

**ELECTORAL REPRESENTATION REVIEW**

# **Brimbank City Council**

## **Final Report**



**26 October 2011**



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## Recommendation

**The Victorian Electoral Commission (VEC) recommends that** Brimbank City Council consist of eleven councillors to be elected from three three-councillor wards and one two-councillor ward, with unchanged ward boundaries.

## Background

### Legislative basis

The *Local Government Act 1989* (the Act) requires the VEC to conduct an Electoral Representation Review of each municipality in Victoria at least every 12 years. The Act specifies that the purpose of a representation review is to recommend to the Minister for Local Government the number of councillors and the electoral structure for a municipality, which will provide 'fair and equitable representation for the persons who are entitled to vote at a general election of the Council'.<sup>1</sup>

The Act requires the VEC, as part of an Electoral Representation Review, to consider:

- the number of councillors in a municipality;
- whether a municipality should be unsubdivided or subdivided;
- if it should be subdivided, whether ward boundaries:
  - provide for fair and equitable division of the municipality;
  - ensure equality of representation through the number of voters being represented by each councillor being within 10 per cent of the average number of voters represented by all councillors; and,
- if it should be subdivided, the number of councillors that should be elected for each ward.

### The VEC and Electoral Representation Reviews

The VEC has conducted Electoral Representation Reviews since 2004 on appointment by local councils. The Act was changed in 2010 to define the VEC as the only agency authorised to undertake the reviews.

The VEC drew on its experience in mapping and boundary modelling and also engaged consultants with experience in local government to provide advice on specific local representation issues during the review.

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<sup>1</sup> Section 219D of the *Local Government Act 1989*.

## Profile of the City of Brimbank

The City of Brimbank was formed in 1995 by the amalgamation of parts of the City of Keilor with parts of the City of Sunshine. The City includes the suburbs of Albanvale, Albion, Ardeer, Brooklyn, Cairnlea, Calder Park, Delahey, Deer Park, Derrimut, Hillside, Kealba, Keilor, Keilor Downs, Keilor Lodge, Keilor North, Keilor Park, Keilor East, Kings Park, St Albans, Sunshine, Sunshine North, Sunshine West, Sydenham, Taylors Lakes and Tullamarine.

At the 2006 census, the City recorded a population of 168,215 people. Over the next ten years, the population is projected to grow by 5.5 per cent.

### Current electoral structure

The last electoral representation review for Brimbank City Council took place in 2004–2005<sup>2</sup>. Following the review, the Minister for Local Government determined that the structure of Brimbank City Council would be:

- 11 councillors;
- divided into four wards — Grasslands Ward, Harvester Ward, Horseshoe Bend Ward and Taylors Ward;
- with two councillors for Horseshoe Bend Ward and three councillors for each of the remaining wards.

Previously, Brimbank City Council comprised nine single-councillor wards. The VEC recommended an increase to eleven councillors because the City of Brimbank is one of the largest in Victoria, and because the significant cultural diversity within the City can lead to increased councillor workloads. The VEC recommended multi-councillor wards because of the impracticality of an unsubdivided municipality (under which voters would possibly have to number up to 95 squares on the ballot paper) and because a multi-councillor structure fitted communities of interest better and would be more durable than single-councillor wards. The VEC considered several models, aiming to achieve the most appropriate combinations of suburbs in each ward.

Currently, there are no sitting councillors, as the Council was dismissed in 2009 and Administrators were put in charge.

### The electoral representation review process

The VEC proceeded on the basis of three main principles:

1. **Ensuring the number of voters represented by each councillor is within 10 per cent of the average number of voters per councillor for that municipality.**

<sup>2</sup> An electoral subdivision review, which can only look at adjusting ward boundaries, was conducted by the VEC in 2008. The subdivision review recommended some changes to the boundaries of Grasslands Ward and Harvester Ward.

Populations are continually changing. Over time these changes can lead to some wards having larger or smaller numbers of voters. As part of the review, the VEC corrected any imbalances and also took into account likely population changes to ensure these boundaries provide equitable representation until the next review.

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

The VEC was guided by its comparisons of municipalities of a similar size and category to the council under review. The VEC also considered any special circumstances that may warrant the municipality to have more or fewer councillors than similar municipalities.

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

Each municipality contains a number of communities of interest and, where practicable, the electoral structure should be designed to take these into account. This allows elected councillors to be more effective representatives of the people in their particular municipality or ward.

The recommendation is based on:

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

Public submissions were an important part of the process, but were not the only consideration during the review. The VEC seeks to combine the information gathered through public submissions with its own research and analysis of other factors, such as the need to give representation to communities of interest. The recommendation is not based on a 'straw poll' of the number of submissions supporting a particular option.

**VEC research**

In addition to the information provided in submissions, the VEC created a profile of the municipality based on population trends, development projections and demographic indicators. The VEC used the Australian Bureau of Statistics 2006 census community profiles, the Department of Planning and Community Development projections and voter statistics from the Victorian electoral roll. The VEC also undertook field work to view current and possible boundaries for each of the options presented in the preliminary report to evaluate their effectiveness.

