address concerns about limited choice for voters in wards with low candidate numbers. Importantly, Option A does not respond to the call for an increased number of locally based representatives from Robinvale and Murray-Mallee Wards.

There was a strong push in preliminary submissions for more councillors to be allocated to Robinvale and Murray-Mallee Wards, but this is not possible given the geographic distribution of voters across the local council. In any subdivided electoral structure, wards that have higher,

concentrated numbers of voters will generally be smaller in size with more councillors allocated to them, whereas wards with fewer, dispersed voters will generally be larger with fewer councillors. Option A also does not respond to the call for a reduction in the size of the rural wards. Many submitters commented on the unequal size of wards resulting in uneven councillor workloads, and a particularly large workload for the councillor representing the large Murray-Mallee Ward. A number of submitters also pointed out that the current ward boundaries do not necessarily represent the communities of interest within the local council. For example, one preliminary submitter and both speakers at the public hearing indicated that Robinvale services a wide area of the local council encompassing Manangatang and Boundary Bend. This includes areas outside the Robinvale Ward boundary within Murray-Mallee Ward, with the result that areas of the local council associated with Robinvale are currently situated in a separate ward.

While acknowledging the support for a subdivided electoral structure expressed in submissions, the VEC considers that moving to an unsubdivided electoral structure may help to resolve the many drawbacks of a ward-based structure observed during both the current and previous 2007 representation review for Swan Hill Rural City Council. Five response submissions also expressed support for a move to an unsubdivided electoral structure.

An unsubdivided electoral structure:

- has no wards, removing issues regarding the uneven geographic area of different wards and unbalanced rates of population growth impacting voter-to-councillor ratios across wards
- does not divide communities of interest between wards
- enables voters to select their preferred candidates from across the whole local council area, increasing voter choice, reducing the risk of uncontested elections, and reducing the likelihood of an unsuitable candidate being elected unopposed
- provides an opportunity for councillors to more equitably share responsibilities and workloads, including travel and attendance at community meetings, which may enable greater exposure to communities and issues across the local council
- provides an opportunity for councillors to take a 'whole of council' approach to councillor responsibilities, knowledge of issues, and decision-making
- may encourage voters to approach any member of the councillor group with issues or concerns, rather than feeling restricted to their ward councillor, which may improve perceptions of representation
- may help address concerns regarding a potential Central Ward 'voting bloc'.

It should be noted that councillors under any electoral structure are free to vote as they choose, potentially forming voting blocs with councillors both within and outside their ward, however moving to an unsubdivided electoral structure may help to address concerns that Central Ward dominates council decision-making.

An unsubdivided electoral structure also offers opportunities for improved representation not currently possible under a subdivided electoral structure, as this structure:

- enables all voters to vote on the election of all candidates, providing an opportunity for candidates to be elected from geographic and non-geographic communities based on their proportion of support across the local council, enabling the views of large minorities to be represented on the Council
- provides the best opportunity for additional representatives to be elected from the region currently covered by Robinvale and Murray-Mallee Wards
- may encourage more rural candidates to nominate, for example if they believe they have a chance to be elected in addition to the current ward councillor, or are concerned that their area will lose local representation under an unsubdivided electoral structure.

The VEC has heard concerns from submitters, particularly those from Robinvale, that it may be difficult for rural candidates to be elected under an unsubdivided electoral structure, and that this may result in the majority of councillors residing in Swan Hill. However, as discussed in the preliminary report, the number of current voters in the Robinvale region indicates this may not be the case. Robinvale Ward currently has 1,977 voters, which is 13.25% of the total number of voters within the local council. This would be enough voters in the Robinvale region to elect a local candidate if they wished to, and additional local councillors could also be elected by gaining support from voters in other parts of the local council area. For example, submitters to this review have indicated that Robinvale services a catchment extending from Manangatang to Boundary Bend, and voters in these areas would be free to support an additional Robinvale candidate under an unsubdivided electoral structure if they wished to do so. Speakers at the public hearing also indicated that there is movement and interaction between people in different communities through work, sport, and other community activities. A candidate who has lived in different areas of the local council or interacted with different communities may gain support from residents of these different areas. This is one of the benefits of an unsubdivided electoral structure: the number of councillors that can be elected by any one area of the local council is not capped, voters are free to choose their preferred candidate regardless of where they live, and there is an opportunity for multiple councillors to be elected from any area of the local council.

In order for councillors to be elected from any part of the local council area, however, candidates must nominate from these areas. At all elections under the current electoral structure, most

candidates have resided in the southern half of the local council area. If communities feel strongly about the need for locally based representatives on the Council, then these communities must put forward candidates and support these candidates at an election. If there are no nominations from an area, this will guarantee no councillors from that area. This is the case regardless of the electoral structure.

