

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



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Preliminary Submission to Electoral Representation **Review**, Boroondara City Council

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

1. SUMMARY:

- Proportional Representation Society of Australia (Victoria-Tasmania) Inc. recommends proportional representation using the single transferable vote (**PR-STV**) for elections to Boroondara City Council by reducing the number of councillors to nine, elected from three 3-councillor wards. That would also help make future cases of **tied votes in Council** less likely, if the number of councillors were an odd number.
- PRSAV-T Inc. recommends against the use of single-councillor wards, either for all members of the Council, or as part of a mixed system of single and multi-councillor wards.

Section 2.4 below points to the present single-councillor wards allowing candidates to be elected with a much smaller number of actual votes than under proportional representation, and minimizing the voting percentage needed to control Council. It warns of the need to raise qualifying targets by using PR-STV.

2. WHY MULTI-COUNCILLOR WARDS SHOULD REPLACE SINGLE-COUNCILLOR WARDS:

2.1 Single-councillor wards minimize voters' choices, yet maximize candidates' choice of voters:

With single-councillor ward systems, the voters' choice of candidates is reduced to the minimum possible, for a given total number of candidates overall, but the candidates' choice of which ward to contest is maximized. With multi-councillor wards, the voters' choice of candidates, for a given total number of candidates overall, is enlarged by comparison with single-councillor wards, and the candidates' choice of which ward to contest is reduced, as is their ability to **avoid scrutiny** by a wider electorate.

The electoral system should emphasize as far as practicable the importance of letting voters choose their candidates, rather than of letting candidates choose their voters, as applies presently. The choice of candidates open to voters should be arranged so it is the maximum practicable, and candidates should face, and be electorally assessed by, a wider cross-section of the municipality they make decisions for.

2.2 Single-councillor wards maximize the number and percentage of ineffective votes per district:

Under single-councillor ward systems, in any individual ward, each councillor is elected in his or her electoral district with just over 50% of the vote. The remaining votes, which often amount to just below 50% of the vote, have no effect on the outcome. Where the results are close, it is possible for the votes of just under 50% of the voters to not be counted towards the election of a candidate.

Whether close or not, those votes are termed **wasted** votes. For example the elections in Boroondara City in **2016** were conducted under the single-councillor ward system, and only 9 of the 10 wards were contested. In 2016, only 58.4% of voters throughout Boroondara City actually contributed a vote or a preference towards the final count reached by a successful candidate when the last distribution of preferences took place; that is to say, cast **effective** votes.

That left 41.6% of voters that were not represented on Council by someone they contributed a vote or preference to in that final determining count between the successful candidate and the runner-up. Those 41.6% of votes were therefore **wasted** as far as securing the finally preferred representation was concerned.

Wastage of close to 50% of the total votes cast (that is, the number of *wasted* votes can nearly equal the effective votes) is quite typical of single-councillor ward systems, whereas in 3-councillor wards, wastage cannot exceed 25% (that is, the number of *wasted* votes will not exceed one third of the *effective* votes). The upper limit of *wasted* votes in a 3-councillor ward is thus half that of a single-councillor ward.

Table 1: 2012 and 2016 Boroondara City poll results, based on figures shown at www.vec.vic.gov.au

Single-councillor ward	2012		2016	
	Votes for successful candidate (after transfer of preferences)	Votes for unsuccessful candidates (after transfer of preferences)	Votes for successful candidate (after transfer of preferences)	Votes for unsuccessful candidates (after transfer of preferences)
Bellevue	4,759	3,985	UNCONTESTED	
Cotham	5,210	3,505	4,912	4,477
Gardiner	5,164	3,107	6,049	3,538
Glenferrie	4,455	3,077	4,708	4,128
Junction	5,048	3,165	5,619	3,779
Lynden	5,239	3,726	5,183	4,501
Maling	5,458	3,316	6,573	2,710
Maranoa	4,686	3,816	5,092	3,606
Solway	4,681	4,622	5,685	4,086
Studley	5,570	2,334	4,919	3,904
Total	50,270	34,653	48,740	34,729
Percentages	59.2% (effective votes)	40.8% (wasted votes)	58.4% (effective votes)	41.6% (wasted votes)

Single-councillor ward systems exaggerate majorities, particularly quite small majorities, and can thus lead to under-representation of quite large minority viewpoints and a distortion of the community's views. Such under-representation perpetuates a quite justified dissatisfaction with local government in that large segment of the community that has been denied a legitimate share of representation on the Council.