## **Public involvement**

The VEC values the local knowledge and perspectives presented by the public in written submissions. The public were given two opportunities to provide submissions during the review. Their input was considered by the panel in forming the options in the preliminary report and they were also invited to respond to these options. In addition, a public hearing was held to enable people to speak in support of their submissions and supplement it with information.

To ensure transparency in the process, all written submissions were published on the VEC website and all verbal submissions were heard at a public hearing.

To raise awareness of the review and encourage the public to engage with the process, a full public information campaign was undertaken.

## **Advertising**

In accordance with sections 219F(4) and 219F(7) of the Act, the VEC ensured public notices were placed in local newspapers.

Notification of the review appeared in the *Brimbank Leader*, *Brimbank Weekly*, *Keilor Taylors Lakes Sydenham Star*, *St Albans Deer Park Caroline Springs Star* and *Sunshine Ardeer Albion Star* on 12 July 2011. The notice detailed the process for the review and called for public submissions. A general notice covering several reviews was printed in *The Age* and the *Herald Sun* on 5 July 2011.

Notification of the release of the preliminary report appeared in the *Brimbank Leader*, *Brimbank Weekly*, *Keilor Taylors Lakes Sydenham Star*, *St Albans Deer Park Caroline Springs Star* and *Sunshine Ardeer Albion Star* on 30 August 2011. The notice detailed the options contained in the preliminary report, including a map of each option, instructions on how to access a copy of the preliminary report and how to make a submission in response to the report.

## **Media releases**

The VEC produced two media releases to complement the advertising. The first release, distributed on 12 July 2011, provided information on the review and overall process. A second release, distributed on 30 August 2011, detailed the options in the preliminary report and how to make a submission in response to the report.

## **Public information session**

The VEC held a public information session for people interested in the review process on 25 July 2011 at the Errington Community Centre, Princess Street, St Albans.

### **Information brochure and poster**

An information brochure was provided to the Council to be distributed to residents through the Council's network, such as in libraries and service centres. A poster was provided to the Council to be displayed in public spaces.

### **Helpline**

A dedicated helpline was established to assist with public enquiries concerning the review process.

### **VEC website**

The VEC website delivered up-to-date information to provide transparency during the preliminary and response stages of the review process. All submissions were posted on the website and an online submission tool was created to facilitate the submission process. The preliminary report was available for electronic download on the website.

### **Guide for Submissions**

A guide for submissions was developed and distributed to those interested in making submissions. Copies of the guide for submissions were available on the VEC website, in hard copy on request, and were provided to the Council.

## Preliminary report

In accordance with the Act, the VEC produced a preliminary report outlining its proposed options for Brimbank City Council. The report was released on 30 August 2011.

### Preliminary submissions

By the close of preliminary submissions at 5.00pm on Tuesday, 9 August 2011, the VEC received ten submissions.

The dismissal of the Council and the perceived need to reduce the behaviour that had led to the Council's downfall affected many of the submissions. Some submitters wanted to extend the Administrators' term. Several submissions advocated an unsubdivided structure as a way of preventing conflicts between ward councillors. Most submitters wanted to reduce the number of councillors, pointing out that other municipalities functioned well with nine councillors.

In contrast, the Brimbank Branch of the Australian Greens supported the status quo, arguing that one of the largest municipalities in the State needed the maximum practicable number of representatives. The Greens maintained that multi-councillor wards suited Brimbank's cultural diversity and allowed representation of alternative points of view, offering scope to challenge potential failures of governance. The Greens considered that an unsubdivided structure would be best in theory, but in practice would make formal voting difficult and present a barrier to voter participation.

No submitters wanted a return to single-councillor wards. Submitters proposed a range of possible ward configurations, with three three-councillor wards being quite popular. The Keilor Residents and Ratepayers Association considered the current structure to be disproportionate in respect to ward sizes and councillor numbers (Horseshoe Bend Ward, which covers Keilor, has only two councillors while the other wards have three), and supported five equal two-councillor wards. Mr Salmi argued that on community interest grounds Horseshoe Bend Ward should cover the Keilor area while St Albans should have its own ward. Mr Congreve believed that the wards should mix the former cities of Sunshine and Keilor to combat a "them and us" feeling.

A list of submitters, by name, is available in Appendix One. Copies of the submissions can be viewed on the VEC website [vec.vic.gov.au](http://vec.vic.gov.au).

### Preliminary options

The VEC considers that similar types of municipality of a similar size should have the same number of councillors, unless special circumstances justify a variation. In

terms of number of voters, Brimbank is the largest municipality in the metropolitan area. It is the fourth-largest municipality in Victoria as a whole, surpassed only by Greater Geelong, Casey and Mornington Peninsula. On the numbers, Brimbank clearly falls into the eleven-councillor band that the VEC considers appropriate for the very largest municipalities.

Particular characteristics of the City of Brimbank justify it having a large number of councillors. The City is ethnically diverse, with over 150 languages spoken across the municipality and 53.7 per cent of the population speaking a language other than English — the second highest proportion in Victoria<sup>3</sup>. A large (24 per cent) and growing proportion of residents are not proficient in English, compared to 13.9 per cent for the Melbourne Statistical Division. Furthermore, according to the SEIFA Index of Disadvantage (which is derived from attributes such as low income, low educational attainment, high unemployment and jobs in relatively unskilled occupations), Brimbank is the second most disadvantaged municipality in Greater Melbourne and the third most disadvantaged in Victoria. These features increase the challenge of representing the voters of Brimbank.