The VEC recognises that the unique features of Swan Hill Rural City pose many challenges for fair and equitable representation. There are valid arguments in favour of and against the unsubdivided and subdivided electoral structures examined in this review, as each have their own benefits and disadvantages. While it is not possible for an electoral structure to address all the issues in the local council, the VEC considers that, on balance, Option B provides the best opportunity to ensure fair and equitable representation for voters in Swan Hill Rural City Council.

The VEC also acknowledges that parts of the local council area have traditionally had lower electoral engagement. As the agency responsible for conducting State and local council elections in Victoria, the VEC will look for opportunities to increase electoral education and engagement initiatives focused on these communities. These opportunities are important regardless of the VEC's review responsibilities, and the VEC is committed to working closely with partners and directly with communities to enable all Victorians to actively participate in their democracy.

The VEC's recommendation

The Victorian Electoral Commission recommends that Swan Hill Rural City Council consist of seven councillors elected from an unsubdivided electoral structure.

This recommendation is submitted to the Minister for Local Government as required by the *Local Government Act 1989*. The model was designated as Option B in the VEC's preliminary report for this review.

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

Appendix 1: Public involvement

Preliminary submissions

Preliminary submissions were made by:

Black, Alison
Black, Alison (second submission)
Daniel, John
Goodwin, Robert
Harbinson, Beverley
Harris, Helen
Holland, James
Lane, David
Loy, Julieanne
Manangatang Improvement Group
McKay, Nicole (Councillor)
McPhee, Leslie Thomas (Councillor)
Morgan, Allan
Norton, Gary
Plant, Christine
Proportional Representation Society
of Australia (Victoria-Tasmania) Inc.
Robinvale Sub-Branch Returned &
Services League (RSL)
Schlegel, Harry
Swan Hill Rural City Council

Response submissions

Response submissions were made by:

Black, Alison
Harbinson, Beverley
Harris, Helen
Holland, James
Jeffery, Chris (Councillor)
McPhee, Leslie Thomas (Councillor)
Newman, Adam
Proportional Representation Society
of Australia (Victoria-Tasmania) Inc.
Robinvale Sub-Branch Returned &
Services League (RSL)
Swan Hill Rural City Council

Public hearing

The following individuals spoke at the public hearing:

Jeffery, Chris (Councillor)
McPhee, Leslie Thomas (Councillor)

Appendix 2: Map

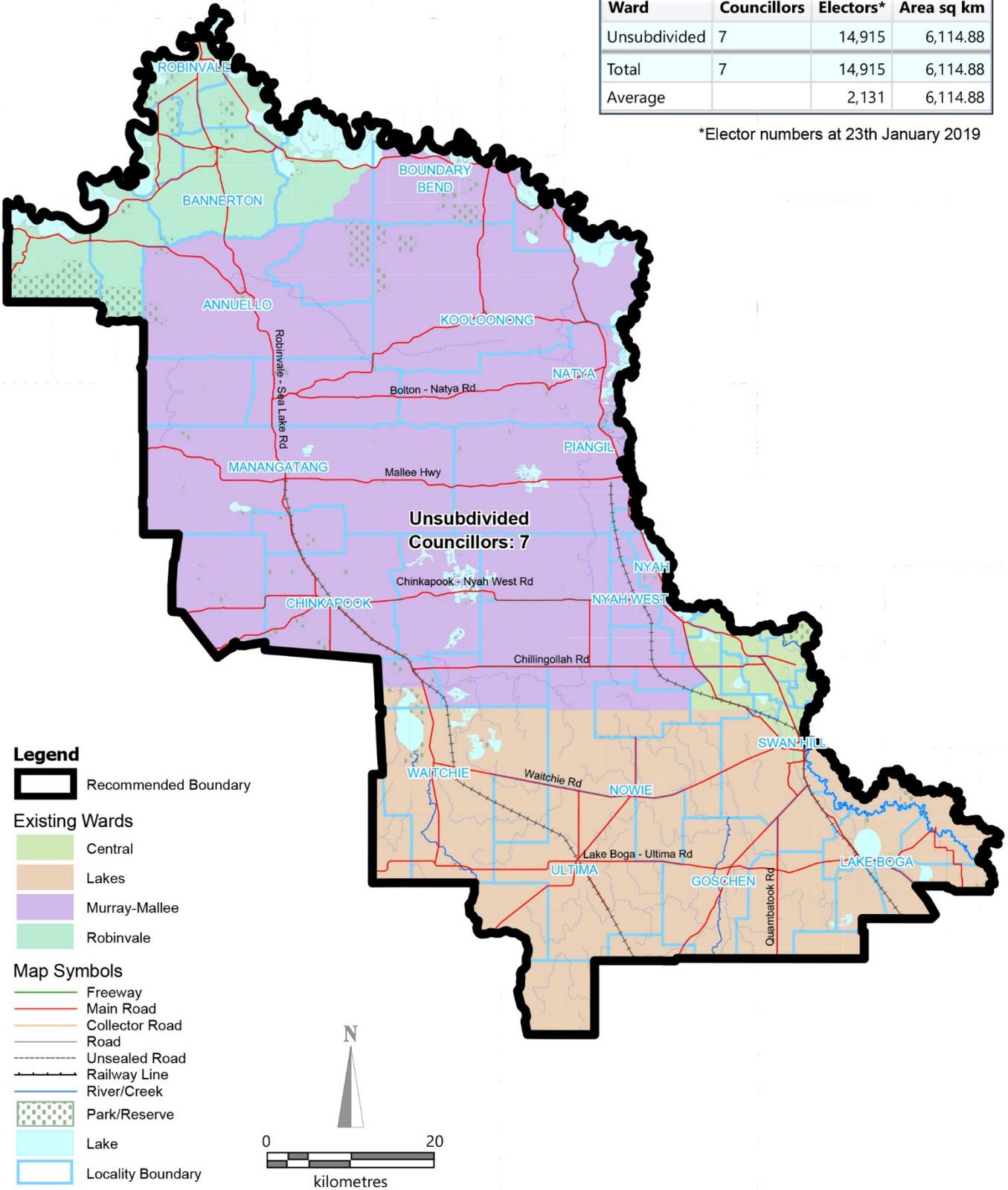
The map is provided on the next page.

