



2015-16

**Council
Representation
Reviews**

Final Report

2015 Wangaratta Rural City Council Electoral Representation Review

Wednesday 17 June 2015

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1 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. 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 wards).

The VEC conducts all reviews 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
2. taking a consistent, State-wide approach to the total number of councillors and
3. ensuring communities of interest are as fairly represented as possible.

Current electoral structure

The last electoral representation review for Wangaratta Rural City Council took place in 2004. The review recommended that the Rural City of Wangaratta consist of seven councillors to be elected from an unsubdivided municipality. Prior to the 2004 review, Wangaratta was represented by eight councillors, elected from six single-councillor wards and one two-councillor ward.

Preliminary submissions

Preliminary submissions opened at the commencement of the current review on Wednesday 25 February. The VEC received 35 preliminary submissions by the deadline for submissions at 5.00 pm on Wednesday 25 March.

Preliminary report

A preliminary report was released on Wednesday 22 April with the following options for consideration:

- Option A (preferred option)
Wangaratta Rural City Council consist of seven councillors elected from an unsubdivided municipality.

- Option B (alternative option)

Wangaratta Rural City Council consist of seven councillors elected from one four-councillor ward and three single-councillor wards.

Response submissions

The VEC received 10 submissions responding to the preliminary report by the deadline for submissions at 5.00 pm on Wednesday 20 May.

Public hearing

The VEC conducted a public hearing for those wishing to speak about their response submission at 5.00 pm on Tuesday 26 May. There were seven speakers at the hearing.

Recommendation

The Victorian Electoral Commission (VEC) recommends Wangaratta Rural City Council change to consist of seven councillors elected from one four-councillor ward and three single-councillor wards.

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

2 Background

2.1 Legislative basis

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

The Act specifies 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.’¹

The Act requires the VEC to consider:

- the number of councillors in a municipality and
- whether a municipality should be unsubdivided or subdivided.

If a municipality should be subdivided, the VEC must ensure that the number of voters represented by each councillor is within 10 per cent of the average number of voters per councillor for that municipality.² On this basis, the review must consider the:

- number of wards
- ward boundaries (and ward names)
- number of councillors that should be elected for each ward.

2.2 The VEC’s approach

Deciding on the number of councillors

The Act allows for a municipality to have between 5 and 12 councillors, but does not specify how to decide the appropriate number.³ In considering the number of councillors for a municipality, the VEC is guided by the Victorian Parliament’s intention for fairness and equity in the local representation of voters under the Act.

The VEC considers that there are three major factors that should be taken into account:

- diversity of the population
- councillors’ workloads and
- profiles of similar municipalities.

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

² *ibid.*

³ Section 5B(1) of the *Local Government Act 1989*.

Generally, those municipalities 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 considers the particular situation of each municipality in regards to: the nature and complexity of services provided by the Council; geographic size and topography; population growth or decline; and the social diversity of the municipality, including social disadvantage and cultural and age mix.

Deciding the electoral structure

The Act allows for a municipality ward structure to be:

- unsubdivided—with all councillors elected ‘at-large’ by all voters or
- subdivided into a number of wards.

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

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

A subdivided municipality must have internal ward boundaries that provide for a fair and equitable division of the municipality, and ensure that the number of voters represented by each councillor remains within 10 per cent of the average number of voters per councillor for the municipality.

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

- communities of interest, encompassing people who share a range of common concerns, such as geographic, economic or cultural associations
- the longevity of the structure, with the aim of keeping voter numbers per councillor within the 10 per cent tolerance as long as possible
- geographic factors, such as size and topography
- the number of voters in potential wards, as wards with many voters can have a large number of candidates, which can lead to an increase in the number of informal (invalid) votes and
- clear ward boundaries.

2.3 The VEC's principles

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

- 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.**

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

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

The VEC is guided by its comparisons of municipalities of a similar size and category to the council under review. The VEC also considers any special circumstances that may warrant the municipality having 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. 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 municipality or ward.

2.4 The electoral representation review process

Developing recommendations

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

- internal research specifically relating to the municipality under review, including Australian Bureau of Statistics and .id (Informed Decisions) Pty Ltd data⁴; voter statistics from the Victorian electoral roll; and other State and local government data sets
- small area forecasts provided by .id (Informed Decisions) Pty Ltd
- 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

⁴ .id is a company specialising in population and demographic analysis that builds suburb-level demographic information products in most jurisdictions in Australia and New Zealand.

- careful consideration of all input from the public in written and verbal submissions received during the review and
- advice from consultants with extensive experience in local government.

Public involvement

Public input is accepted by the VEC:

- in preliminary submissions at the start of the review
- in response submissions to the preliminary report and
- in a public hearing that provides an opportunity for people who have made a response submission to expand on this submission.

Public submissions are an important part of the process, but are not the only consideration during a review. The VEC ensures its recommendations are in compliance with the Act and are formed through careful consideration of public submissions, independent research, and analysis of all relevant factors, such as the need to give representation to communities of interest.

3 Wangaratta Rural City Council representation review

3.1 Profile of Wangaratta Rural City Council

The Rural City of Wangaratta is located in north-east Victoria. It covers an area of 3,644 square kilometres of which approximately 47 per cent is dryland agriculture and plantations, 40 per cent is conservation and natural environments, and 10 per cent is irrigated agriculture, plantations, and intensive use. The municipality borders the Rural City of Benalla and Moira Shire to the west, Indigo and Alpine Shires to the east, and Mansfield Shire to the south.

