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About CoRBA

The Coalition of Residents and Business Associations – Melbourne (CoRBA) represents 18 diverse resident and business associations across the City of Melbourne.

The primary goal of CoRBA is to bring democracy, equitable representation, and good governance to the City of Melbourne (CoM).

History

In mid-2007, the various resident and business associations in CoM became increasingly concerned about the governance and management of the CoM. It was becoming apparent that the State Government and Council did not adequately or equitably represent, consider, or take into account the views of the municipality's ratepayers, residents, or traders. These associations recognised that in a capital city such as Melbourne, circumstances arise which require exceptional procedures, but not at the permanent cost of the marginalisation and exclusion of resident and business ratepayers.

Responding to this on-going and increasing exclusion, in 2007, an ad hoc coalition of resident and business groups was formed to raise issues of concern with the relevant authorities – this informal group eventually became CoRBA.

The catalyst for starting CoRBA was, despite the increasingly obvious dysfunction within the CoM, the then State Government's refusal to consider even a minor review of the electoral system and structure of the Council. This was understood by both the business and residents associations of Melbourne as a denial of our democratic rights.

What Are We About?

The residents, traders, and ratepayers in Melbourne are unique in not only Victoria but in Australia in being without fair and equitable local Government representation. Unlike all other Victorian municipalities, the *City of Melbourne Act 2001* contains no provision for a periodic review of the electoral system and it specifically excludes the principle of 'one person one vote'. As demonstrated in recent elections, our city's electoral governance is deeply flawed and we are increasingly vulnerable to electoral fraud.

Previous State Governments have resisted reviewing either the operations of the CoM or the *City of Melbourne Act 2001* and repeatedly ignored the express wishes of both the Council and the community to review the CoM and its governing Act.

CoRBA maintains that current electoral processes in the CoM are undemocratic and inadequate. Successive elections have created an increasingly unresponsive and over-worked Council and an electoral system that is generally acknowledged as vulnerable to fraud and rorting.

The Victorian Electoral Commission, which is contracted by Council to manage elections, acknowledges that the current system does not allow for verification of voting entitlements. While elections rely exclusively on postal voting, the validity of all signatures and dates of birth cannot be guaranteed, exposing elections to fraud. CoRBA argues that the system must be reformed to remove these vulnerabilities.

CoRBA's primary focus is for electoral reform so that ratepayers, business, and residents rights are equally recognised and safeguarded. A system of checks and balances, and community accountability needs to be restored in Melbourne to ensure not only integrity but confidence in the democratic processes.

CoRBA believes that the lack of democratic processes in the CoM denies the ratepayers, residents, and businesses of Melbourne the opportunity to participate in the consultative process that all other Victorians enjoy through their local council.

Legislative Framework

In Victoria, local government is formed within a legislative and regulatory framework. Section 74A(1) of the *Constitution Act 1975* provides that local government is a distinct and essential tier of government, consisting of democratically elected councils.

The *Local Government Act 1989* is the principal legislation for the regulation of local government and the conduct of local government elections in Victoria. Detailed provisions for the administration and conduct of local government, including elections, are contained in subordinate instruments such as the Local Government (Electoral) Regulations 2005.

The *City of Melbourne Act 2001* makes provisions for the administration of the CoM Council and the conduct of elections for the Council.

Our Submission

CoRBA's submission deals primarily with matters concerning the municipality of the City of Melbourne, although some matters could be extrapolated to other councils.

The CoM is the only Victorian municipality governed by its own Act, *City of Melbourne Act 2001*, as well as *the Local Government Act 1989*.

It is our objective to identify problems in CoM electoral practises, and in the relevant legislation, and to seek their rectification.

1. Electoral Process

Whether improvements can be made to ensure the integrity of the electoral process, including addressing those matters raised in the course of the 2012 election including, but not limited to, the following:

- a) Candidate integrity including issues regarding 'dummy' candidates, information disclosure, existing candidacy requirements; campaign funding and disclosure.
- b) The role of the Victorian Electoral Commission in electoral administration and cost implications of this for councils, complaint handling and timeliness in responding.