2.3 Comparison between the models in regard to the minimum percentage of effective votes:

Table 2 below shows how the model that PRSAV-T Inc. suggests above ranks 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 shown in Table 2.

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:

$$m = (d * n * n) / (c * (1+n))$$

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

No. of councillors per electoral district in relevant model	Minimum percentage of effective votes	How the minimum percentage of effective votes is calculated (No. of councillors for each ward size is shown in bold magenta)
Ten 1 -Cr wards	50.0%	$(10 * \mathbf{1} * \mathbf{1}) / (10 * (1 + \mathbf{1}))$
Three 3 -Cr wards	75.0%	$(3 * \mathbf{3} * \mathbf{3}) / (9 * (1 + \mathbf{3}))$

2.4 Warning of minimum vote percentage for an organized group to control Boroondara City 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 50% of the vote in just 6 of the 10 wards in the present Boroondara City Council is all that is needed to gain control of Boroondara City Council, and those 6 wards would include 60.0% of the voters, it is theoretically possible for a minority with just **30.0%** 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 are regularly gaining control of elected bodies at the expense of majorities.

The present arrangement for Boroondara City Council presents a dangerously low minimum percentage of the overall public vote able to deliver control of the Council to an organized group of candidates. It would be most beneficial if the symmetrical multi-member structure above replaced the present structure, and thus substantially raised the threshold for control of the Council, provided a wider choice of candidates, and increased the percentage of effective votes for election.

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

No. of councillors per electoral district in relevant model	Minimum percentage of vote to control Council	Fractions from which minimum percentage of overall vote required to gain control of just 6 or 5 Council seats - <i>as the case may require</i> - is calculated
Ten 1 -Cr wards	30.0%	$(\mathbf{6} * \mathbf{1}) / ((\mathbf{1} + \mathbf{1}) * 10)$
Three 3 -Cr wards	41.7%	$(\mathbf{5} * \mathbf{3}) / ((\mathbf{1} + \mathbf{3}) * 9)$

A most desirable aspect of PR-STV is that each elected councillor needs a significantly larger percentage of the municipality-wide vote for election than is needed under the present system. For ten single-councillor wards 5.00% of the municipality-wide vote secures election of each councillor.

With three 3-councillor wards, each councillor would need 8.33% for election, which is a 67% increase in the support a councillor in a single-councillor ward needs for election. For an undivided Boroondara City with nine councillors, each councillor would need 10.0% for election, but PRSAV-T Inc. does not recommend that option, as the ballot papers would probably be fairly large, which would be difficult for voters, unless Victoria’s formality rules that require all preferences but the last to be marked to change.

2.5 Multi-councillor wards minimize number and percentage of councillors elected unopposed:

For a poll to be is required in every ward at a general election, the excess of the number of candidates over the full number of seats on the Council must be at least equal to the number of individual electoral districts. The more wards there are, the more likely it is one or more are uncontested. At [Boroondara City Council’s last five general elections](#), an average of one councillor of the ten was elected unopposed.

Thus, when the number of wards is set at the maximum possible for the prescribed number of councillors overall, which is the case with single-councillor wards, it requires at least twice as many candidates as there are Council seats (100% higher number) for it to be possible for each ward to be contested at a poll. It is therefore much more likely with multi-councillor electoral districts that all voters will be involved in choosing between candidates, that council seats in such districts will be far less likely to be taken for granted by their occupants than in single-councillor districts, and that local issues will be aired and publicly assessed electorally each four years, in each part of the municipality, rather than some wards being ignored.

2.6 Single-councillor wards with incumbents elected unopposed facilitate unopposed succession:

Once a councillor has been able to be elected unopposed, particularly if consecutive unopposed elections have been involved, a notorious weakness of the single-councillor ward system can be utilized by that councillor when he or she eventually chooses not to contest the next election.

