PROPORTIONAL REPRESENTATION SOCIETY OF AUSTRALIA (VICTORIA-TASMANIA) INC.

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Response submission to Electoral Representation Review, Boroondara City Council

This submission is also accessible, **with active hyperlinks,** at http://www.prsa.org.au/2019_response_boroondara.pdf

1. SUMMARY

1.1 VEC's Option A and Option B desirably avoid single-councillor wards:

Proportional Representation Society of Australia (Victoria-Tasmania) Inc. notes that fortunately the Preliminary Report of the Victorian Electoral Commission does not give - as either its Option A (preferred option) or its Option B (alternative option) - the establishment of any single-councillor wards. Those Options are good in that, if either were adopted, proportional representation using the single transferable vote (PR-STV) would then become the only basis for the election of Boroondara City councillors.

The hegemonic system of single-councillor wards in Option C (alternative option) is the worst possible system that is available for municipal use under the current *Local Government Act 1989* because it minimizes choices for **voters** to the greatest extent possible. It would - unlike multi-councillor electoral districts proposed in Options A and B - ensure that some **49%** of Boroondara City voters could be left without any candidate they have strongly supported being elected.

1.2 Number of councillors is reasonably increased by one to give an uneven number:

PRSAV-T Inc. notes that each of the VEC's three options would increase the number of councillors for Boroondara City Council from the present ten councillors to eleven. The rationale for that increase, as explained by the VEC, and by many submissions, including the PRSAV-T Inc. Preliminary Submission, and even some supporting Option C, is the sensible practice of fixing the number of councillors as an uneven number, to reduce the incidence of tied votes at Council meetings. That would avoid the coming into play of Victoria's misconceived use of a so-called 'casting' vote as well as a 'deliberative' vote. That PRSA submission did nevertheless point out that reducing the number of councillors to nine in Option A would have had the additional benefit of maintaining parity among the wards.

1.3 Need for review to give more weight to objective measurable criteria:

The VEC's Preliminary Report would have been improved if it had referred to some of the calculable and quantifiable aspects of each of the three options so that a measured comparison between options could have been made, rather than the far less rigorous comparison made between the relatively vague and subjective considerations advanced.

The closest that the report came to such a logical and testable basis for a recommendation was in the argument provided for the number of councillors, which is a less important consideration than maximizing voter effectiveness, and parity among the wards.

Appendices A, B and C below provide objective figures for some of the issues overlooked in the report. Those issues bear on vital matters of the strength of support needed for election, the extent to which voters' wishes are given effect to, and the protection the systems give against discreet minority control.

2. EVALUATION OF THE VEC'S THREE OPTIONS

2.1 VEC's Option A (preferred option) of three 3-councillor wards and one 2-councillor ward:

Option A generally provides higher absolute levels of quota of votes for election, as opposed to the percentages of the vote, than would either:

- the five 2-councillor stalemate wards and one 3-councillor ward in the VEC's Option B (alternative option) or
- the 11 single-councillor wards in the VEC's Option C (alternative option),

and it gives more coherence to the expression of substantial relatively wide-spread issues, as well as providing scope for alternative points of view denied by the *winner-take-all* crudity of the single-councillor ward system. PRSAV-T Inc. gave more details of its concerns about single-councillor wards in its Preliminary Submission.

Quantitative Indicators in Appendices A, B and C

Appendix A shows quantitatively that the absolute level of voter support required to elect a candidate under the VEC's Option A (preferred option) and its Option B (alternative option) is substantially higher, up to 47% higher, than it would be under its Option C (alternative option), the single-councillor ward option. The way that level is calculated is also shown.

Appendix B shows quantitatively the much greater percentage of the minimum effective votes in Option A (preferred option), which is 73.5%, and Option B (alternative option), which is 68.9%, compared with the Option C (alternative option) of 50.0%. The way that level is calculated is also shown.

Appendix C shows quantitatively that the safeguard of the overall vote being required, before Boroondara City Council can be discreetly controlled by an organized group of voters, is distinctly higher with Option A (preferred option) at 40.2%, and Option B (alternative option), at 31.1%, than with Option C (alternative option), where it is an undesirably low value of 27.3%. How that level is calculated is also shown.