Administration and Oversight of Elections

Assign the Victorian Electoral Commission statutory responsibility for conducting and overseeing municipal elections in the City of Melbourne.

Under the present CoM system, the Victorian Electoral Commission (VEC) is contracted to undertake municipal elections not as the VEC *qua* VEC (i.e. as a statutory regulator) but as a mere 'service provider' or contractor. However, in 2011, the State Government nominated the VEC as the sole provider of such services and that contracts between municipalities and the VEC would no longer subject to a tender process. It should be noted that the VEC has been the only tenderer for Victorian local government election services since March 2002.

However, despite being the sole authorised electoral services provider, the CoM administration will not release any documents governing the conduct of CoM elections because, as contractor, VEC contracts are held by the CoM to be 'commercial-in-confidence'. Given that the Government has nominated the VEC as the sole contractor for municipal elections, commercial-in-confidence does not or should not apply to the conduct of municipal elections. Because the VEC/CoM contract is not a public document, there is no means of determining whether or not necessary or appropriate conditions are being inserted in the contract to ameliorate the various problems identified in previous elections.

In April 2012, CoRBA met with officers of the Victorian Auditor General (VAGO) to discuss the CoM/VEC contract. VAGO said that it had 'significant' concerns relating

to the transparency of the VEC/CoM contract but, due to various constraints, was not in a position to review the matter.

Following the VAGO meeting, CoRBA subsequently met with the VEC Commissioner, Mr Steve Tully. At this meeting the VEC Commissioner explained that the VEC was engaged as a contractor, not as the VEC as a statutory regulator, in the conduct of the CoM elections, and that any irregularities, of which the VEC was aware, arise from the actions of the CoM and that, as a contractor, the VEC manages the election process but has no control or responsibility for the validity of the electoral roll beyond that part derived from the Victorian Electoral Roll over which the VEC has statutory responsibility. The VEC does not have responsibility for establishing the validity of the parts of the CoM electoral roll compiled by CoM and therefore cannot determine if the CoM has properly and lawfully complied with the requirements of the *City of Melbourne Act 2001*. Consequently, the VEC while acknowledging the seriousness of the deficiencies in the CoM electoral practises is unable to address those deficiencies. It is significant that the VEC Commissioner described these matters as ‘very important’ and needing to be addressed but that the VEC is powerless to do so.

CoRBA notes that the VEC’s Commissioner’s recommendations, arising from the 2012 council elections, include that the State Government:

Considers legislating an election service provider as the default election service provider for local government elections and codifies a suitable costing arrangement that exempts the service provider from councils’ general procurement requirements

Campaign Donations

<p>Ban both direct and indirect campaign contributions by corporate entities and the capping of both direct and indirect campaign contributions by private persons to \$500 within any 12-month period.</p>
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In the run-up to the 2012 CoM elections, there was extensive publicity regarding campaign contributions from developers to councillor election campaigns. A post-election investigation was undertaken by Victoria’s Local Government Inspectorate. An outcome of the post-election review was the Inspectorate recommending that ‘the Council tighten governance procedures to protect the integrity of their decision making’ (*The Age*, 3 May 2013). We note that even as late as September 2013, nearly a year after the CoM elections, a bloc consisting of six councillors was still making amendments and additions to their campaign donor declarations.

On 2 June 2013, matters came to a head at a CoM council meeting: the Lord Mayor, the Deputy Lord Mayor, and four other councillors were forced to exclude themselves from the meeting because of contributions to their election campaign by a major developer, who had made a submission on a matter under consideration. The Council was considering a significant reform to developer contributions to fund open space in the city. The Council lacked a quorum to vote on the proposal because six councillors were ‘in conflict’ and were compelled to exclude themselves from the meeting.

Because of the lack of a quorum, an important reform was thwarted and those five councillors who did not accept developer contributions were denied their right to vote and the electors of Melbourne went unheard and unrepresented.

There is concern quorum issues could become a regular occurrence, given the extent of corporate donations supporting the election of at least six councillors.

