Local Government Review 2019

Submission by the Coalition of Resident and Business Associations – Melbourne

July 2019

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Executive Summary

The Coalition of Residents and Business Associations – Melbourne (CoRBA) notes that the Victorian Government's stated intention of this review is to **'To improve democracy and community confidence in the electoral process**'.

The City of Melbourne (CoM) is one of the fastest growing local government areas in Australia and is central to the continuing and future prosperity of Victoria. The continuing influx of residents to the CoM is critical to maintaining the growth and prosperity of the CoM.

However, the governance arrangements of the CoM have not kept pace with this growth, leading to a gross distortion of governance in the CoM; whereby the overwhelming numerical superiority of residents is, effectively, gerrymandered to benefit non-resident and corporate voters.

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 and hampers Melbourne's role as Victoria's premier city.

CoRBA principal recommendations are that the Government:

'Simplifying electoral structures to provide greater consistency of representative structures'

- Make the Victorian Electoral Commission the sole statutory authority responsible for conducting and overseeing municipal elections in the City of Melbourne.
- Introduce optional and partial preferential voting.
- Remove 'above-the-line' (group) voting.
- Introduce candidate rotation on ballot papers.
- Limit the term of office of the Lord Mayor.
- Abolish the position of directly elected Deputy Lord Mayor.

'Campaign Donations'

- Restrict campaign contributions to persons on the Victorian electoral roll.
- Cap both direct and indirect campaign contributions.
- Require disclosure of campaign contributions within three business days of receipt.

'Simplifying enrolments to vote in council elections to more closely align council electoral rolls with State electoral rolls'

- Apply the voter eligibility requirements of the *Local Government Act 1989* to the City of Melbourne.
- Repeal the 'deeming' provisions in the *City of Melbourne Act 2001*.

'Strong Local Democracy'

- Reintroduce Wards to the City of Melbourne.

About Coalition of Residents and Business Associations – Melbourne

The Coalition of Residents and Business Associations – Melbourne (CoRBA) represents 20 diverse resident and business associations across the City of Melbourne.

The primary goal of CoRBA is to ensure and support democracy, equitable representation, and good governance in 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 increasingly 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 democratic 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 and conflicts of interest.

Previous State Governments have resisted reviewing either the operations of the CoM or explicitly 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 and practises in the CoM are undemocratic and inadequate to the needs of the municipality, ratepayers, businesses, and residents. Successive elections have created an increasingly conflicted, unresponsive, and over-worked Council and an electoral system that is generally acknowledged as vulnerable to purchase, fraud, and rorting.

The Victorian Electoral Commission, which is contracted by the CoM 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

voter verification such as signatures and dates of birth cannot be guaranteed, exposing elections to fraud. CoRBA argues that the system must be and can 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.

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 distinct provisions for the administration of the CoM, voter eligibility, and the conduct of elections for the Council.

1. Electoral Process

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. not in its role 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 a 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 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 able to review the matter.

Following the VAGO meeting, CoRBA subsequently met with the then 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 merely 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

The 2013 '*Georgiou Review*' also recommended that the VEC be appointed the sole statutory provider of electoral services.

Campaign Donations

Restrict campaign contributions to persons on the Victorian electoral roll.

Cap both direct and indirect campaign contributions to $1000 within any 12-month period.

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). As late as September 2013, nearly a year after the CoM elections, a bloc consisting of six CoM 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.

Quorum issues regularly occur in the CoM, given the extent of corporate donations supporting the election of at least six councillors. For example, since 2012, the Lord Mayor and his bloc of six councillors have had to excuse themselves over 12 times from council deliberations due to conflicts of interest arising from political donations.

In the 2018 Lord Mayoral by-election, one candidate, Sally Capp, raised $332,000 with multiple single donations in excess of $10,000.

Her nearest rival, Jennifer Yang, raised $171,000, including several individual donations in excess of $10,000.

In every CoM election since 2001, the candidate who has raised the most amount of money has been the winning the candidate – without exception. A system that requires that sort of money to win encourages corruption and discourages participation except by those supported by wealthy vested interests or major political parties.

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, and equitable, to prohibit both direct and indirect campaign contributions from any corporate entity and restrict campaign contributions to private individuals on the Victorian electoral roll, at a capped amount, over a given period.