2.2 VEC's Option B (alternative option) of one 3-councillor ward and five 2-councillor wards:

Each of those Options A and B is considerably better than the VEC's Option C (alternative option) of eleven single-councillor wards, with their byzantine, frequently-changing boundaries between wards necessitated by the electoral fragmentation associated with so many single-councillor wards, where each councillor is decided by the votes of only half the voters plus one.

2.3 VEC's Option C (alternative option) of eleven single-councillor wards:

Low levels of support: This VEC option for single-councillor wards gives the extreme in minimalist representation that preferential voting in single-councillor wards entails. As Table 1 in Appendix A shows, it is the option that allows each of the councillors to gain election with a smaller number of votes than any of the other of the VEC's options. To reduce representation below that level would require reversion to a *first-past-the-post* procedure, as fortunately superseded in Victoria a century ago.

Representation extends to a larger percentage of the electorate as the number of councillors per electoral district increases so, of the VEC's two options, this option gives a much lower level of effective votes, as Table 2 in Appendix B shows. It also lets the Council be controlled by the lowest level of overall votes for winners, as shown in Table 3 in Appendix C.

For all of those reasons it should be less preferred than either the VEC's Option A (preferred option) or its Option B (alternative option).

Local representation: Some supporters of single-councillor wards say they are concerned about not having a councillor that lives close to them, and claim that single-councillor wards ensure that will not happen. That is not the case, as Section 28 of Victoria's *Local Government Act 1989* allows resident candidates to live anywhere in the municipality, and non-resident ratepayers to live anywhere in the world.

Voters often prefer a good candidate from further afield to a poor candidate that lives in the ward, and they should be allowed to make that choice. The address of each candidate appears on the electoral roll, and is soon broadcast by opponents if they see electoral advantage in doing so.

It has been said that in a single-councillor ward a voter is likely to know a greater part of the candidates than in a multi-councillor ward, and can therefore make a simpler and more informed vote. That is not a convincing case for preventing voters having a wider choice as the voter will still find that the candidates he or she knows are listed on the larger ballot-paper where more than just one councillor is to be elected.

Voters can just as easily give their first preference vote to the candidate they know and trust best. Living in a single-councillor ward gives such a voter no advantage over that, but it does unfortunately prevent that voter choosing another candidate outside the area of his or her present small single-councillor ward if that voter were to consider that is preferable given a possibly unacceptable list of candidates in that ward.

Adversarial nature: A major failure of the single-councillor ward system is its adversarial nature. It is an intrinsic part of that system that each of the serious candidates seeking election when a sitting councillor is recontesting his or her ward is viewed, at least in part, as having the negative intention of unseating that councillor. By contrast, in a multi-councillor ward, where one or more sitting councillors are recontesting their seats, no single candidate can so obviously be pointed to as having such a negative motive of trying to unseat a particular councillor. Instead emphasis is much more on the positive motive of being elected.

Targeting: If all retiring candidates recontest a ward, the election of a new candidate necessitates the displacement of one of them, but it is not inevitable - as it is in a single-councillor ward - who the displaced councillor will be. With the targeting that applies to the sole incumbent in a single-councillor ward not applying in a multi-councillor ward, the tone of a multi-member poll is necessarily focussed on the positive task of gaining election, rather than the negative task of defeating a targeted incumbent. Unlike wards elected by PR-STV, a single candidate that only holds negative views can become the only representative of the ward.

Accountablilty: Some commentators describe this negative retribution against incumbents as "accountability", but a far better form of accountability is the positive endorsement by the larger number of votes required for election in a proportional representation multi-councillor ward compared to the relatively smaller number of votes required for election in a *winner-take-all* single-councillor ward.

As Table 1 of Appendix A assists calculation of, the number of votes required to elect each councillor:

- in each of the 3-councillor wards proposed is 50.0% higher than the number of votes required to elect each councillor in each single-councillor ward proposed in Option C, and
- in each of the 2-councillor wards proposed is 33.3% higher than the number of votes required to elect each councillor in each single-councillor ward proposed in Option C.