The Rural City of Wangaratta has a population of 27,197⁵, which is projected to experience a slow annual growth rate of 0.5 per cent over the next 20 years (compared to rural and regional Victoria's projected growth rate of 1.3 per cent).⁶ The VEC's statistics show that there are 22,094 voters in the Rural City of Wangaratta, equating to 3,156 voters per councillor with seven councillors. This voter-to-councillor ratio is close to the average for rural and regional Victoria generally.⁷ The municipality has a population density of eight people per square kilometre, and several distinct regions and centres. Table 1 shows their population breakdown.

Table 1: current population distribution by locality

Wangaratta	65.7%
Oxley-Milawa and Ovens Valley	11.7%
Glenrowan and district	10.4%
Moyhu and King Valley	6.8%
Springhurst-Eldorado and district	5.9%

The municipality's population has a median age of 43, slightly higher than the regional Victorian median of 42. Around 40 per cent of the population are 50 years of age or older, with 23 per cent under 18 years of age. As in rural Victoria generally, there is significant out-migration of people aged between 18 and 24 years.⁸

The Rural City of Wangaratta has moderate population mobility. In the five years between 2006 and 2011, 30 per cent of the population had changed address at least once, below the regional and rural average of 38 per cent.

⁵ ABS *Estimated Resident Population*, 2013.

⁶ Department of Transport, Planning and Local Infrastructure, *Victoria in Future 2014 – Population and Household Projections to 2051*, 2014.

⁷ Data derived by Victorian Electoral Commission from State and Council voter rolls (as at February 2015).

⁸ Rural Councils Victoria (2013) *Rural Migration: Trends and Drivers*, p.18.

Approximately eight per cent of the Rural City's population was born overseas, with around five per cent speaking a language other than English at home. These figures are slightly lower than for regional and rural Victoria as a whole. The original inhabitants of the area are the Yorta Yorta people and one per cent of the population identify as Aboriginal or Torres Strait Islander.

The municipality has marginally lower unemployment and higher labour force participation rates than regional Victoria generally. Construction and manufacturing provide 19 per cent of the employment, with health care and social services accounting for 16 per cent, and retail trade 12 per cent. The industries of agriculture, forestry and fishing, education and training, accommodation and food services, and public administration and safety are also significant employers. As in regional Victoria as a whole, around 40 per cent of the workforce earns less than \$400 per week.

The Rural City of Wangaratta contains sections of the Alpine National Park in the south, the Warby-Ovens National Park in the north-west, and the Chiltern-Mount Pilot National Park in the north-east. The municipality is a regional hub with hospitals, several schools, a TAFE institute and a Charles Sturt University campus. It is also the regional headquarters for several State Government agencies. The historic town of Glenrowan is the location of the National Heritage listed Ned Kelly 'Siege Site.' The Wangaratta Jazz and Blues Festival attracts around 25,000 visitors annually.

3.2 Current electoral structure

The last electoral representation review for the Rural City took place in 2004. Prior to the 2004 review, the municipality was represented by eight councillors, elected from six single-councillor wards and one two-councillor ward.

Following the 2004 review, the VEC recommended that Wangaratta Rural City Council should be unsubdivided with seven councillors to be elected from the municipality at-large. Although only six out of 24 response submissions to the 2004 review favoured an unsubdivided model, the recommendation to change the electoral structure was based on the following considerations:

- in municipalities where there is a rural-urban split and a relatively small population, an unsubdivided structure allows for a municipality-wide approach and avoids dividing communities of interest
- all voters can vote for all candidates and have a choice of councillors to approach and
- the public's concerns around achieving fair representation for communities of interest, particularly rural groups, would likely be addressed by the introduction of proportional representation in 2004 (to take effect at the following election).

The recommendation to reduce the number of councillors from eight to seven was based on the following considerations:

- regional and rural cities of similar size and diversity had seven councillors and
- the introduction of an uneven number of councillors would avoid tied votes and the use of a casting vote in decision-making.

Of the 24 response submissions made by the public in the 2004 review, 18 supported models with seven councillors.

The Minister for Local Government appointed a panel of Administrators to lead the Rural City of Wangaratta from October 2013 until the 2016 municipal elections. The starting point for the current review is the electoral structure in place at the time of the dismissal of the elected Council.

At the time of its dismissal in 2013, Wangaratta Rural City Council had an unsubdivided structure with seven councillors. References to the current electoral structure within this report mean the structure in place at the time of the Council's dismissal in 2013.

3.3 Public information program

Public involvement is an important part of the representation review process. The Wangaratta Rural City Council representation review commenced on Wednesday 25 February and the VEC conducted a public information program to inform the community.

Advertising

In accordance with the Act, public notices of the review and the release of the preliminary report were placed in the newspapers listed in Table 2.

Table 2: Public notices

Newspaper	Notice of review	Notice of preliminary report
<i>Herald Sun</i>	Wednesday 4 February	Wednesday 1 April
<i>Wangaratta Chronicle</i>	Friday 27 February	Friday 24 April

Media release

A media release was prepared and distributed to local media at the commencement of the review on Wednesday 25 February. A further release was distributed at the publication of the preliminary report on Wednesday 22 April.

Public information session

Public information sessions for people interested in the review process were held on Tuesday 3 March at:

- 5.30 pm in the Conference Room, Wangaratta Performing Arts Centre, 33-37 Ford Street, Wangaratta
- 8.00 pm at the Moyhu Soldiers Memorial Hall, Glenrowan-Moyhu Road, Moyhu.

Helpline and email address

A telephone helpline and dedicated email address were established to assist members of the public with enquiries about the review process.

VEC website

The VEC website delivered up-to-date information to provide transparency and facilitate public participation during the review process. An online submission tool was made available and all public submissions were posted on the website.