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

Given the 'local' nature of local government and the need to open and encourage participation in the political system, CoRBA is of the view that donations should be capped at an amount substantially less than that of either State or Commonwealth elections; so that, in effect, the community is not priced out of democracy.

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 not on the NSW electoral roll	No change	None
Banned Donors - **Proposed by CoRBA**				All donors not on the Victorian electoral roll
Donation Caps	None	$5,000 to registered political parties, $2,000 to unregistered political parties, candidates and third parties.	$5,000 to registered political parties, $2,000 to unregistered political parties, candidates and third parties.	None
Donation Caps - **Proposed by governments**	None	None	None	$4000 to any candidate or group of candidates.
Donation Caps - **Proposed by**				$1000 to any candidate,

	Commonwealth	NSW	Queensland	City of Melbourne
CoRBA				group of candidates, and related third parties in 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	$500 for to campaign donations and other gifts received by councillors
Donations Disclosure - Proposed by CoRBA				$150 in any 12-month period, to candidates, councillors, or related third parties

Reporting of Campaign Contributions

Campaign contributions should be publicly disclosed within three (3) business days of receipt

Campaign contributions are prohibited within (5) five business days before the close of an election.

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*'[1].

At the 2012 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.

[1] Brandies, Justice Louis, *Other People's Money—and How Bankers Use It* (1914).

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).

CoRBA supports a transparent and dynamic disclosure system whereby campaign contributions are disclosed within three (3) business days of receipt and that campaign contributions are prohibited within (5) five business days before an election or afterwards.

For the purposes of transparency and good governance, the current reporting requirements, and the absence of an audit process around campaign funding in CoM elections is obviously inadequate.

The actual investment in, and the sources of funding for, each candidate's campaign are not publicly disclosed. Unlike any other Australian jurisdiction, CoM 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'.

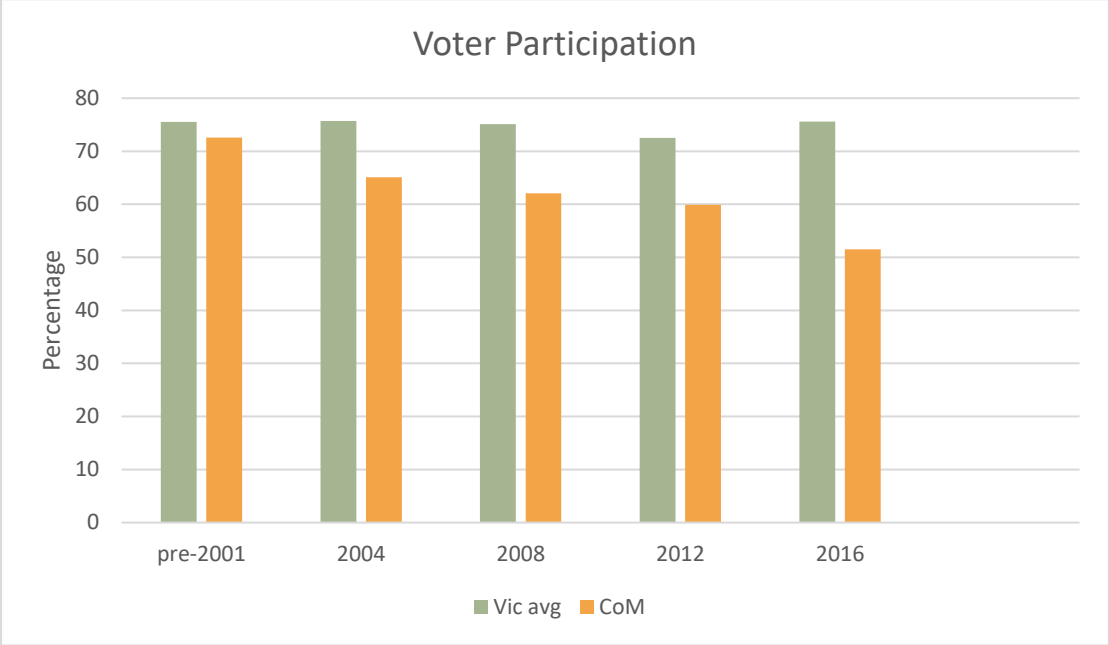
Campaign funding is a uniquely important and influential factor in all CoM elections compared to campaigns in other municipalities.

