

Andrew Conley  
[REDACTED]  
[REDACTED]

Warwick Gately AM  
Victorian Electoral Commissioner  
[REDACTED]

18 September 2019

To Mr Gately,

**Preliminary matter**

I disclose that I am a committed member of the Australian Greens Victoria, and stood as a candidate for that party at the 2018 state election.

**Support of Option A**

I support the Commission's preferred option, Option A. I support the increase to 9 councillors and the proportional counting system that is provided for in Option A. I repeat what I said in support of multi-councillor wards in my preliminary submission. I agree with the arguments summarised on pages 13 to 15 of the *Preliminary Report* and the arguments put in the second last paragraph of page 20 of the *Preliminary Report*.

I oppose the continuation of single-councillor wards that is provided for in Option C. I contest the implication, which seems to me to have been made at the foot of page 22 of the *Preliminary Report*, that only single-councillor wards result in 'accessible councillors that are aware of and able to easily respond to local issues.' I can see no reason for thinking that councillors in single-councillor wards would be any more likely than councillors in multi-councillor wards to be accessible to their residents, nor 'aware of and able to easily respond to local issues'. Rather, multi-councillor wards result in *more* councillors for each resident to approach, and perhaps even some appropriate extra impetus for councillors to be responsive to a resident's concerns given that the resident has ready alternatives if they are not.

### Comments on other submissions

I note Banyule City Council's preliminary submission. I am concerned that the Council itself, the constitution of which is in question in this review, made a submission, especially one so stridently in support one point of view. To be clear, I am all in favour of councillors making a submission to the Commission in their individual capacity; they have just as much right as any resident to do so. But I object to the Council making a submission as an institution. In doing so, it has stated, in clear terms, that, if the Commission recommends multi-councillor wards, it will be advocating *worse* governance, *less* accountable representation to the community, *weaker* representation of local communities of interest, and *less* effective and efficient representation. This cannot be right. It is akin to a polite ransom note! The Council must, and I am sure that it will, do its duty for the residents of Banyule no matter how it is constituted. In my view, it was a grave error of judgment for the Council to pit its views against the Commission in this fashion. It should not have done so. In my submission, the Commission should give little or no weight to the views of the Council, both in its preliminary submission and in any response submission it might make.

Further to the above, I reject the Council's assertions (on page two of its preliminary submission) that '[a] single Councillor structure allows for respectful relationships between elected Councillors because Councillors are independent and accountable for their own actions' and '[t]he division of multi-[councillor] wards permits the opportunity for arguments and further separation of opinions on matters of the community.' First, there is nothing inherent in multi-councillor wards that precludes or inhibits respectful relationships between councillors. Secondly, arguments and differences of opinion are *good* in a democracy, not bad! The idea that the Council must always present a united front is a dangerous one. It is *inconceivable* that councillors always agree on the business before the Council. And when councillors disagree, that disagreement should be respectful *and made public* – not kept behind closed doors. Then residents can provide their opinions, and resolution can be found, either by the modification of positions or by a vote. All of this can, should and must be done in a collegiate manner. The Council's implication that it would be otherwise should be rejected.

I note the preliminary and response submissions of Good Governance Banyule Inc. I do not dispute the right of that association to make a submission.

I observe, however, that the register of incorporated associations<sup>1</sup> records that that association has 10 members, and I submit that the Commission should take that into account when it comes to determining how much community support that association commands.

I note the preliminary submission of Banyule Ratepayers Action Group Inc. and the joint response submission of Banyule Ratepayers Action Group Inc. and Banyule Residents Action Group Inc. I do not dispute the right of those associations to make a submission. I observe, however, that the register of incorporated associations records that both associations have 6 members. Given that those associations describe themselves (on page 1 of their response submission) by a common name (i.e. 'BRAG'), seem to say (on the same page) that they have a common chairperson (i.e. David Mulholland), have the same number of members, and have the same recent AGM date (per the register of incorporated associations), I submit to the Commission that it is very safe to presume that their memberships entirely overlap. If that presumption is made, then 'BRAG' has 6 members. I submit that the Commission should take that into account when it comes to determining how much community support 'BRAG' commands. This is particularly important given that (on page 2 of their response submission) 'BRAG' implies an estimable membership when they say that 'BRAG through its membership believes that it is well placed to make a submission' to the Review.

Yours sincerely,

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Andrew Conley

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<sup>1</sup> Which one can search at <https://www.consumer.vic.gov.au/clubs-and-fundraising/incorporated-associations/search-for-an-incorporated-association>.