Guide for Submissions

A *Guide for Submissions* was developed and distributed to those interested in making submissions. Copies of the *Guide* were available on the VEC website, in hardcopy on request and also provided to Council.

Council website and newsletter

Information about the review was provided to Council for publication in council media, e.g. website and newsletter.

4 Preliminary report

4.1 Preliminary submissions

The VEC received 35 preliminary submissions by the deadline for submissions at 5.00 pm on Wednesday 25 March. The submissions are publicly available on the VEC website. A list of people who made a preliminary submission can be found in Appendix 1.

The issues that contributed to the dismissal of Wangaratta Rural City Council in 2013 significantly influenced a number of submissions to the representation review. Many submitters stated that rural stakeholders were not adequately represented in council, and this was seen as a critical issue for residents and ratepayers outside the urban centre. While the structure of the council and number of councillors are within the scope of the VEC's electoral representation review, the dismissal of the elected members is outside the scope of the review.

Submissions were made by former councillors and candidates, local community residents of Wangaratta and surrounding townships, as well as organisations including the Victorian Farmers Federation (Wangaratta Branch), Warby Range Landcare Inc, the Proportional Representation Society of Australia (Victoria-Tasmania Branch) (PRSA), and the Administrators sitting as Wangaratta Rural City Council.

Most submissions favoured a subdivided structure with separate wards for the urban and rural areas of the municipality. The broad range of options suggested for the ward structure included a mix of single-councillor or multi-councillor wards.

In terms of the number of councillors, most submissions were in favour of increasing the number of councillors, with suggestions for the ideal number of councillors ranging between nine and 11. On the other hand, a number of submissions opted to retain the existing number of seven councillors.

Electoral structure

Returning to a ward structure

Submissions supporting the return to a ward structure recommended that several wards be dedicated rural wards, arguing that dedicated single-councillor rural wards would lead to stronger local representation of rural residents in distinct communities outside Wangaratta's urban centre.

These submissions specifically referred to the rural residents and ratepayers living and working in the smaller communities outside the town of Wangaratta, such as Glenrowan and Peechelba. A common theme in these submissions was that the issues facing the Wangaratta town centre were being attended to at the expense of rural matters. Some submissions raised the concern that rural residents were not being fairly treated in proportion to the rates that they pay.

Examples of subdivided structures and geographic boundaries put forward in these submissions included:

- a multi-councillor north ward with a number of single-councillor wards in the centre and south of the municipality
- single-councillor wards in Waldara, North Wangaratta, East Wangaratta, West Wangaratta, City Centre North and City Centre South
- dedicated representation of Milawa, Oxley, Glenrowan, Peechelba, Whitfield, Moyhu, Tarrawingee, Everton, Whorouly and Eldorado
- a six-ward model with three rural wards ('Western Ward' from Fifteen Mile Creek to King River, 'Central Ward' from King River to Ovens River and 'Eastern Ward' from east of Ovens River) and three multi-councillor urban wards ('Yarrunga', 'Wangaratta Central' and 'Wangaratta West') and
- nine single-councillor wards including Northern Plains, King Valley, Oxley Plains, Warby, Merriwa, Yarrunga, West End, Appin Park and Ovens.

The overall impression from these submitters was that wards create a sense of belonging and ownership for voters, with councillors who know their wards and the local people. The removal of wards was seen as resulting in a city-centric Council. Some submitters preferred the subdivided structure because they were concerned that the unsubdivided model could be more open to the influence of ticketed campaigns with preference arrangements influencing the election outcome.

Wangaratta Rural City Council was opposed to returning to a subdivided structure on the grounds that it would not adequately represent communities of interest, and could emphasise the sense of urban/rural division within the municipality. Council also suggested that the mix of single- and multi-councillor representation may lead to confusion for voters, as different ballot paper counting systems are used at elections for each type of ward.

Retaining the unsubdivided ward structure

While the majority of submissions favoured returning to a subdivided ward structure, there was also support for retaining the unsubdivided structure. Many submitters believed the unsubdivided model encourages a municipality-wide approach to decision making and prevents parochialism.

Those submissions pointed out that the unsubdivided structure allowed councillors to focus on the whole municipality. Several submissions suggested that a ward structure would exacerbate the perceived city/country divide and might reduce the pool of high-quality candidates contesting council elections. Some submissions, while favouring an unsubdivided structure, suggested that

up to two of the councillor positions be dedicated for rural representation to ensure representation of both urban and rural voters.⁹

Wangaratta Rural City Council preferred the current unsubdivided model, stating that the model provides better opportunities for representatives of smaller community organisations through the process of proportional representation and leads to a whole-of-council approach to infrastructure and service delivery.

Number of councillors

Increasing number of councillors

Most submissions supported increasing the number of councillors, and the majority of those recommended nine as the most appropriate number for the municipality. The submissions in favour of increasing the number of councillors were generally the same submissions in favour of ward subdivision, asserting that the combination of a subdivided structure and increased councillor numbers would improve representation for rural voters. Two submitters, including the Victorian Farmers Federation (Wangaratta Branch), favoured raising the number of councillors because rural stakeholders contributed more to council rates and should have stronger representation on the Council.

Different proposals were put forward on councillor numbers, and many submissions recommended specific numbers of urban/rural councillors (for example, nine councillors elected from six urban and three rural wards, or 11 councillors from seven urban and four rural wards). A small number of submissions recommended increasing the number to eight (essentially returning to the council structure prior to the 2004 representation review).

Seven councillors

A large number of submissions favoured a seven-councillor model (seven- and nine-councillor options had almost equal support). Many of these submissions stated that seven councillors provide a sufficient cross-section of views and experience and that any more councillors could lead to an unwieldy structure. Wangaratta Rural City Council stated that seven councillors are adequate in relation to councils of a similar size and that population growth is predicted to be comparatively low. Council's submission noted that the councillor-to-voter ratio with seven councillors is satisfactory. The submission raised concerns about reducing the councillor numbers below seven, suggesting that this could compromise representation.