Such retiring councillors do not have to give - and often deliberately do not give - any public notice or even suggestion, prior to the nomination deadline, of their private decision that they will not be maintaining their past practice of nominating for another term. The public is lulled into the misconception that the councillor will probably be nominating again. What happens is that the retiring councillor discreetly chooses not to nominate, and quietly encourages a protégé to nominate at a few minutes before the deadline. That scenario is far less likely in a multi-councillor ward as explained in Section 2.5 just above.

*Once that surreptitious unopposed transition is a **fait accompli**, the ward in question soon finds to its surprise that it has a new councillor that hardly anybody realized would be so effortlessly installed.*

2.7 Single-councillor ward boundary location has an undue influence on representation:

Setting and adjusting the intricate and cumulatively long boundaries for twelve single-councillor wards is a contentious, time-consuming and expensive task. Few electors know the boundaries of their ward, and few councillors, including Mayors, know the boundaries of wards other than their own. Simpler and fewer boundaries, or in the case of an undivided city no internal boundaries, is a concept more readily grasped. The three 3-councillor wards advocated would require only two internal boundaries, compared with the present complicated pattern.

It has long been recognized, as the excellent U.S. on-line adaptation of the Proportional Representation Society of Australia's "Gerrymander Wheel" accessible at www.prsa.org.au/history.htm#gerrymander demonstrates, that with single-councillor wards, even where the number of electors in each is as equal as possible, variations in the positioning of boundaries between wards can alter the overall result of polls without any change having taken place in the way electors vote.

The reason for that is that boundaries between single-councillor wards of a particular shape can in many circumstances just manage to amalgamate a bare majority where a different configuration would not. It has long been called "gerrymandering" when done deliberately, but it is just as effective when it happens as a by-product of impartial boundary-setting. The remedy is to have fewer unnecessary boundaries, as multi-councillor arrangements facilitate.

2.8 Communities of interest needn't be rigidly set as geographic - let voters choose to combine:

Part of the desire for dividing municipalities into the smallest wards possible (single-councillor wards) seems to rely on a perception that allowance must be made for what are called 'communities of interest'. For Boroondara City, that notion can be summarized as: Bellevue voters should have Bellevue councillors, Cotham voters should have councillors that live in and know Cotham, Gardiner voters should have Gardiner councillors, and so on for the other wards. However, Parliament has wisely allowed voters a wider choice, and voters do choose sometimes to elect somebody from outside their ward in preference to a resident of that ward, as the [Section 28](#) of the *Local Government Act 1989* allows.

The idea that a system of single-councillor wards protects communities of interest is entirely false. Firstly, the only ‘community of interest’ that is favoured by single-councillor ward systems is a geographical community of interest, but there are also important non-geographical communities of interest. Secondly, the drawing of ward boundaries can and often does arbitrarily divide geographical communities of interest, particularly as each small ward does rightly need to contain the same number of electors.

However, people might have, and should be entitled to have if they want to - at least for certain elections - higher or other priorities than always voting for a ‘local identity’, because in the 21st Century there are many different ‘communities of interest’. With the internet, and better communications both in the form of personal transport, mobile telephones etc, communities of interest are no longer as rigidly geographic as they used to be. People living in quite separated locations do have considerable points in common, and may decide they have much less in common with people that are physically their immediate neighbours.

For example, like most Victorian municipalities, Boroondara City has its fair share of younger families. These families might share an interest in the provision of services such as playgrounds and infant welfare centres that is far more important to them than a focus on their particular geographic area, and might be numerous enough to amount to a quota of votes. If there is a division into smaller wards, their preferred ‘community of interest’ could be split so that neither of the two components is large enough to elect a councillor, and they languish in the ‘wasted vote’ category.

What can be termed ‘geographically-diverse communities of interest’ can also include communities of electors with environmental concerns, business interests, electors wanting to keep rates low, and so on.