It is CoRBA's view that it is unfair and simplistic to ban donations from a particular class of corporate donor, such as property developers (who are no more or less inclined than any other business to further their interests). Also, it raises the matter of defining a 'developer'. CoRBA believes that it would be administratively and politically more efficient as well as fairer to prohibit both direct and indirect campaign contributions from any corporate entity and restrict campaign contributions to private individuals on the electoral roll, at a capped amount, over a given period of time.

CoRBA notes that such campaign finance restrictions are common throughout the Australian jurisdictions and can be found at every level government.

Table of Comparison of Banned Donors and Donation Caps

	Commonwealth	NSW	Queensland	City of Melbourne
Banned donors - Current	None	Property developers, tobacco industry, for-profit liquor and gaming industry. Individuals not on the electoral roll	Foreign-sourced donations	None
Banned donors - Proposed by governments	Foreign-sourced donations	All donors, other than individuals on the electoral roll	No change	None
Banned Donors - Proposed by CoRBA				All donors, other than individuals on the Victorian electoral roll
Donation Caps	None	\$5,000 to registered political parties, \$2,000 to unregistered political	\$5,000 to registered political parties, \$2,000 to unregistered political	None

	Commonwealth	NSW	Queensland	City of Melbourne
		parties, candidates and third parties.	parties, candidates and third parties.	
Donation Caps - Proposed by governments	None	None	None	None
Donation Caps - Proposed by CoRBA				\$500 to political parties, candidates, and third parties within any 12 month period.
Donations Disclosure - Current	\$11,500 or more in a year to political parties, candidates, or third parties	\$1,000 or more in a year to political parties, candidates, or third parties	\$1,000 or more in a year to political parties, candidates, or third parties	None
Donations Disclosure - Proposed by governments	\$1,000 or more in a year to political parties, candidates, or third parties	No change	No change	None
Donations Disclosure - Proposed by CoRBA				\$500 or more in a year to political parties, candidates, or third parties

Reporting of Campaign Contributions

Campaign contributions should be publicly disclosed within three business days of receipt.

CoRBA starts with the initial premise that in local government elections and associated campaign funding that *‘Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman’*.

At the last CoM elections some candidates chose to take a strict and literal approach to their reading of the *Local Government Act’s* campaign finance disclosure requirements and not divulge their donations until well after the election (as previously noted, in some instances nearly 12 months after the CoM election), while other candidates chose to disclose contributions when and as they were received.

The spirit and intent of the *Local Government Act's* campaign finance disclosure requirements appears to support a system of continual disclosure (as contributions are received they are disclosed).

Therefore, CoRBA supports a transparent and dynamic disclosure system whereby campaign contributions are disclosed within three business days of receipt and that campaign contributions are prohibited within four business days of an election or afterwards.

The current reporting requirements and the absence of an audit process around campaign funding in CoM elections is obviously inadequate in regard to transparency and governance. The actual investment in, and the sources of funding for, each candidate's campaign is not publicly disclosed. Unlike other Australian jurisdictions, candidates are required to reveal only their own direct investment and are not required to detail financial or other support provided by third parties such as 'friends' or 'supporters'. Campaign funding is a uniquely important and influential factor in all CoM elections compared to campaigns in other municipalities. Firstly the CoM is an un-subdivided municipality, where around 60 per cent are non-resident voters. The costs incurred by candidates in attempting to engage with these constituents are prohibitively high and offer the unscrupulous and the venal an opportunity to surreptitiously or indirectly unduly sway candidates and voters. For example, because of the nature of the CoM's demography— a high concentration of secure apartment buildings – it necessitates the posting of campaign material with a single postal mail out costing over \$60,000 and a campaign invariably involves an average of two such mail outs.

2. Participation

Whether improvements can be made to ensure the highest level of participation in local government elections, including:

- a) Improving public understanding and awareness of elections and candidates.
- b) Consistency and promoting greater understanding of voter eligibility rules.
- c) Use of postal and attendance voting and impact on informal voting.
- d) Franchise and eligibility provisions.