⁹ An unsubdivided structure with dedicated rural representatives is not possible under the Act.

4.2 Preliminary report

A preliminary report was released on Wednesday 22 April. The VEC considered public submissions and research findings when formulating the options presented in the preliminary report. After careful consideration, the VEC put forward the following options:

- Option A (preferred option)
Wangaratta Rural City Council consist of seven councillors elected from an unsubdivided municipality.
- Option B (alternative option)
Wangaratta Rural City Council consist of seven councillors elected from one four-councillor ward and three single-councillor wards.

5 Public response

5.1 Response submissions

The VEC accepted submissions responding to the preliminary report from Wednesday 22 April until 5.00 pm on Wednesday 20 May. The VEC received 10 response submissions. A list of people who made a response submission can be found in Appendix 1. Table 3 indicates the level of support for each option.

Table 3: Preferences expressed in response submissions

Option A	Option B	Non-VEC Option
4	5	1*

*One submission proposed an option outside those presented by the VEC, with nine councillors to be elected from six urban and three rural wards.

There was almost even support for the subdivided and unsubdivided models put forward by the VEC. The distinguishing pattern in response submissions, compared to preliminary submissions, was the more uniform support for the VEC's Option B. In preliminary submissions, those in favour of subdivision had presented a wide range of suggestions on how the municipality should be subdivided. In the response submissions, these stakeholders were more aligned in their support for the VEC's proposed ward boundaries and councillor numbers under Option B.

Support for an unsubdivided ward of seven councillors (Option A)

Those in favour of the unsubdivided model with seven councillors restated the reasons presented in preliminary submissions, including the view that the model allows for greater choice of candidates; that the method of proportional representation in a multi-councillor ward would best reflect voter voices; and that the large multi-councillor electorate would promote a whole-of-municipality approach. These submitters were concerned that Option B could emphasise the sense of rural/urban division within the municipality, and split some urban communities.

Support for a subdivided ward of seven councillors (Option B)

The submissions in favour of Option B also affirmed the reasons put forward in preliminary submissions, emphasising the need for dedicated rural representation to respond to specific rural issues such as road infrastructure and planning issues. These submitters wanted to see a ward structure with representatives who came from their communities, and knew local issues and local people. These submitters were aware that rural representatives were likely to be in a minority in Council, and despite this, considered dedicated and accountable rural representation was needed.

Non-VEC options

One submitter preferred a nine-councillor model, with six urban and three rural councillors.

5.2 Public hearing

The VEC conducted a public hearing for those wishing to speak about their response submission at 5.00 pm on Tuesday 26 May in the Council Chambers, Wangaratta Government Centre, 62-68 Ovens Street, Wangaratta. A list of people who spoke at the hearing can be found in Appendix 1.

The public hearing was well attended with seven speakers including former councillors, individual presenters, community organisations and Council representatives. There were also a number of general observers in attendance, demonstrating the extent of local interest in the issues of council representation in the municipality.

The panel was given a strong sense of the history of council representation in the region prior to amalgamations; the specific experiences of former councillors; and the details distinguishing the supporters of dedicated rural representation from those in favour of the broader 'rural city' identity. Key themes of the presentations are outlined below.

Rural/urban identities

The issue of 'rural/urban' identities was discussed at length by presenters from both rural areas and the town centre. The views expressed by presenters painted a picture of rural life, with agriculturalists who distinguished themselves as making a living from the land, compared to the smaller 'hobby farmers' who perhaps might identify with both the rural community and the town centre.

Many presenters stated that while there are rural agriculturalists in the region and people who live and work in the city, there is a strong connection and interchange between them. It was stated that those working in town may have properties on the outskirts of town, while those living in town also identified with the rural nature of the region as a whole, and could represent rural stakeholders. One former councillor referred to this interchange between town and country when he recounted his experience as a rural-based councillor supporting urban infrastructure, such as the local cultural and aquatic centres. Conversely, one town-based councillor referred to his support for rural issues during his term in office.

Direct accountability

Supporters of subdivision often referred to the more personal and direct accountability available under a single-ward structure. When challenged on the risk that dedicated rural representatives were likely to be continually in a minority under the subdivided model, most supporters of

subdivision retained their support for it, stating that ensuring an accountable rural voice at the council table was more important to them than obtaining a majority of councillors.

Whole-municipality approach

Representatives of Wangaratta Rural City Council presented in favour of the unsubdivided structure, stating that it provides greater choice to electors; and provides the best opportunity for equal representation of ratepayers no matter where they live. Tony Raven, Manager of Business and Governance at Wangaratta Rural City Council, stated that the structure best supports the objectives of the Act, and that it serves the whole community, meeting the diverse needs across the municipality. Council's principal concern with subdivision was that the proposed boundaries of Option B would divide communities of interest in the areas where the town was expanding, including areas in and around Parfitt Road; Wilson Road; Vincent Road (south of Vincent and east of Murdoch); Billabong Drive; Pelican Court; Tavern Terrace; and the Waldara properties.

Choice of candidates

Current Council representatives and a former councillor were concerned that moving away from the unsubdivided model would reduce the number of candidates standing for election. One presenter was disappointed that more candidates from rural areas did not stand for election. A number of presenters raised concerns that the unsubdivided model of representation was more vulnerable to pre-determined preference arrangements which could influence candidates' electoral success.