Under PR-STV, both these geographically diverse communities of interest, and the geographically based communities of interest can be served. It will be up to the voters to decide what community of interest they belong to, whether it be geographical – where electors in a particular area, for instance, predominantly vote for an ‘identity’ from their immediate area – or some other community of interest – where people supportive of wider environmental concerns and practices in Boroondara City predominantly vote for ‘sustainability’ candidates, and those rejecting those views vote for their opponents, with each gaining a representative if they can muster a quota of votes. Voters need the flexibility to aggregate as they wish.

If they can each gain a quota, which requires each to gain 50% more votes than would be required in a single-councillor ward, they can, on the basis of that larger backing alone, each be regarded as more substantial representatives than their single-councillor ward counterparts would be. The strength of representation that the more dominant viewpoint gains can vary from just one of the nine councillors in an unsubdivided municipality to all nine, whereas the alternative *winner-take-all* system fails to give any graded response, and can all too often hand all the representation of a ward to a candidate that is purely negative.

PR does not reduce geographically-based communities of interest, but single-councillor ward systems arbitrarily and unnecessarily destroy any non-geographical communities of interest.

2.9 PR works far better in wards with an odd, rather than an even number of councillors:

We strongly urge the review **not** to recommend any wards with an **even number** of councillors to be elected. Wards electing an even number of councillors are most unsatisfactory, as that flouts the important democratic principle that a majority view should be represented by a majority of elected councillors. Were a two-councillor ward to be recommended, for example, the serious anomaly may arise that, in that ward, one candidate or group might win 65% of the vote and another just 35%, yet the two groups still have equal representation under proportional representation. Unfortunately four-councillor wards have been recommended for several municipalities in earlier rounds of representation reviews. In those wards, a minority group with just on 40% of the vote would be able to achieve equal representation with a majority group achieving just under 60% of the vote.

Only by having an odd number of councillors elected in each ward can the important democratic principle that majority support should lead to majority representation be maintained.

2.10 The wards to be used should be multi-councillor, each with the same number of councillors:

Arrangements of wards with differing numbers of councillors are intrinsically anti-democratic, as they have very different quotas for election in their distinct components, and will result in too much attention being given to where various boundaries are set out, at the expense of a community-oriented spirit. They are also very confusing to electors, and have led to considerable inconsistency across the State.

Lack of parity in the quotas for election makes it easier to be elected in some wards than others. That is an undesirable feature that can induce candidates to stand in a particular ward just for their convenience.

2.11 ‘Dummy candidates’ are a single-councillor ward device that is far less effective in PR wards:

Single-councillor wards using preferential voting are very much more vulnerable to manipulation by the use of so-called ‘dummy candidates’, i.e. candidates that do not expect or wish to be elected, but that have a greater appeal to a certain few voters than the serious candidates do, and that are encouraged to stand for election by more serious candidates in the hope that they will garner some first preference votes the more serious candidate might not expect to get, with the outcome that those votes will, on the exclusion of the ‘dummy candidates’, be transferred to the serious candidate, and that there will be enough of such votes to produce an absolute majority for the serious candidate, and thus achieve his or her election.

The reason that proportional representation using the single transferable vote is far less conducive to the fielding of ‘dummy candidates’ is that, unlike preferential voting in single-councillor wards, where the only type of vote transfer that can occur is the exclusion of minor candidates, there is an extra stage in the transfer process at the vote count, which takes priority over the transfer of votes from excluded candidates. That extra, prior stage is the transfer of surplus votes from candidates that gain more than a quota of first preference votes. Transfer of votes from excluded candidates has to occur in PR-STV counts, but it is not the only transfer, and it only occurs after transfer of surplus votes, or if there are no surplus votes.

With several councillors to be elected in a PR-STV count, it is much more likely that at least one will gain a quota and initiate the transfer of surplus votes before transfers arising from exclusion than it is that a single candidate in a single-councillor ward will gain an absolute majority of first preference votes and be elected forthwith, without the count having to proceed instead to the transfer of the votes of the lowest-polling candidates, often ‘dummy candidates’.