The CoM is an un-subdivided municipality, where over 60 per cent of the electorate 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 – due to postal balloting, it necessitates the posting of campaign materials, with a single postal mail out costing over $100,000 and a campaign invariably involves an average of two such mail outs.

2. Participation

While, on average, voter participation rates in local government elections has remained relatively stable, since the *City of Melbourne Act 2001*, voter participation in the CoM has declined dramatically and continues to do so.

Table of voter participation in Victoria v City of Melbourne



Victorian Electoral Commission figures:

2016	51.5% (Victorian average of 75.6%)
2012	59.9% (Victorian average of 72.5%)
2008	62.1% (Victorian average of 75.1%)
2004	65.1% (Victorian average of 75.7%)
Pre-2001	72.6% (Victorian average of 75.5%)

Apply the voter eligibility requirements of the *Local Government Act 1989* to the City of Melbourne electoral roll and elections.

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 strongly recommends that the CoM applies the voter eligibility tests contained in the *Local Government Act 1989*.

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

CoRBA starts with the perspective that democracy is based upon the concept of 'one person, one vote'.

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 their consent or applying to enrol. In the same process, corporations are given two votes to the single vote of other voters.

Deeming 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. Therefore, the deeming process proves not only inefficient and costly but a waste of resources for a negligible return and distortion of the electoral roll.

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 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* (a corporation choose to go on the role and can apply to enrol one of its directors or company secretary as a voter)., 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.

3. Integrity

Ensure Ballot verification.

In CoM elections, the VEC uses a sampling process to validate ballot papers by verifying the signatures and/or the date of birth 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 on the State Electoral, 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 dates of birth on ballots from 'deemed' voters because neither signatures nor date of birth form part of the prescribed data held by ASIC – from whose data base deemed voters are drawn.

To further complicate the verification process, as a contractor rather than statutory authority, 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, in the CoM, we have the situation where the VEC is expected 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 or signature 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; such as date of birth and signature.

4. Electoral Representation

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 might not otherwise vote.

Full preferential voting sets a high bar for voters, thus increasing the likelihood of informal or donkey 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. For example, the minimum number of boxes a voter must number is same as the number of vacancies (100 candidates and 9 vacancies = minimum number of 9 boxes to be numbered).

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 or group 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 exceedingly 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 based on strategy and self-interest.

Mr Antony Green, a respected election analyst, 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.

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

CoRBA supports the introduction of the 'Robson 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 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 of candidates' of 'how-to-vote' cards, on which a representation of a completed ballot-paper is shown, with a request that it be copied exactly in the order 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 or group'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'.

CoRBA's 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. To avoid 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.

Remove the direct election of the Deputy Lord Mayor

CoRBA recommends that the position of Deputy Lord Mayor is no longer a directly elected position but is elected on a rotational basis from and by sitting councillors.

We believe that this would present an opportunity for councillors to directly experience and engage in leadership position.

CoRBA notes that the City Geelong has a directly elected Mayor and that the Deputy Mayor is chosen by councillors on a rotational basis.

In 2018, the then Lord Mayor resigned from the council, an election was held, and a new Lord Mayor was elected. This has created the anomalous situation where the Lord Mayor and Deputy Lord Mayor are no-longer a 'team', being elected on different platforms, and often find themselves in conflict or opposition.

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

In his 2013 Annual Report, Victoria's 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 bloc 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 shown:

- 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 political party supported councillors have met 'in caucus' to determine their collective votes on a political or factional basis); and
- often votes on a factional/bloc basis.

In light of the Ombudsman's criticisms, and that 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 and kept pursuant to the *Public Records Act*.

Reintroduce Wards in the City of Melbourne.

Presently the CoM is treated a single undifferentiated ward with 11 councillors (Lord Mayor, Deputy Lord Mayor and nine councillors). This has led to the situation where there is no elected representative responsible for any part of the municipality.

CoRBA maintains that the reintroduction of 10 single member wards (i.e. excluding the directly elected Lord Mayor) would allow for residents to be more directly represented and ensure that councillors will be accountable to their local communities.

Members of CoRBA

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