Number of councillors and size of wards

Most presenters in favour of subdivision had generally also preferred increasing the number of councillors. On the whole, however, supporters of Option B were prepared to compromise on the number of councillors. When asked whether they thought that this would dilute the effectiveness of representation, these presenters were generally satisfied that seven councillors would be adequate. When asked if the proposed rural wards would be difficult to manage due to their size, supporters of subdivision stated that travelling long distances was not unusual for rural residents, and that this was not seen as an issue which would compromise local representation.

6 Findings and recommendation

6.1 The VEC's findings

The Rural City of Wangaratta is distinguished by a large town centre and surrounding agricultural communities. The submissions and presentations at the public hearing for this representation review gave a strong impression of a distinct rural community, where rural stakeholders are making a living from their properties and have specific needs in terms of council decision-making and local representation. The public consultation processes during this review revealed strong communities of interest based on local residents identifying as rural agriculturalists or those identifying with the broader 'rural city', taking in the mixed rural/residential land use and urban centre within the municipality.

A number of issues are out of scope in the VEC's decision making. While it clearly influenced submissions and presentations in the public consultation process for this representation review, the issues leading to the dismissal of the Council in 2013 are not contributing factors in the VEC's recommendation. Similarly, the issue of different rates paid by rural and urban residents is not a consideration for the VEC.

The VEC's role in the representation review is to recommend an electoral structure that provides fair and equitable representation for voters.¹⁰ The governance and operational procedures implemented by council are the separate responsibility of the council pursuant to the Act. The analysis below focusses on submissions made regarding the structure of council and number of councillors, in order to form options that will provide fair and equitable representation for the Rural City of Wangaratta's community.

The VEC does not recommend change to a municipal structure lightly, and bases its decision on the weight of arguments and not the weight of numbers. The critical factors in the VEC's decision to recommend a change in the municipality's structure are based on the strength of arguments demonstrating the distinct communities of interest in the municipality; the appetite for change; and satisfaction that fair and equitable representation is provided for.

In this review of Wangaratta Rural City Council, the issue of separate representation of the distinct communities of interest has been decisive for the VEC in recommending that the municipality change to consist of seven councillors elected from one four-councillor ward and three single-councillor wards.

¹⁰ Section 219D of the *Local Government Act 1989*.

Number of councillors

In relation to the number of representatives, it was recognised that many submissions favoured increasing the number of councillors to either nine or 11. There was considerable variation in what the ideal number of councillors for the Rural City of Wangaratta should be. There was almost even support for retaining the number of seven or increasing the number to nine.

The VEC acknowledges the arguments in favour of increasing the number of councillors which often went hand-in-hand with the call for greater rural representation. However, based on current and predicted demographic data, the VEC considers that an increase in the number of councillors is not justified.

As outlined in the preliminary report, Wangaratta is currently one of the smaller regional urban municipalities in Victoria.¹¹ Municipalities of a similar size and type have seven councillors and, without special circumstances, the VEC's policy is to demonstrate state-wide consistency.

Table 4 shows the estimated number of voters in Wangaratta Rural City Council compared to other regional urban municipalities in Victoria.

Table 4: regional urban municipalities in Victoria

Municipality	Current estimate of voters [#]	Number of councillors	Number of voters per councillor	Area (sq km)
Greater Geelong*	177,363	12	14,780	1,248
Greater Bendigo	83,641	9	9,293	3,000
Ballarat*	76,304	9	8,478	739
Latrobe	55,234	9	6,137	1,426
Greater Shepparton*	44,309	7	6,330	2,422
Mildura*	39,120	9	4,347	22,083
Wodonga*	28,574	7	4,082	433
Warrnambool*	25,850	7	3,693	121
Wangaratta*	22,122	7	3,160	3,645
Horsham*	15,863	7	2,266	4,267
Benalla	11,558	7	1,651	2,353
Ararat	9,103	7	1,300	4,211

* The municipality is currently undergoing an electoral representation review by the VEC during 2015–16.

[#] Voter estimate calculated after the January 2015 merge of the State electoral roll and Council-only electors as at the 2012 council elections.

¹¹ 2011 Census population data from VEC *Guide for Submissions: 2015 Wangaratta Rural City Council Electoral Representation Review*, p.25.

In comparison with other councils, Wangaratta Rural City Council does not have the complexities of a growing migrant community or other social issues that would warrant an increase in councillor numbers.

Taking into account Council's ranking in the category of regional urban councils, its low projected population growth,¹² and the general acceptance of the current number of councillors in submissions to the review, the VEC considers seven councillors is the appropriate number for the municipality.

Electoral structure

One of the most significant factors for the VEC to consider in deciding whether to recommend an unsubdivided structure (Option A) or a subdivided structure with single and multi-councillor wards (Option B), is whether the urban and rural communities described by stakeholders in the public consultation process are distinct communities of interest warranting separate representation. The VEC notes the feedback to the 2004 representation process in which a majority of submissions preferred a subdivided model. At that time, the VEC was most concerned about the risk of entrenching a majority of urban councillors on the council, which a ward model is still likely to do. Both the unsubdivided and subdivided structures are considered able to produce fair and equitable representation, with the urban/rural representation in council likely to broadly reflect the population distribution under either model. The VEC is satisfied that the clear separation of the rural community of interest with ward boundaries will ensure that it receives dedicated and accountable geographic representation.