Most submitters thought that Brimbank should have fewer councillors, with the most favoured number being nine. Mr Branislav Kovachevich argued: ‘I think that the QUALITY of representing is more important than the number of councillors. We have had very bad experience with elected City Council (12) and extremely good experience with Administrators (only 3 of them)’. Mr George Seitz stated that other large municipalities with fewer councillors than Brimbank had successfully dealt with bigger issues without acrimony and interfering by the councillors.

However, the 2009 reports by the Ombudsman<sup>4</sup> and by the Inspector of Municipal Administration<sup>5</sup> that led to the dismissal of the Council nowhere attributed the failings of the Council to the large number of councillors. Rather, these reports pointed to different problems.

Brimbank’s size and particular features mean that it needs a large number of councillors to represent the voters. VEC considered that 11 was the most appropriate number of councillors for Brimbank City Council, and also put forward a 12-councillor option.

The number of councillors affects the options for electoral structure. For example, with 11 councillors it is impossible to have equal-sized multi-councillor wards.

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<sup>3</sup> *The Diverse Communities of Brimbank*, pp 16-17, accessed from Brimbank city Council website, 24 August 2011.

<sup>4</sup> *Investigation into the alleged improper conduct of councillors at Brimbank City Council*, May 2009.

<sup>5</sup> William Ivan Scales: *Report on the monitoring of the ongoing activities and performance of the Brimbank City Council*, September 2009.

It is essential to take account of growth patterns and the distribution of communities across the municipality. After a period of strong growth, the City's population is now growing comparatively slowly, with numbers expected to rise by 5.5 per cent over the next 10 years. Most of this growth is concentrated in the south of the City, around Sunshine, Brooklyn and Derrimut. The suburbs making up the municipality are good building blocks for drawing ward boundaries. The Council has grouped the suburbs into five Districts (Deer Park, Keilor, St Albans, Sunshine and Sydenham) based on their demographic, infrastructure and environmental features, and these districts can be seen as indicators of broad communities of interest<sup>6</sup>.

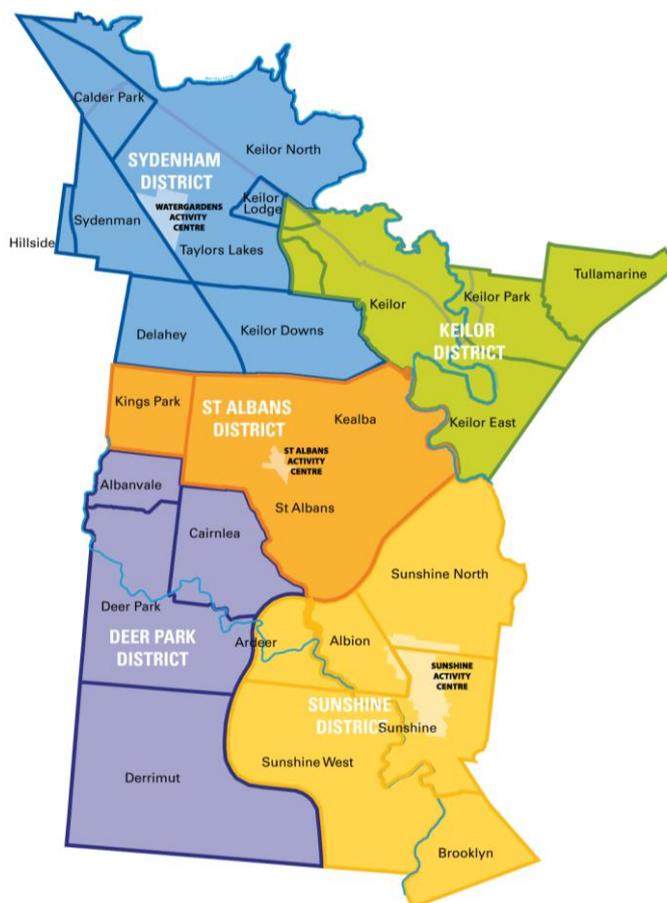


Diagram: Districts of the City of Brimbank

The VEC examined a wide range of possible electoral structures, and put forward three options that it considered would provide fair and equitable representation.

Several submitters advocated an unsubdivided municipality, arguing that the ward system did not work and should not be reinstated. However, the reports by the Ombudsman and the Inspector of Municipal Administration did not mention the ward structure as causing the problems at the Council. It is understandable

<sup>6</sup> Brimbank City Council Community Planning and Development: *The Diverse Communities of Brimbank*, pp. 3-4, downloaded from Brimbank City Council website 24 August 2011.

that residents would want to avoid a recurrence of those problems. However, no electoral structure will in itself prevent councillors behaving as they have in the past. The VEC's role is to recommend an electoral structure that provides fair and equitable representation for the voters. It is then up to the voters themselves, the elected councillors and the operation of good governance procedures to ensure that the Council functions properly.