Apply the voter eligibility requirements of the <i>Local Government Act 1989</i> to the City of Melbourne electoral roll and elections.
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The CoM is unique among all of Australia's jurisdictions in that it does not apply the voter eligibility tests common to *all* of Australia's other levels of government and jurisdictions, including Victoria's other 78 local governments; under the *City of Melbourne Act 2001*, the CoM applies its own voter eligibility requirements. Obviously this causes not only confusion between individuals moving between Victorian municipalities but businesses considering locating to the CoM who may find themselves 'deemed' onto the CoM electoral roll without their consent or desire to do so.

For consistency, equity, ease of understanding, and harmonisation, CoRBA recommends that the CoM uses the voter eligibility tests contained in the *Local Government Act 1989*.

Re-introduce attendance voting accompanied by optional postal voting.
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The CoM is a small electorate (37 square kilometres) with excellent public and private transport infrastructure – unlike some suburban or regional municipalities, there is little physical impediment to attending a voting booth. Whereas, logistics and the residential physical form of the electorate of Melbourne create difficulties in the administration of a postal-only ballot.

Postal-only voting is inappropriate for the significant and increasing percentage of voters who reside in in the municipality.

Apartment living is increasing across the entire municipality and is the norm in areas such as the CBD, Docklands, and Southbank, and will also be the norm in the proposed two large new suburbs of E-Gate and Fisherman's Bend, where apartment complexes generally have strict security access arrangements including mail delivery. Some of these apartment complexes may have upwards of several thousand residents.

The CoM also has the greatest concentration of public housing estates in Victoria, each tower within each estate has its own delivery and mailroom security issues. In 2008, at a high cost, the VEC had to make extraordinary special private (non-Australia Post) arrangements for delivery of ballot papers to such dwellings. In such

cases access negotiations had to be made with the Office of Housing for delivery to public housing tenants.

An increase in apartment dwelling comes with an increase in the potential for lost ballots papers due to delivery problems. As was seen in 2012 CoM elections there is also increased security concerns with ballot pack deliveries to apartment blocks exposing ballot papers to vote-harvesting scams and theft.

The City of Melbourne also has the largest concentration of homelessness in Victoria, the present system of postal-only voting serves to effectively further marginalise and exclude the homeless from participation in society; whereas attendance voting affords a greater opportunity of participation for the homeless and other marginalised groups.

It is CoRBA's contention that the CoM should adopt the attendance voting method, thereby ensuring consistency with State and Commonwealth elections. CoRBA recognises and appreciates that postal voting is convenient for corporate, offshore, interstate, and non-resident ratepayers; therefore, CoRBA supports optional postal voting for those corporate, offshore, interstate, and non-resident ratepayers who do not reside in the municipality and that this is provided for under the present model of attendance voting.

Define the term legal term of art 'Occupier' in the *City of Melbourne Act 2001*

More clearly the term legal term of art 'Occupier' in the *City of Melbourne Act 2001* so that it cannot be confused with 'licensee' or any other such ineligible class or tenancy thereby making it clear to voter registrants when they make an accurate declaration on their residency status before they may apply to vote in the CoM.

The difference between the various classes of tenancy complicates voter eligibility within the CoM, as person who is a licensee does not have a right to vote while a person who is a 'leasehold tenant' may have the right to vote. In normal circumstances, and in most municipalities, this distinction is largely irrelevant due to the small number of affected voters. However, unlike most other municipalities, Melbourne has a high concentration of commercial and professional tenancies some on leasehold, and other on a licence or some other form of tenancy.

Remove the 'deeming' provisions in the *City of Melbourne Act 2001*

In the CoM, certain classes of voter (e.g. corporations) are 'deemed' onto the electoral roll. This is to say that they are placed on the roll without applying or their consent being sought.

This has proved a fraught process with over 60 per cent of deemed voters not voting, despite the considerable investment of time and money by the CoM in encouraging deemed voters to vote. It is obvious that those who would have otherwise voted without deeming have done so and the remainder consistently refuse to do so.