Those figures suggest that the much stronger positive backing needed by the councillors elected in the options with multi-councillor wards is a proper measure of how much more accountable they are.

Peer review: The other accountability that multi-councillor wards provide, which single-councillor wards cannot, is the existence of one or more other elected councillors in the same ward able to assess matters in the same area independently of each other, and able to question each others' arguments and proposals if they disagree with them, both privately and publicly. Just as our legal system gives the final say to a bench of several judges on appeal rather than just a single judge, greater public confidence is gained by seeing two persons agreeing with each other than by seeing one person agreeing with himself or herself.

If there is agreement between all the several councillors for a ward, the remaining councillors outside that ward are in a better position to vote the same way as those councillors than they are if they are listening to only one person's opinion.

Likewise, disagreement between the several councillors for a ward provides material for the remaining councillors to make a more informed decision in the way they vote to settle the matter, rather than relying on the opinion of only one person, who might be a person for whom experience has taught them to have little respect, even though they have only that sole representative for four long years, as do that person's constituents, who have no other ward representative to turn to, in a single-councillor ward.

Unlike the other two VEC Options, Option C allows only one voice per ward, thus preventing any alternative or independent representative check in the ward, or other voices speaking out for the ward in Council debates, on the integrity or soundness of representation offered by that cosy monopoly of representation.

Fewer, simpler and more stable internal ward boundaries:
The number of internal ward boundaries would be:

- 2 internal boundaries for PRSAV-T Inc's preferred three 3-councillor wards
- 3 internal boundaries for Option A
- 4 internal boundaries for Option B
- 9 internal boundaries for Option C.

The fewer internal boundaries there are, the less frequently will redistributions be required. Fewer, simpler and more stable boundaries are also much more easily envisaged by citizens, and even councillors and staff.

3. REQUEST TO SPEAK AT PUBLIC HEARING

PRSAV-T Inc. asks that it be allowed to address the VEC Panel at the public hearing, where it wishes to be represented by Mr Geoffrey Goode, its Secretary, please.

Geoffrey Goode
Secretary, Proportional Representation Society of Australia (Victoria-Tasmania) Inc.

APPENDIX A:
Minimum overall vote percentage for election of each councillor

A most desirable aspect of proportional representation using the single transferable vote (PR-STV) is that each elected councillor needs a significantly larger percentage of the Boroondara City-wide vote for election than is needed under a single-councillor ward system.

For the VEC's Option A (preferred option) and its Option B (alternative option), each involving a total of 11 councillors in a combination of 3-councillor and 2-councillor wards, 6.82% of the Boroondara City-wide vote is enough to secure election for each councillor in the 3-councillor wards, and 6.06% is enough to secure election for each councillor in the 2-councillor ward.

For the VEC's Option C (alternative option), which would establish eleven single-councillor wards, each councillor would need only 4.55% of the Boroondara City-wide vote for election, which obviously makes them less representative.

The way that the above percentages are calculated is shown in Table 1 below, which shows that, of the VEC's three options, Options A and B produce councillors with the highest absolute level of voter support.

Table 1 below shows how the three models suggested above rank quantitatively against the present poor arrangement for Boroondara City Council in regard to this important measure of the effectiveness of democratic representation, which is the percentage of overall votes that actually comprise part of the bare majority, or the quota, as the case may be, that actually results in the election of a candidate. The fractional calculations from which the various percentages were determined are also shown in Table 2, which shows another way of looking at the percentages resulting in Column X below.

Table 1: Minimum overall vote percentage needed to elect each councillor, and fractions it is calculated from

Column W		Column X	Column Y	Column Z
No. of councillors per electoral district in relevant model		Sum of **minimum** percentages in Column Y over all councillors	**Minimum** percentage of **overall** vote to elect each councillor	Fractions from which minimum percentage of overall vote required to elect the stated councillors is calculated
VEC Option A:	Three 3-Cr wards One 2-Cr ward	**73.5%**	**6.82%** **6.06%**	(3)/((1+3) ⁎11) (2)/((1+2) ⁎11)
VEC Option B:	One 3-Cr ward Four 2-Cr wards	**68.9%**	**6.82%** **6.06%**	(3)/((1+3) ⁎11) (2)/((1+2) ⁎11)
VEC Option C:	Eleven 1-Cr wards	**50.0%**	**4.55%**	(1)/((1+1) ⁎11)
PRSA preference:	Three 3-Cr wards	**75.0%**	**6.82%**	(3)/((1+3) ⁎11)