Retaining an unsubdivided structure

As outlined in the VEC's preliminary report, both unsubdivided and subdivided structures are capable of producing a mix of urban and rural-based councillors. The proportional representation counting method applied in unsubdivided structures should allow for a diverse pool of candidates, as they may be drawn from across the municipality and are not limited to single wards. The unsubdivided structure also broadly reflects voter voices, and can usually be considered more representative of the municipality as a whole. The VEC's electoral history data shows that in 2005, there were five councillors from Wangaratta, one from Glenrowan and one from Bobinawarrah. In 2008, there were also at least five councillors from Wangaratta. These results indicate that the number of councillors elected was slightly higher than the town's proportion of the overall population (Wangaratta's population is approximately 65% of the municipality). At the 2012 election, councillors were elected from across the municipality including the smaller townships of Docker, Milawa and Markwood (Diagram 1).

¹² *ibid*, p.21.

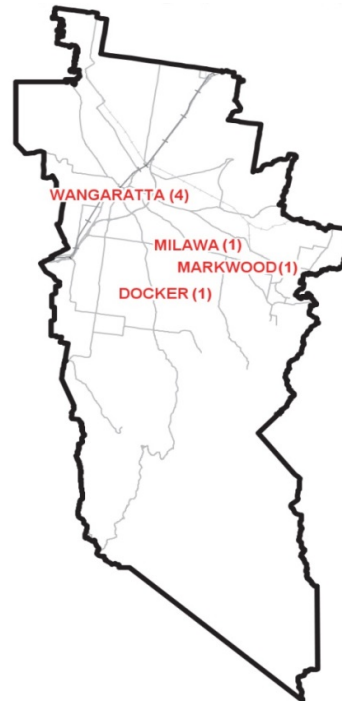


Diagram 1: distribution of councillors elected in 2012.

The localities councillors were drawn from at the 2012 election demonstrate a representative mix from rural and urban areas across the municipality, providing choice for local voters, suggesting that broad geographic representation of the municipality was achieved. In a smaller council such as the Rural City of Wangaratta, the consistent majority of candidates and councillors from the town centre is likely to occur under either an unsubdivided or subdivided model.

The principal distinction between the two models is that under Option B, the councillors drawn from outside the town centre will represent specific geographic regions and be directly accountable to the voters within their wards. With Option B, local councillors will be elected to represent particular geographic communities including Warby, Glenrowan in the Warby Ward; the Springhurst, Murrungee and Everton communities of the North Ward; and the communities of Greta South, Milawa, Markwood, Whorouly, Whitfield, and Myrrhee and in the South Ward. The wards broadly reflect communities of interest with the rural living between Wangaratta and the Warby Ranges in the Warby Ward; South Ward based on the rural King Valley; and a third rural ward in the Ovens Valley.

Issues relating to representation of rural stakeholders are a matter, like any other council matter, to be considered by all councillors. All councillors are expected to act in the best interests of the municipality as a whole, as well as represent the specific issues raised in their localities, and this applies equally under an unsubdivided or subdivided structure.

Multi-councillor rural wards

Through the public submissions and presentations, a strong sense of local identity was conveyed to the VEC. The distinct and specific needs of rural stakeholders were clearly articulated. The broader identity of the 'rural city' was also apparent. In considering returning to a subdivided structure, the VEC modelled two possible approaches. Firstly, a seven-councillor structure with two multi-councillor wards (one urban and one rural) was developed (Diagram 2).

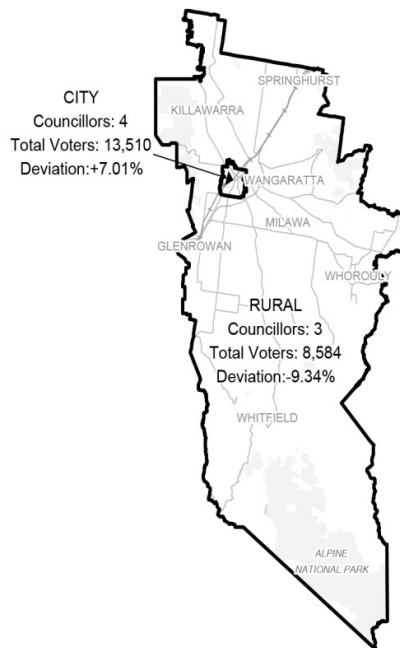


Diagram 2: multi-councillor urban and rural ward model.

The model complies with the legislative requirements for voters per councillor and responds to the concerns about rural representation with a dedicated, multi-councillor rural ward. The VEC was initially concerned that the model exacerbated the rural/urban division, by creating a stark contrast between the single urban ward and single rural ward and entrenching the rural/urban majority.

The principal issues with the model are that the distinct communities of interest described in submissions and at the public hearing are not sufficiently identified, and that the larger rural ward is already close to the 10 per cent tolerance of voter-to-councillor ratio required under the Act. For these reasons it was not put forward as a preferred or alternative option.

Single-councillor rural wards

The VEC's Option B was developed to better reflect the separate rural communities of interest outside the Wangaratta town centre and produce more reasonable figures for the voter-to-

councillor ratio. Option B follows the natural boundary of the Ovens River and creates a ward incorporating the urban centre of Wangaratta and three wards in the rural and regional areas, allowing for greater representation of rural and regional communities of interest across the north, south and central parts of the municipality.








Although this structure effectively guarantees an urban councillor majority, this did not register as a concern for rural residents, who consistently preferred to have minority representation rather than no dedicated representation. It is also consistent with the results produced under the unsubdivided model, where an urban councillor majority is produced broadly reflecting the concentration of the population in the town centre.

The VEC considers that the rural identity of agriculturalists making a living from the land is sufficiently strong to be characterised as a community of interest warranting separate representation. Whether there is a real or perceived lack of representation among rural stakeholders, a dedicated subdivided single-councillor ward system will facilitate consistent representation of this community within the Rural City of Wangaratta, while also representing urban voters.

Growth in the Northern and Warby Wards

There is evidence of growth on the fringes of the urban town centre, as illustrated in Diagram 3, which highlights areas of potential further growth in key planning zones around City Ward.