An unintended consequence of the deemed voter system is the issue of discrimination based on sex, race, and age in the compilation of the CoM electoral roll created by the deeming provisions of the *City of Melbourne Act 2001*. ASIC data and related

research indicates that company directors are predominantly male, Anglo-Australian, and ‘middle-aged’. Therefore, a disproportionate number of ‘deemed’ voters or ‘Company nominees’ are male, Anglo-Australian, and ‘middle-aged’. Given the size of the deemed vote in the CoM, this imbalance produces a skewed electoral outcome in which women, non-Anglo-Australians, the aged, and the young are not equitably represented in this category of voter.

It is the view of CoRBA that the the deeming provisions of the *City of Melbourne Act 2001* have failed and that they should be aligned with sections 11 and 16 of the *Local Government Act 1989*, so as to harmonise voting requirements across all of Victoria’s municipalities as well as State and Commonwealth jurisdictions.

This would have the benefit of allowing the CoM to direct resources to those who wish to vote and would relieve presently deemed voters of an unnecessary bureaucratic burden and associated administrative and compliance costs.

Alternatively, the deeming provision should be amended to require the CEO of the CoM to (a) notify ‘deemed’ voters of their potential eligibility to apply to vote in advance of a CoM election (for example, six to nine months in advance) and (b) advise that, should they wish to vote, that ‘deemed’ voters must lodge a voter registration application with the CoM and in doing so provide signatures and any other required information to enable Ballot papers to be validated at the time of the election. This would bring the CoM in line with the other 78 Victorian local governments as well as provide, at least, a signature against which a Ballot could be verified. Also, given that the ‘Deeming’ provisions require two nominees who are either a director or a secretary, CEO should (c) advise applicants that single director companies are ineligible to vote.

3. Integrity

Whether any other changes can be made that will enhance the integrity of local government elections, candidate conduct and governance.

Ensure Ballot verification.

In CoM elections, the VEC uses a sampling process through which to validate ballot papers by verifying the signatures and/or the date of birth, which should appear on ballot envelopes. In doing so the VEC can only sample those ballots from voters on the State Electoral roll as the date of birth is required for registration, but the VEC cannot verify those voters on the CoM's CEO's roll, as a date of birth cannot be verified.

Furthermore, the VEC cannot verify signatures or date of birth on ballots from 'deemed' voters because signatures and date of birth do not form part of the prescribed data held by ASIC- from whose data base deemed voters are drawn.

To further complicate the verification process, the VEC does not have the authority to exclude ballots where the voter omits to provide data such as the date of birth or signature.

So we have the situation where the VEC is required to verify ballots with incomplete or non-existent data and, even if having found fault with those ballots, cannot exclude them from the count.

In fact, given that the VEC either does not or cannot verify a date of birth on ballot envelopes from certain classes of voter, the CoM may be in breach of Victoria's *Information Privacy Act* and the Information Privacy Principles by requesting and or holding personal information it cannot use.

To this extent, CoRBA recommends that the deemed category of voter under the *City of Melbourne Act 2001* is replaced by sections 11 and 16 of the *Local Government Act 1989* – whereby a corporation applies for voter registration and thereby provides such information as is required for verification.

4. Electoral Representation

Whether the current system of electoral representation is appropriate to ensure fairness and consistency of representation within municipalities and between municipalities including:

- a) Distribution of wards.
- b) Different ballot counting systems (proportional and preferential) across municipalities.

Introduce optional and partial preferential voting in CoM elections.

Victoria uses the full preferential voting system for local government elections. Under full preferential voting, a voter must to place a 1 in the box against their preferred candidate on the ballot paper, then must number *all* of the remaining boxes in the order of preference (2, 3, 4, 5, et cetera) and number the boxes correctly. If every box is not numbered, and numbered correctly, the vote is considered informal and is not counted. This is particularly burdensome when there are a large number of candidates and is morally dubious in that it forces voters to vote for candidates whom they would not otherwise vote.