The main obstacle to an unsubdivided structure for Brimbank is the likely number of candidates for elections and the consequent effects on the number of informal votes. The Local Government Act requires voters to number every square on the ballot paper. It can be a difficult task to number all the squares correctly on a long ballot paper. A VEC study of the 2008 local government elections revealed that the more candidates there are, the higher the informal vote tends to be, and that this effect is particularly marked where there are more than 15 candidates.<sup>7</sup> Brimbank already has one of the highest informal voting rates in the State (in 2008 it was second only to Moreland at 15.34 per cent), which appears to be related to high proportion of voters who are not fluent in English. A ballot paper including all the candidates for Council would almost certainly drive informal votes even higher.

It is possible, as several submitters stated, that the number of candidates per vacancy would be lower with an unsubdivided structure, under which it would be difficult for candidates to campaign across the entire municipality. Nevertheless, even if there were fewer candidates per vacancy, the ballot paper for an unsubdivided election would be bigger than the ballot papers for the current wards. The informal votes would probably be higher than at present. Informal votes cannot be counted to any candidates, and a structure that produces a high informal vote is inconsistent with the goal of fair and equitable representation. As well, it would not be desirable to create a structure that rules out candidates with few resources.

For these reasons, the VEC did not recommend an unsubdivided structure for Brimbank.

Brimbank City Council's previous electoral structure comprised single-councillor wards, and the VEC modelled this structure for the review. Under this model, because of the varying sizes of suburbs, the wards inevitably cut across communities in many places, and some of the boundaries ran along local residential streets. Moreover, enrolments for three of the wards in the north were projected to fall well outside the 10 per cent threshold within the next 10 years.

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<sup>7</sup> Victorian Electoral Commission: *Report of local government electoral activity 2008-09, Part 1, Report of the conduct of the 2008 local government elections*, pp. 41-42.

None of the submissions proposed a return to single-councillor wards, and the VEC did not consider this structure to be a viable option for the representation review.

Submitters put forward a range of possible multi-councillor ward structures. The most popular was for three three-councillor wards. This structure would create parity between the wards and would ensure that a majority of votes would be reflected in election outcomes. However, the VEC considered that nine is an insufficient number of councillors, and so did not recommend this structure.

The Keilor Residents and Ratepayers Association (KRRRA) supported five two-councillor wards, based on the five districts covering the City. The KRRRA emphasised that the model recommended in 2005 'was disproportionate in respect to ward sizes and in councillor numbers'. Whereas most of the current wards have three councillors, the Horseshoe Bend Ward (which includes Keilor) has only two councillors, creating a perception of inequality.

It would not be possible to have wards coinciding with the district boundaries, as the districts vary enormously in size, from 7,274 voters in the Keilor district to 33,774 in the Sydenham district. Furthermore, the VEC considered that 10 councillors would be too few for Brimbank, and that an even number of councillors would increase the risk of tied votes. Having two councillors for each ward would also be undesirable, as it could lead to deadlocked election results in each ward, with a majority of votes not translating into a majority of councillors. Therefore the VEC did not believe that the KRRRA's model was a viable option for the review.

The Proportional Representation Society preferred parity between the wards, but, in the context of an 11-member Council, sought two three-councillor wards and one five-councillor ward. The Society argued that an odd number of councillors per ward enabled proportional representation to function properly. The main problem with this model was the size of the five-councillor ward. It would have some 58,000 voters and would cover almost half of the municipality, and the ballot paper would probably be so big that there would be some sort of informality issues as under an unsubdivided structure.

The VEC considered that there were three options that offered fair and equitable representation for the voters of the City of Brimbank.

#### The current structure

The current ward boundaries follow suburb boundaries everywhere except St Albans and Keilor, and match the Council's district boundaries along the Western Ring Road and Taylors Road. The boundaries are clear, nearly everywhere

following major roads, railways or rivers. Enrolments for the four wards are all close to average, and are projected to remain well within the 10 per cent threshold over the next 10 years. The VEC therefore recommended the current structure as its preferred option for the review.

In an 11-member Council, the wards cannot be equal in size. Under the current model, one ward has to have two councillors, and the 2005 review recommended that it be Horseshoe Bend Ward. In fact, this ward has the approximately same number of voters per councillor as the three-councillor wards, and so complies with the legislative requirement for equality of representation. The VEC did not receive evidence that Horseshoe Bend Ward's smaller representation has disadvantaged the ward. Nevertheless, there is a perception of inequality. As well, the ward's boundaries cut across communities of interest. The following two options attempted to remedy these problems.

#### A different configuration

Horseshoe Bend Ward is split between the Keilor area to the east and Kealba and part of St Albans to the west. There is no direct access between the two parts of the ward, which appear to have little to do with each other. The western boundary of the ward splits the major suburb of St Albans in two.

Option B created a three-councillor Oakden Ward based on St Albans, and including as much of the suburb as numbers requirements permit. To the north, Taylors Ward extended across the municipality from Keilor to Sydenham, linked by the Calder Freeway. To the south, the new two-councillor McKay Ward covered Sunshine and the southern end of St Albans, and the three-councillor Terrimoot Ward included the area from Brooklyn to Derrimut and up to Deer Park.