Swan Hill Rural City Council

Map of Recommended Option Seven Councillors, Unsubdivided

Ward	Councillors	Electors*	Area sq km
Unsubdivided	7	14,915	6,114.88
Total	7	14,915	6,114.88
Average		2,131	6,114.88

*Elector numbers at 23th January 2019



Map prepared by:

Victorian Electoral Commission **VEC**

Data use:



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Department of Environment, Land, Water &
Planning

Disclaimer: This content is provided for information purposes only. While every effort has been made to ensure accuracy and authenticity of the content, the Victorian government does not accept any liability to any person for the information provided.

Appendix 3: Public information program

Advertising

In accordance with the Act, public notices of the review and the release of the preliminary report were placed in the following newspapers:

Newspaper	Notice of review	Notice of preliminary report
<i>Herald Sun</i>	Thursday 6 June	Wednesday 7 August
<i>Robinvale Sentinel</i>	Thursday 6 June	Thursday 1 August
<i>Swan Hill Guardian</i>	Wednesday 5 June	Wednesday 7 August

Media releases

A media release was prepared and distributed to local media to promote the commencement of the review on Thursday 6 June 2019. A further release was distributed with the publication of the preliminary report on Wednesday 7 August 2019. A final media advisory was circulated on the publication date of this final report.

Public information sessions

Public information sessions for people interested in the review process were held on:

- Tuesday 11 June 2019 in the Information Centre Conference Room, Cnr Curlewis and McCrae Streets, Swan Hill
- Wednesday 12 June 2019 in the Robinvale Resource Centre Meeting Room, 68-72 Herbert Street, Robinvale.

Submissions guide

A submission guide was developed and made available on the VEC website, or in hardcopy on request, throughout the review timeline. The submission guide provided information about the review, the review timeline and how to make submissions to the review.

Online submission tool

An online submission tool was developed and made available during the submission periods of the review. The tool allowed people to make a submission from the VEC website. During the preliminary submission stage, users also had the opportunity to map out their preferred subdivisions through the online submission tool using Boundary Builder. Boundary Builder included real elector numbers so that users could see if their preferred structures and numbers of councillors met the plus-or-minus 10% rule.

VEC website

The VEC website delivered up-to-date information to provide transparency and facilitate public participation during the review process. All public submissions were published on the website.

Email and social media engagement

The VEC delivered an information email campaign targeted at known community groups and communities of interest in the local council area. This included a reminder email at each milestone of the representation review process.

The VEC also published sponsored social media advertising that was geo-targeted to users within the local council area. This included advertising at both the preliminary submission and response submission stages. The total reach of these posts was 4,214 during the preliminary submission stage and 4,423 during the response submission stage.

Council communication resources

The VEC provided the Council with a communication pack that included information on the review in various formats. While the council is encouraged to distribute this information and raise awareness about the review, the VEC is an independent reviewer and all communications resources include reference and links to the VEC website and core materials.

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