Full preferential voting sets a high bar for voters, thus increasing the likelihood of informal votes. Voters must express preferences for all candidates, whether known or unknown to the voter. To have their first preference counted as formal; voters must distinguish between every candidate on the ballot paper, including between candidates equally disliked by the voter, as well as between every other person on the ballot paper.

A far better principle is to adopt optional or partial preferential voting, whereby voters need only to express preferences for the candidate or candidates they know and/or for whom they wish to vote.

The main advantage to flow from optional or partial preferential voting would be to lessen the level of informal voting. Surveys of ballot papers by the Australian Electoral Commission, among others, show that around half of all informal votes had expressed a valid first preference and so would have otherwise been counted had optional or partial preferential voting been used.

Optional and partial preferential voting has a principled advantage over full preferential voting in reducing the informal rate, not forcing voters to express preferences they do not have, and not forcing voters to vote for candidates whom they would not otherwise vote.

In Australia, optional and partial preferential voting is used in New South Wales, Queensland, the Commonwealth, and the Victorian Legislative Council elections.

Remove 'above-the-line' (group) voting in CoM elections

Above-the-line voting was introduced to offer voters a simpler alternative to the requirement to number every candidate in order of preference on ballot papers. It also had the intention of reducing the number of incorrectly completed ballot papers and thus informal votes. Above-the-line ballot papers, while retaining the option to number all candidates, introduced the alternative of the nomination of a vote for a particular party and, by implication, for the preferences upon which that the candidate had decided.

The incentive to vote above the line for a candidate and that person's preferences, instead of numbering all the candidates' boxes in order of the voter's preference, is very strong. Numbering each individual box can be a tiresome task which carries the risk of making a mistake in number sequencing, and, under the present counting regime, invalidating that vote. This task is further complicated by increasing numbers of candidates.

Researchers and commentators have expressed concern with above-the-line voting practices. Above-the-line voting not only puts the voter completely in the hands of the candidate but makes it very difficult for the voter to understand the preference implications of their vote. The lack of transparency of preference flows may direct a vote in a way not intended by the voter. This is because candidates increasingly negotiate preference deals not on issues of policy or principle but on the basis of strategy and self-interest.

Election analyst Antony Green has observed that the price for a [minimal] decrease in informal voting achieved by above-the-line ballot papers is that 'a democratic deficit has developed; with serious questions as to whether the results engineered by group ticket voting truly represent the will of the electorate'.

Mr Green recommends, as does CoRBA, the use of optional and partial preferential voting which removes the need for above-the-line voting as this gives voters more options to direct their own preferences, thereby weakening the control candidates have over preferences, rendering 'preference harvesting' less successful, and making elections more reflective of the will of the electorate.

Another alternative is to adopt the NSW Legislative Council system, whereby voters fill in their own preferences for candidates above the line, again ideally using optional preferences.

Limit the number of preferences that may be assigned by a candidate

CoRBA recommends an upper limit on the number of other candidates that may be included on a group ticket preference list.

We believe that this would lessen the number and value of 'dummy candidates' and other like forms of vote rigging. If a candidate can only give preferences to two or three other candidates on the ballot paper, it would have two consequences. First, preference harvesting by would become very difficult. Second, with a limit on preferences, candidates would be encouraged to only list like-minded candidates on their preference tickets rather than engage in a strategic preference swaps.

Introduce candidate rotation on ballot papers ('Robson Rotation')

CoRBA supports the introduction of the 'Robertson Rotation' in setting out of candidates' positions candidates on a ballot paper.

The City of Melbourne's elections are carried out subject to Victoria's *Local Government Act 1989* (LGA) (Parts 3 and 4) and the *City of Melbourne Act 2001* (CoMA) (Part 3). Both of these Acts are silent on the method of counting ballot papers.

The Robson Rotation is used, where preferential voting systems apply, to avoid advantages being gained by candidates that might otherwise have their names appear, on all the ballot papers issued, in advantageous or prominent positions on a ballot paper (i.e. first on the list of candidates), such as those used for elections for the Lord Mayor and Deputy Lord Mayor of the CoM or, as it applies for elections for Councillors, within their group's column on the ballot paper, leaving other candidates' names appearing – on all the ballot-papers – in less advantageous or prominent positions. Such relative advantage always occurs when all ballot papers issued show all the candidates listed in an identical order.