The proposed new ward names were suggestions only. Oakden Ward was named after Percy Oakden, an architect who drew up the original subdivision plan for St Albans Village in the 1880s. McKay Ward (which was the name of a ward under the previous structure) was named after H V McKay, the industrialist who built the Harvester factory and founded Sunshine. Terrimoot is a variation of Derrimut.

#### Four three-councillor wards

Option C proposed four three-councillor wards. Given Brimbank's size and special circumstances, it might be seen as justifiable to propose the maximum possible number of councillors. A great advantage of this option was that all the wards were the same size, which meant that there could be no perception of inequality. Because each ward had an odd number of councillors, a majority of votes in an

election would be translated into the results. The ward boundaries were a cross between the current boundaries and Option B.

The main disadvantage of this option was the even number of councillors. This increased the risk of tied votes, which could be a problem in a Council where conflict has been frequent. As well, the boundary between Oakden and Taylors Wards split Keilor Downs, wandering through residential streets.

The preliminary report recommended three options:

**Option A (Preferred Option):** That Brimbank City Council consist of eleven councillors to be elected from three three-councillor wards and one two-councillor ward, with unchanged ward boundaries.

**Option B (Alternative Option):** That Brimbank City Council consist of eleven councillors to be elected from three three-councillor wards and one two-councillor ward, with a different configuration of wards from the current boundaries.

**Option C (Alternative Option):** That Brimbank City Council consist of twelve councillors to be elected from four three-councillor wards.

## Public response

### Response submissions

Response submissions on the Electoral Representation Review of Brimbank City Council opened on 30 August 2011 and closed at 5.00pm on 27 September 2011. Five response submissions were received. Table 1 shows the levels of support for each option based on the preferences expressed in each response submission.

**Table 1: Preferences expressed in response submissions for each option**

Option A	Option B	Option C	Other
2	-	2	1

### Analysis of submissions

Preferences were evenly divided between Option A (the status quo) and Option C (4 3-councillor wards), with no support for Option B (the current structure but with reconfigured wards). Submissions favoured Option A because it best fitted communities of interest. Submissions favoured Option C because it would mean that all councillors would be elected on the same basis.

There was some dissatisfaction expressed in submissions with the options on offer. Mr Kriechbaum rejected the VEC's findings. The Keilor Residents and Ratepayers Association preferred the creation of a separate City of Keilor, and in the meantime wanted to reduce the number of councillors to seven. The Brimbank Greens, who had originally supported the status quo, proposed a model of three three-councillor wards (and included a map), arguing that their model would allow equal representation for voters, avoid the possibility of a tied vote, and comply well with community of interests and numbers requirements. The Greens regarded Option A as the best of those presented in the Preliminary Report, but considered the fundamental flaw of both Options A and B to be the two-councillor ward, which created inequality of representation and meant that voters in that ward had less opportunity for diversity of representation. They rejected Option C because of the possibility of tied votes, making the mayor's casting vote all powerful.

A list of submitters, by name, is available in Appendix 1. Copies of the submissions can be viewed on the VEC website at [vec.vic.gov.au](http://vec.vic.gov.au).

## Public hearing

A public hearing was held at 6.30pm on Monday, 3 October 2011 at the Errington Community Centre, St Albans. There were four speakers, and 10 members of the public, including the speakers, were present.

Ms Annette McCoy of the Keilor Residents and Ratepayers Association felt that the key issue was how to get equity in a huge municipality. She stated that Keilor had been deprived of modern facilities, and wanted a structure that would treat the various districts of Brimbank equally.

Mr Mike Goodison of the Brimbank Greens argued that their proposed '3 x 3' model would treat all voters equally, unlike any of the VEC's options. He rejected the VEC's principle of Statewide consistency, contending that the VEC should consider fairness within each council. He thought that it would make little difference to councillors' workloads whether Brimbank had nine or eleven councillors, and that the workload really depended on councillors' work ethics. Asked about the desirability of adopting the Greens' proposed three wards but with four councillors per ward, Mr Goodison was concerned that an even number of councillors created a risk of a tied council, though he acknowledged that having four councillors for each ward would increase the scope for diversity of representation.

Mr Manfred Kriechbaum advocated an unsubdivided structure, stating that St Albans had always been disadvantaged and that abolishing wards would mean equality. He was unconcerned about the number of candidates under an unsubdivided municipality.

Mr Branislav Kovachevich thought that quality of representation was more important than numbers. He considered that Option C was the best available, because 12 councillors would have more time to learn from the community.

At the close of the hearing, Ms McCoy stated that the Keilor Residents and Ratepayers Association supported the Greens' three-ward proposal but with four councillors in each ward, as this would allow diverse and fairer representation.

## Findings and Recommendation

The context of electoral representation reviews is the compulsory preferential voting system, which requires voters to number all the squares on the ballot paper without any indication of any affiliations of candidates. This requirement has led to Brimbank having one of the highest informal voting rates in the State, with more than one in seven votes being wasted. If a different vote counting system had been in place, the VEC might have recommended a different electoral structure.