Rural City of Wangaratta Planning Zones and Ward Boundaries

-  Ward Boundary
-  Residential Zone
-  Commercial or Industrial Zone
-  Low Density Residential or Rural Living Zone
-  Farming Zone
-  Other
-  River / Creek
-  Road
-  Rail

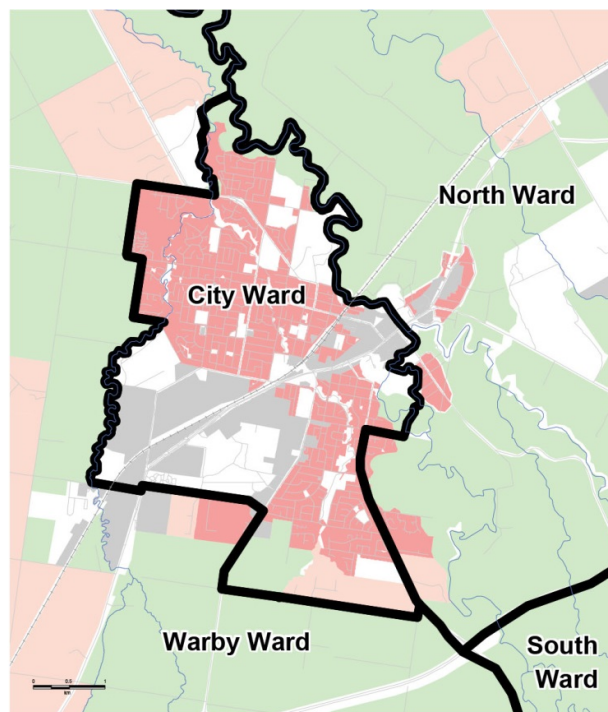


Diagram 3: Potential growth areas.

This potential growth means that the North and Warby Wards under Option B may change in profile over time. The mix of urban and rural voters in these wards will not necessarily produce a rural candidate in either or both of these single-councillor wards, but the councillor elected will be directly accountable to the voters in these wards. Under both models put forward by the VEC, all councillors are expected to act in the best interests of the municipality as a whole, as well as represent the specific issues raised in their localities.

Changing from an unsubdivided structure to a ward structure

It is clear from the evidence gathered through this review that the Rural City of Wangaratta is comprised of interconnected rural and urban communities, which would ordinarily suit an unsubdivided electoral structure. In considering any change to a subdivided electoral structure, the VEC has taken into account previous reviews where similar issues have been identified.

During the VEC's review of Surf Coast Shire Council prior to the local government elections in 2012, it was recommended that Surf Coast Shire Council change from an unsubdivided structure to a subdivided structure with a mix of multi-councillor and single-councillor wards. Submissions to the Surf Coast review discussed geographic communities of interest and provided similar reasoning in support of wards as those made during the current review of Wangaratta Rural City Council. The submissions to the Surf Coast review described distinct coastal, urban and rural communities. The VEC received significant evidence during that review that the representation of the diverse geographic communities of interest in the Surf Coast municipality could be facilitated by separate wards. While the particular geographic communities are different, the issue of ward representation and direct accountability to particular communities that comprise the municipality is similar in the current review of Wangaratta Rural City Council.

Mix of multi- and single-councillor wards

The VEC notes the concern of the Council that the different counting systems for single- and multi-councillor wards could be misleading for voters. However, the way voters complete their ballot paper at an election is the same for both single- and multi-councillor wards so a combination of single- and multi-councillor wards is not likely to have any significant impact on voting.

The VEC was initially concerned that the pool of candidates could be limited in the single-councillor wards. However, the consultation process gave a strong sense of community engagement in the municipality and strong interest in local governance issues which minimises this concern.

The mix of a large multi-councillor ward in the urban centre and the three single-councillor wards means that the municipality has a combination of representation which will result in a diversity of

perspectives in Council. As the Act simply requires a candidate at an election to be on the municipal voters' roll for the municipality and not the specific ward they are standing in, a mix of urban and rural representation may still occur.

The VEC is confident that the representation of these distinct parts of the municipality will be represented under the subdivided model, and that rural communities will benefit from dedicated representation with more direct accountability to a local councillor responsible for particular geographic communities including Warby, Glenrowan and Moyhu in the Warby Ward; the Springhurst, Murrumbidgee and Everton communities of the North Ward; and the communities of Greta South, Milawa, Markwood, Whorouly, Whitfield and Myrree in the South Ward.

The VEC considers both options A and B provide for fair and equitable representation, and recommends Option B based on the demonstrated appetite for change in the municipality based on concern that the rural community lacks direct representation; a general sentiment by rural voters that a potential entrenched minority is less of a concern than not having a directly accountable representative in council; and that both the urban and rural communities of interest will be specifically represented in the subdivided model.

The VEC notes that the electoral structure of the Wangaratta Rural City Council does not determine the quality of council governance. This is a matter, as in all municipalities throughout Victoria, for the individual councillors, Council staff and governance processes in place for managing council business.

For the reasons outlined above, the VEC has amended its preferred option and puts forward a subdivided electoral structure with seven councillors as its recommendation (Option B).

6.2 The VEC's recommendation

The Victorian Electoral Commission (VEC) recommends Wangaratta Rural City Council change to consist of seven councillors elected from one four-councillor ward and three single-councillor wards.