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APPENDIX B:
Comparing options as to the minimum percentage of effective votes

Table 2 below shows how the VEC's three options rank quantitatively against each other, and against PRSAV-T Inc's preference in its preliminary submission, in regard to this important measure of the effectiveness of democratic representation, which is the percentage of overall votes that comprises the quota that actually results in the election of a candidate. The fractional calculations from which the various percentages were determined are shown in Table 2 below.

The formula for calculating the minimum fraction, **m**, of effective votes for the council as a whole contributed by the electoral districts having a particular number of councillors - if there are **d** electoral districts with **n** councillors per electoral district in a council with **c** councillors - is, where an asterisk "*" indicates multiplication and a solidus "/" indicates division:

$$\mathbf{m} = (\mathbf{d} * \mathbf{n} * \mathbf{n})/(\mathbf{c} * (1+\mathbf{n})).$$

Table 2: Minimum percentage of effective votes, showing fractions from which it is calculated

Options	No. of Councillors per Electoral District in Relevant Model	**Minimum** percentage of effective votes	Fractions from which minimum percentage of effective votes is calculated *(No. of councillors for each ward size is shown in **bold magenta**)*
PRSA preference	Three **3**-Cr wards	**75.0%**	[(3*3*3)/(9*(1+3))]
VEC Option A	Three **3**-Cr wards & one **2**-Cr ward	**73.5%**	[(3*3*3)/(11*(1+3))] + [(1*2*2)/(11*(1+2)]
VEC Option B	One **3**-Cr ward & four 2-Cr wards	**68.9%**	[(1*3*3)/(11*(1+3))] + [(4*2*2)/(11*(1+2)]
VEC Option C	Eleven **1**-Cr wards	**50.0%**	(11*1*1)/(11*(1+1))

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APPENDIX C:
Minimum vote percentage for an organized group to obtain enough votes to control the Council

Just as the single-councillor ward system leads to a large proportion of wasted votes, it also allows for minority groupings to control a council with much less than 50% support. Since just over 50% of the vote in just 6 of the 11 wards in Option C is all that would be needed to gain control of Boroondara City Council, and those 6 wards would represent just under 54.6% of the voters, it is theoretically possible for a minority with just over **27.3%** support of voters overall to achieve control of the Council. In practice, the support for such a grouping would usually be higher than that but, with single-councillor wards, minorities of voters are regularly gaining control of elected bodies at the expense of majorities.

Table 3 below shows how the VEC's three options rank quantitatively against each other in regard to this important measure of the safety and integrity of democratic representation. The fractional calculations from which the various percentages were determined are shown in Table 3. It is obviously desirable that the percentage should be near the 50% maximum that is only achievable in an undivided municipality. The 40.2% achievable with the VEC's Option A, or the 31.06% with its Option B, is closer to that 50% maximum than it is to the 27.3% minimum level that would apply with eleven single-councillor wards.

Option C for Boroondara City Council presents a dangerously low minimum percentage of the overall public vote able to deliver control of the Council to a discreetly organized group of candidates. Option B is marginally superior in regard to this criterion, whereas Option A is much closer to the maximum, which is 50% with an undivided council.

Table 3: Minimum percentage of vote needed to control Council, showing fractions it is calculated from

Options	No. of Councillors per Electoral District in Relevant Model	**Minimum** percentage of **overall** vote to control Council	Fractions from which minimum percentage of overall vote required to gain control of a majority of Council seats is calculated
VEC Option A	Three 3-Cr wards & one 2-Cr ward	**40.15%**	(5*3)/((1+3)*11) + (1*2)/((1+2)*11)
VEC Option B	One 3-Cr ward & four 2-Cr wards	**31.06%**	(2*3)/((1+3)*11) + (4*2)/((1+2)*11)
VEC Option C	Eleven 1-Cr wards	**27.27%**	(6*1)/((1+1)*11)

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