As discussed above, the VEC conducts representation reviews on the basis of three main principles: ensuring that the number of voters represented by each councillor is within 10 per cent of the average for the municipality; taking a consistent, State-wide approach to the total number of councillors; and ensuring that communities of interest are as fairly represented as possible. Of these principles, only that of approximate equality in numbers of voters is required by law.<sup>8</sup> This means that the numbers requirement overrides the community of interest principle, and that at times communities of interest are unavoidably split.

Each of the options in the VEC's Preliminary Report complied with the approximate equality requirement, both currently and into the future. In each of them, though, ward boundaries cut across communities of interest in some places.

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<sup>8</sup> In Section 219D of the *Local Government Act 1989*.

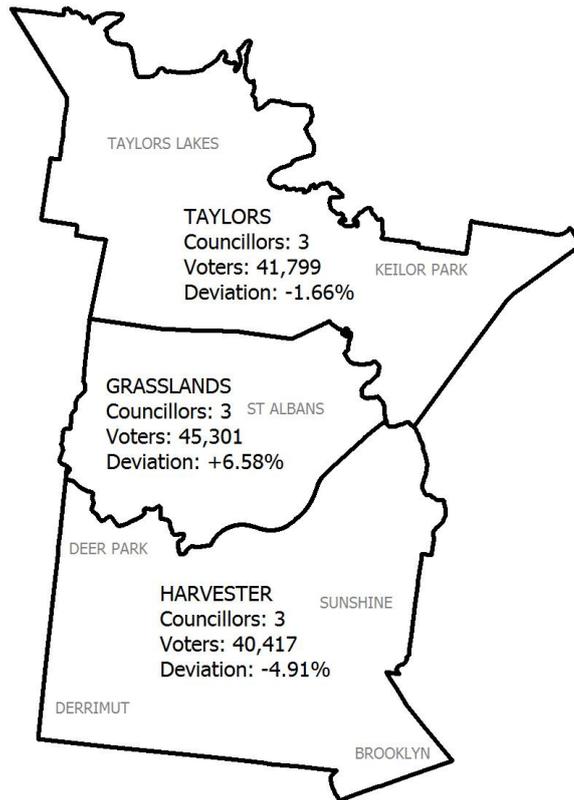


Diagram: Brimbank Greens proposal (modified)

In the model put forward by the Brimbank Greens, enrolment for the Grasslands Ward would be 9.96 per cent above the threshold, which is dangerously close to the 10 per cent threshold. However, if the ward’s southern boundary was shifted from Ballarat Road to Kororoit Creek, Grasslands Ward’s deviation from the average would be reduced to an acceptable 6.58 per cent.

The Brimbank Greens’ model coincides with communities of interest arguably better than any of the VEC’s options. The proposed wards largely match the City of Brimbank’s districts, with Taylors Ward comprising the Sydenham and Keilor districts, Grasslands Ward based on the St Albans district, and Harvester Ward based on the Sunshine district. The only split district and suburb is Deer Park, and here the area north of Kororoit Creek, including Albanvale and Cairnlea, has easy access to St Albans, while the area south of the creek has links with Sunshine along Ballarat Road and the railway. The ward boundaries – Taylors Road, the Maribyrnong River, the Western Ring Road and Kororoit Creek, are very clear, with relatively few crossing points. Another advantage of the Greens’ proposal is that all the wards elect an equal number of councillors, and that majority support in votes would readily translate into election results.

The VEC believes that the fundamental flaw in the Greens' model is the total number of councillors. The Greens propose that there should be nine councillors, while the VEC considers that there should be at least 11.

The Greens submission pointed out that across the State there is nothing like equality of numbers of voters per councillor, ranging from about 800 in West Wimmera and Queenscliffe to 15,000 in Casey. 'Our view is that equality of voters per councillor between councils is neither desirable nor achievable nor significant, but equality of representation within each council is of fundamental significance.'

The VEC adopted a State-wide approach when it began conducting electoral representation reviews in 2004, in order to deal rationally with the random variations in numbers of councillors across Victoria at that time. The VEC's starting premise is that the larger a municipality is, the more likely it is to be diverse and consequently the greater will be its needs for representation. The VEC recognises that different types of council have different representation demands (for example, in rural municipalities councillors' interaction with the community is generally closer and more personal than in metropolitan municipalities), and has grouped Victoria's councils into four divisions (metropolitan, metropolitan/rural fringe, regional with urban areas, and rural). Within each division, municipalities with the largest number of voters would be expected to have the most councillors, and municipalities with the smallest number of voters would be expected to have the fewest councillors. The VEC then looks at any special circumstances in the municipality, including population growth, social diversity and the presence of high-needs or low-needs groups, to assess whether the council needs more or fewer councillors than would appear from the number of voters alone.<sup>9</sup>

In Brimbank's case, it is one of the largest municipalities in the State, and on this basis would be expected to have close to the maximum number of councillors. The Greens' preliminary submission made exactly this point. Brimbank's ethnic diversity and high level of social disadvantage increase its representation needs. It is noteworthy that the Maribyrnong Greens have recommended increasing the number of that municipality's councillors to nine because of Maribyrnong's social diversity and level of disadvantage.