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

Appendix 1: Public involvement

Preliminary submissions

Preliminary submissions were received from:

Tammy Atkins	Julian Fidge	Michael O'Sullivan
Alan Berry	Jamie Fisher	Proportional Representation Society of Australia (Victoria-Tasmania) Inc
Geoff and Janette Bussell	Marion Flanigan	Anne Shaw
Ray Butters	Val Gleeson OAM	Frank Smith
Anthony Carroll	Don Joyce	John Vance
Malcolm Carson	Keiran Klemm	Victorian Farmers Federation (Wangaratta Branch)
Kenneth Clarke	Allan Lappin	Neville Wright
Deborah Conroy	Pat Larkin	Wangaratta Rural City Council
Jim Cullen	David Lawson JP	Warby Range Landcare Inc
Garry Dean	Jim Lewis	
Carl Doring	James Neary	
John Elward	Gary Nevin	
David Evans	Graeme Norman	

Response submissions

Response submissions were received from:

David Evans	Pat Larkin	Proportional Society of Australia (Victoria-Tasmania) Inc
Malcolm Gunn	Jim Lewis	Victorian Farmers Federation (Wangaratta Branch)
Don Joyce	Gary Nevin	Wangaratta Rural City Council
Keiran Klemm		

Public hearing

The following individuals spoke at the public hearing:

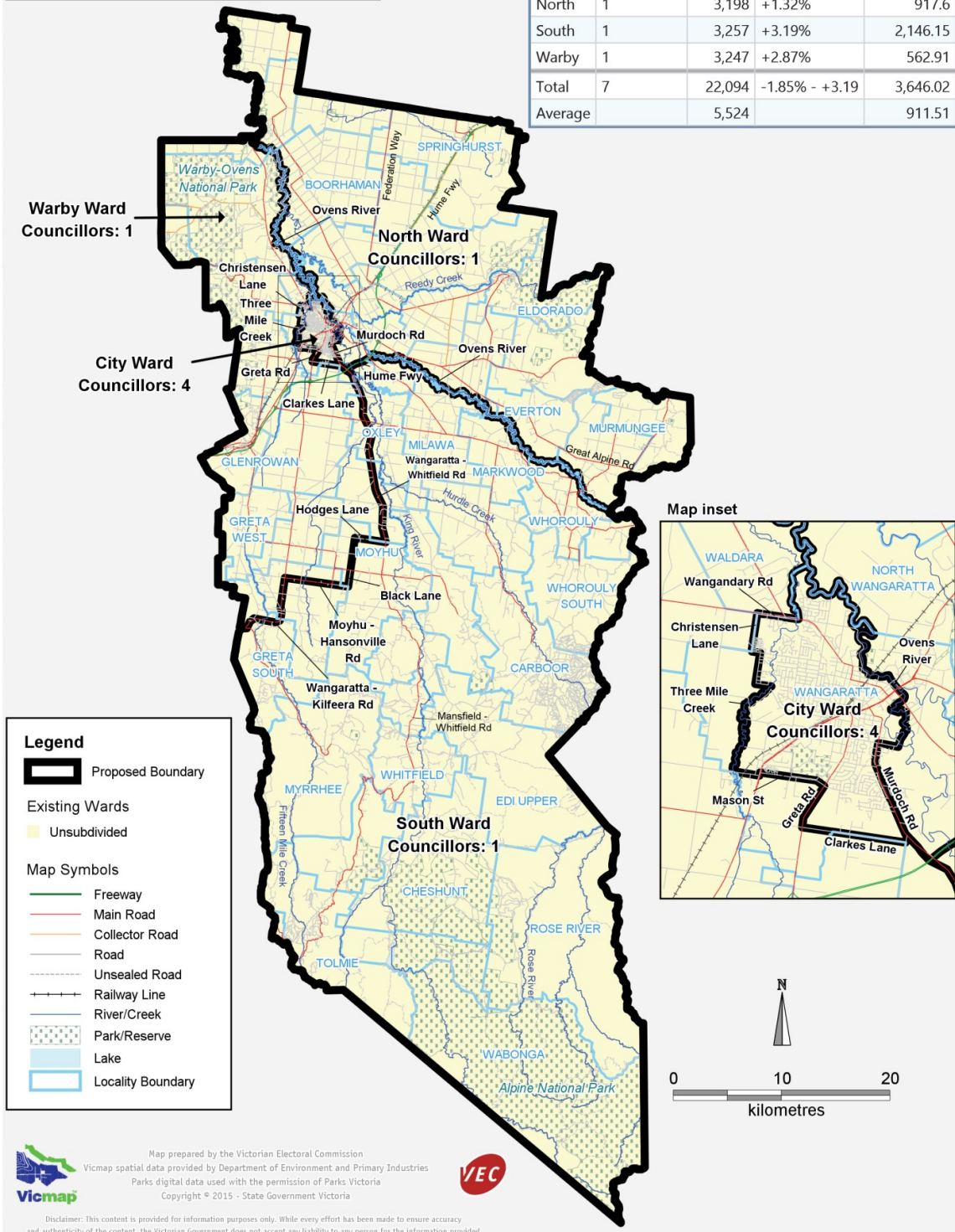
Administrator Ailsa Fox and Manager Business and Governance Tony Raven, Wangaratta Rural City Council	Keiran Klemm	Greg Mirabella, President, Victorian Farmers Federation (Wangaratta Branch)
David Evans	Pat Larkin	Gary Nevin
Don Joyce		

Appendix 2: Map

Wangaratta Rural City Council

Map of Recommended Option
Seven Councillors, Four Wards

Ward	Councillors	Electors	Deviation	Area sq km
City	4	12,392	-1.85%	19.36
North	1	3,198	+1.32%	917.6
South	1	3,257	+3.19%	2,146.15
Warby	1	3,247	+2.87%	562.91
Total	7	22,094	-1.85% - +3.19	3,646.02
Average		5,524		911.51



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