The Robson Rotation is designed to overcome two difficulties in preferential voting:

- first is the small, but in close contests, the significant percentage of voters that simply vote down a ballot-paper column in numerical order because that is the simplest way to complete the ballot-paper regardless of the order of the candidates' names ('donkey voters'); and
- second is the use candidates' of 'how-to-vote' cards handed to voters at polling booths, on which a representation of a completed ballot-paper is shown, with a request that it be copied exactly in the order it shown to meet the candidate's wishes. If numerous voters follow such how-to-vote cards, the decision as to which of a party's candidates is elected is effectively transferred from the voters to the candidate.

The use of the Robson Rotation reduces the artificial concentration of votes on a group's proclaimed number one candidate and reflects voters' explicit choices of other candidates within their preferred candidate – this provides a stark contrast to the use of preferences in the 2013 Senate elections.

Limit the term of office of the Lord Mayor

CoRBA recommends that a person should be restricted to not more than two consecutive terms as Lord Mayor. This is to curb the potential for a monopoly on the office, whereby a person effectively becomes 'Lord Mayor for Life'.

Our proposal refers to two consecutive terms (8 years) – with an exclusion period of not less than two consecutive terms – but not precluding a person from standing again at the expiry of the exclusion period or seeking election as a councillor. So as to avoid a sham exclusion, the exclusion period should also include a former Lord Mayor becoming Deputy Lord Mayor.

We note that terms limits are a common feature of many political systems and that they promote more competitive elections, lessen the risk of developing a professional

political class by ensuring ‘turn over’, and remove the risk of effectively ‘life-time’ appointments.

Councillor Bloc Voting

The Victorian Ombudsman, 2013 Annual Report, has cited, inter alia, ‘bloc voting’ as reasons for dismissing two Victorian councils, Brimbank and Darebin. The Ombudsman maintains that councillors voting in a block hampers a council’s functioning as a decision making body.

Bloc voting effectively disenfranchises those who voted for councillors other than those in the ruling bloc, it is also a vehicle that increases the likelihood of vote buying or corruption of those councillors who form the bloc. Furthermore, councillors who intend to stand in the next election may choose to ‘go along’ with a particular faction’s vote more often than they might do so if given free rein.

CoRBA can give no immediate solution to stopping bloc voting except to note that it appears to be more common in Councils that are a single undifferentiated electorate (e.g. no wards) and/or Council’s whose councillors are or were endorsed by a political party. Effectively, the solution may be to mandate wards for all councils and to ban political parties from participation in local government.

Make it an offence for councillors to determine a matter other than in a formal session of council.

In his 2013 Annual Report, the Ombudsman noted that councillors, in some councils, were found to have engaged in decision-making which:

- was made for personal gain or political motivations could cause detriment to the council
- was in retaliation for broken promises
- was made behind closed doors
- involved voting in a block to support a faction, even when those decisions were not necessarily in the best interests of the community.

CoRBA notes decision making in the CoM while generally good has of late revealed decisions made for political considerations, decisions made behind closed doors (councillors meet in private session before council meetings to determine the outcome of some matters); and increasingly votes on a factional basis.

In light of the Ombudsman’s criticisms, and that secret decisions made behind closed doors invite corrupt decisions, CoRBA recommends that the *Local Government Act 1989* is amended to make it an offence for councillors to determine a matter other than in a formal session of council and that such proceedings are recorded.

Members of CoRBA

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East Melbourne Group Inc.

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Hardware Precinct Residents & Tenants Group

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Kensington Association

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PO Box 102, North Melbourne 3051
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Parkville Association Inc.

PO Box 54, Parkville 3052
www.parkvilleassociation.org.au

Parkville Gardens Residents

www.parkvillegardens.org

Residents 3000 Inc.

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Residents Rights

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Southbank Residents Group

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Yarra Park Association

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