It is true, as Mr Kovachevich said, that quality of representing is more important than the number of councillors, and that a smaller number of councillors with a good work ethic would be more effective than a larger number of mediocre

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<sup>9</sup> See Victorian Electoral Commission: *Report of local government electoral activity 2008-09, Part III, Report of local government electoral representation reviews conducted by the VEC between 2004 and 2008*, pp. 16-22.

councillors. However, there is no guarantee that reducing the number of councillors would improve their quality. The VEC has no control over the calibre of the councillors elected; that is up to the voters. The VEC takes the view that the number of councillors should be proportional to that council's representation needs. Reducing the number of councillors to nine would increase the number of voters per councillor from 11,592 to 14,169 – second only to Casey's 15,000. The VEC does not consider that nine councillors would provide sufficient representation for Brimbank's needs.

The VEC considered using the Greens' proposed boundaries with four councillors per ward instead of three. A total of twelve councillors can be justified in terms of Brimbank's representation needs, and indeed the VEC presented a 12-councillor option in the Preliminary Report. With four councillors to be elected for each ward, there would be expanded scope for diversity of representation (though if two sides were contesting a ward there would be some risk of a stalemate of two councillors each).

The main defect of this model is the even number of councillors. The VEC is reluctant to recommend an even number of councillors because it increases the risk of tied votes. In the event of a tie, the mayor has a casting vote, effectively giving one councillor two votes, which is not conducive to fair and equitable representation.<sup>10</sup> The Brimbank Greens' response submission rejected the Preliminary Report's Option C (for four three-councillor wards) 'due to the possibility of tied votes, making the mayor's casting vote all-powerful. A council with Brimbank's history of problems is not the best place to experiment with even numbers of councillors'. The VEC considers the risk of a deadlocked council to be a decisive argument against this model.

Another difficulty with the Greens' proposal is the size of the wards. The wards range in size from 40,417 to 45,301 voters, or about the size of a State electoral district. In contrast, the current three-councillor wards range from 33,858 to 35,831 voters. The task of representing the larger wards would be greater than at present. As well, there could be more candidates for each ward, which could lead to an increase in an already high informal vote.

Therefore, the VEC is compelled to reject the Brimbank Greens' model, despite its merits.

The question now is which is the best of the three models in the VEC's Preliminary Report.

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<sup>10</sup> Victorian Electoral Commission: *Report of local government electoral activity 2008-09, Part III, Report of local government electoral representation reviews conducted by the VEC between 2004 and 2008*, p. 18.

The VEC dismissed Option C because of the concerns associated with an even number of councillors.

Options A and B have the same structure of three three-councillor wards and one two-councillor ward. It can be argued that it is undesirable to have differing numbers of councillors in wards, because the two-councillor ward offers less scope for diversity of representation and because residents of that ward can perceive that they are disadvantaged compared to the other wards. However, unequally sized wards are unavoidable in an 11-member council. The number of voters per councillor is approximately the same in the two-councillor ward as in the others, and the councillors for this ward are elected in the same way.

Option B was an attempt to deal with community of interest problems under the current ward boundaries. The Horseshoe Bend Ward is divided into the Keilor area in the east and Kealba and part of St Albans in the west, and these areas have little to do with each other. The important centre of St Albans is split between Horseshoe Bend and Grasslands Wards. Under Option B, a St Albans-based Oakden Ward was created, and Keilor was joined with Taylors Lakes and Sydenham in Taylors Ward.

However, feedback from submitters indicates that Option B has created as many problems as it has solved. Mr Clive Seiffert stated that Option B separated the suburb of Delahey from Sydenham, with which it has close connections. The Greens observed that although an aim of Option B was to give St Albans its own ward, in fact St Albans was still divided, with a substantial part of the suburb, including an area within a kilometre of the shopping centre, placed in a ward centred on Sunshine. As well, the suburb of Cairnlea was divided. The Greens thought that the proposed ward boundaries were less clear than the current boundaries.

The VEC is grateful for this feedback, which has provided important information for the review. As Option B completely changes the configuration of the wards while failing to follow communities of interest in several areas. It is not demonstrably superior to Option A.

The current structure complies with the numbers requirements of the Act, has the appropriate number of councillors for the City of Brimbank, has clear ward boundaries, and follows communities of interest in most areas. The VEC considers that on balance, the current structure is the best one available to achieve fair and equitable representation for the voters of the City of Brimbank.

## Recommendation

The Victorian Electoral Commission (VEC) recommends that Brimbank City Council consist of eleven councillors to be elected from three three-councillor wards and one two-councillor ward, with unchanged ward boundaries.

A handwritten signature in black ink, appearing to read 'S. H. Tully', with a large, stylized flourish at the end.