It is most significant that transfers of surplus votes are, by definition, from candidates that have secured election early in the count, before the count is completed, i.e. serious candidates rather than ‘dummy candidates’. Such transfers of surplus votes come into operation in the positive circumstance of a candidate being elected, and are derived from that candidate’s total parcel of ballot-papers, whereas the only transfers available in single-councillor counts are necessarily those transfers arising from exclusions of candidates, which are initiated in the negative circumstance of no candidate being elected, and are derived from the ballot-papers of the candidate with the lowest prospect of being elected, viz. the candidate with the lowest progress total in the poll, which is where ‘dummy candidates’ usually appear.

Transfers of surplus votes are positive in outcome as they give effect to the support for a particular point of view that is large enough to have already achieved at least one elected representative and to contribute towards the election of another, whereas transfers arising from exclusions of candidates, although necessary and justified, are of lower priority, but not value, as reflected in the rules for a PR-STV count, because they are derived from the smallest aggregations of opinion, rather than the larger aggregations represented by parcels of votes exceeding a quota.

Proportional Representation Society of Australia (Victoria-Tasmania) Inc. remains of the view that it would be highly desirable for Local Government in Victoria to move towards a more consistent electoral system. It looks forward to electoral arrangements in Boroondara City that empower voters and leave all candidates satisfied that community views are fairly reflected in the representation following each poll.

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APPENDIX A: Background to evolution of multi-councillor wards and Victoria's single-councillor ward fling

A1. The long and generally widespread wisdom of avoiding single-councillor wards:

Single-councillor wards are, and have been, very little used world-wide, certainly in the English-speaking democracies. The first election in Australia for any level of government, preceding elections for parliaments, was a municipal election, which was for Adelaide City Council in 1840. That [pioneering Australian election](#) used the multi-councillor electoral district principle, and it was also the first use of proportional representation (PR) for the election of a public body anywhere in the world. Since then, consistent with long-standing and continuing world practice, multi-councillor wards have always applied for nearly all municipal elections in all States and Territories of Australia, except for the gratuitous introduction – nearly all in Victoria and only for some councils – of single-councillor wards in the mid-1990s.

A2. Victoria's clumsy introduction of triennial elections without proportional representation:

Until Victoria's neighbouring states – [New South Wales](#), [South Australia](#), and [Tasmania](#) – adopted proportional representation as the prevalent system in their municipal electoral districts, which were, and still are, all multi-councillor districts, they generally conducted *winner-take-all* elections for one of the three councillor positions in each ward annually in rotation. Those neighbouring states all abandoned such annual elections in the 20th Century by changing to a system of general elections with multi-councillor districts with proportional representation being the prevailing system.

When [Victoria](#) abandoned such annual elections, it not only failed to retain multi-councillor districts throughout, resulting in many single-councillor wards, but it also retained for its remaining multi-councillor wards – by default owing to opposition to proportional representation by the then Opposition-dominated Legislative Council – the *winner-take-all* system that had been used for counting Senate elections from 1919 until it was discredited and replaced by the present system of proportional representation using the single transferable vote in 1948.

A3. Unable to choose PR, Victoria's unelected commissioners generally chose the lesser of 2 evils:

Because that *winner-take-all* multi-councillor system was as unrepresentative and lopsided as its [1919-46 Senate counterpart](#), many amalgamated councils had little choice but to seek some slightly improved diversity by preferring the newly-imposed single-councillor wards. The abhorrently unrepresentative nature of both the *winner-take-all* Senate systems used prior to 1949 is demonstrated by the extraordinary fact of the five Senate elections, those of [1910](#), [1917](#), [1925](#), [1934](#) and [1943](#), where **100%** of the senators elected for **all** States were of the same party. Of course such a silly outcome has not occurred since 1948.

Since that bleak and short-lived period when all that was available was a choice between two *winner-take-all* systems, with one distinctly worse than the other – with only 3 unelected Commissioners making the choice – Victoria now has the far more representative system of multi-councillor wards with quota-preferential proportional representation. That undesirable *winner-take-all* system for multi-councillor wards is no longer available under the [Local Government Act 1989](#), which fortunately now requires that polls in multi-councillor districts must be counted on a proportional representation basis only.

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