S. H. Tully

Electoral Commissioner

## Appendix 1: List of submitters

Preliminary submissions were received from:

Name
Australian Greens (Victoria) Brimbank Branch
Congreve, Raymond
Coventry, Peter
Gelo, Peter
Keilor Residents and Ratepayers Association Inc.
Kovachevich, Branislav
Kriechbaum, Manfred
Proportional Representation Society of Australia (Victoria-Tasmania)
Salmi, Ken
Seitz, George

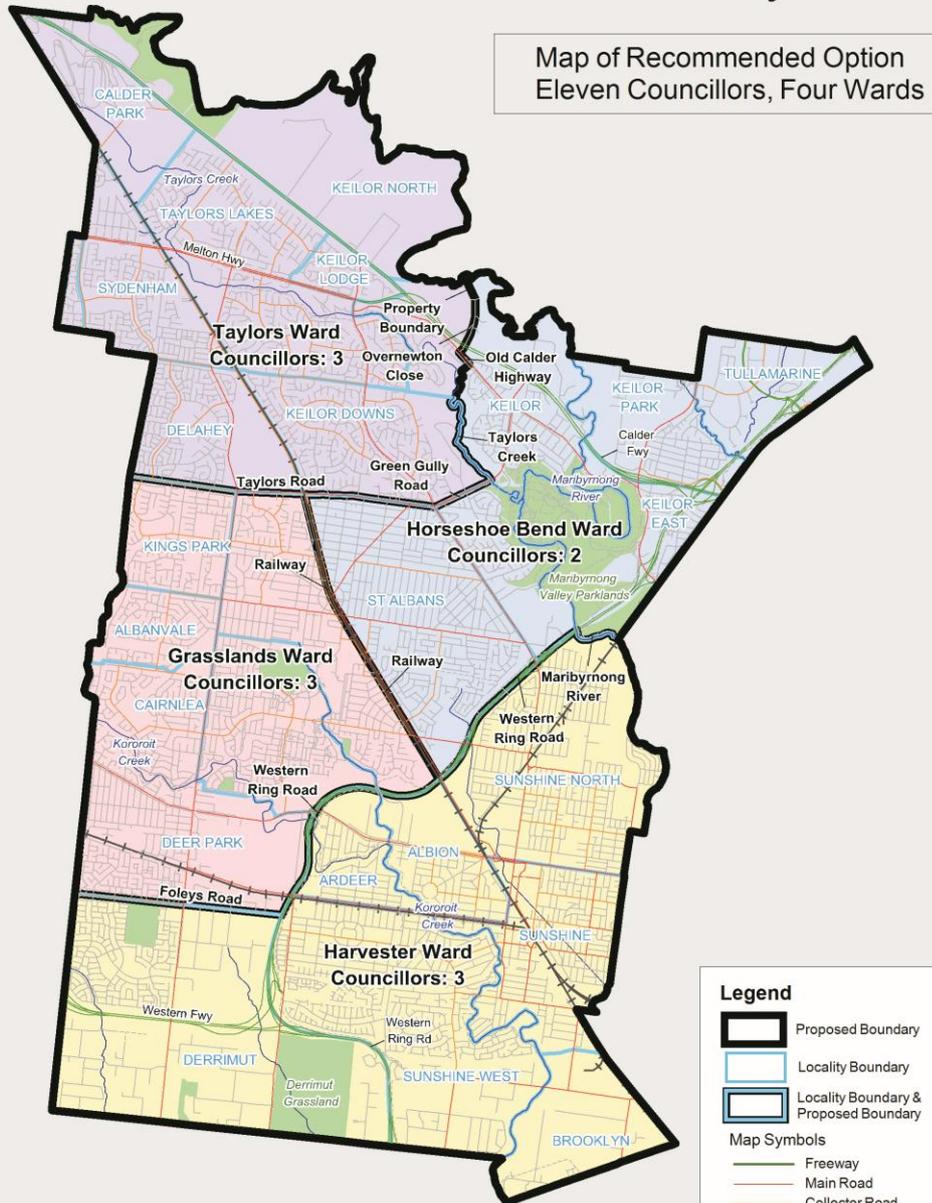
Response submissions were received from:

Name
Australian Greens (Victoria) Brimbank Branch
Keilor Residents and Ratepayers Association Inc.
Kriechbaum, Manfred
Proportional Representation Society of Australia (Victoria-Tasmania)
Seiffert, Clive

# Appendix 2: Map

## Brimbank City Council

Map of Recommended Option Eleven Councillors, Four Wards



Ward	Councillors	Voters	Deviation	area_sqkm
Grasslands	3	34,971	+0.56%	22.95
Harvester	3	33,858	-2.64%	42.8
Horseshoe Bend	2	22,857	-1.41%	25.08
Taylors	3	35,831	+3.03%	32.53
Totals for all Electorates	11	127,517	-2.64% to +3.03%	123.36
Average		11,592		30.84

**Legend**

- Proposed Boundary
- Locality Boundary
- Locality Boundary & Proposed Boundary

**Map Symbols**

- Freeway
- Main Road
- Collector Road
- Road
- Unsealed Road
- River/Creek
- Railway Line
- Lake
- Parks & reserves

**Existing Wards**

- Grasslands Ward
- Harvester Ward
- Horseshoe Bend Ward
- Taylors Ward



Map prepared by the Victorian Electoral Commission  
 Vicmap spatial data provided by Department of Sustainability and Environment  
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