Review of representation in the East Gippsland Shire

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What is the aim of the review ?

The purpose of the review is said to be 'to ensure that all voters in a local council have their concerns and interests fairly and equitably represented'. Ensuring that there is 'fair and equitable representation for all voters' in the East Gippsland Shire Council is particularly important, and far from straightforward. The terms themselves do not offer a clear guide to action. Is it 'fair and equitable' that the residents of Bairnsdale can call at the council offices while doing their shopping, while the resident of Mallacoota would need to take a two and three-quarter hour drive, or a five hour bus trip, to get to these offices ? Does 'administrative convenience' form part of the judgment of what is 'fair and equitable' ?.

The review considers none of these questions, and redefines the task as 'to ensure that the electoral arrangements are such that the number of voters divided by the number of people to be elected is no more than 10% above or below the average'. If this arithmetic requirement is satisfied, then in the view of VEC, all persons in the council area have their concerns fairly and equitably represented.

In doing so, it ignores the actual task of representation, and the difficulties of representing dispersed populations, and the particular challenge of combining areas of concentrated population with areas of dispersed population, which had previously led in 1967 to the separation of the City of Bairnsdale and the Shire of Bairnsdale after a poll of the ratepayers.

And it reflects (a) the long struggle against rural over-representation, (b) a singularly-restrictive statute, and (c) the long experience of the VEC is drawing electoral boundaries in metropolitan Melbourne by 'nip and tuck', moving little pockets of electors from one electorate to another to meet the arithmetic requirement (and in the process, creating entities of administrative convenience which relate to no communities and so can be given names like Macnamara or Cooper which do not identify them with any particular locality or community).

The review would have more credibility if it started with the recognition that the electoral arrangements are trying to satisfy two competing values - local representation and equal representation – and that it many cases, these work against one another: to represent a thinly-settled area would offend the principle of equality, and to insist on equal numbers of voters would deny these areas any representation. The review should then explain how it tried to respect both of these values.

The legislation does allow for a variation in the number of councillors, which could be used to help with the problem of representation of small populations, but the VEC choses to use it in a way which exacerbates the problem, seeing it as 'logical' that the councils with the biggest population should have the most representatives. But the councils with the biggest populations are the ones with the most concentrated populations, and the task of representation is quite different. Representing 5,000 people who mostly have internet access and all live within a mile of your electorate office is not twice as difficult as representing 2,000 people strung out along a three-hour drive with little or no internet: it is infinitely easier.

Representation in East Gippsland local government

East Gippsland Shire Council is the second-largest Victorian council in area (and about half the size of Switzerland), and nearly half of its area is national park. The population is concentrated in the bottom south-west corner of the council area, where the railway ends and the council offices are situated, and (with huge fluctuations) in holiday settlements along the coast (rather like Queensland on a small scale). So there is a marked contrast between the urban intrusion and the dispersed settlements based on agriculture, forestry and fishing.

The council was created by compulsorily amalgamating one urban council with the surrounding shire council and three other rural shires, all of the shires being divided into wards for the election of councillors. At this point, bearing in mind the division of the Shire of Bairnsdale, the amalgamated council was given two four-councillor wards, one basically Bairnsdale and its hinterland, the other the rest of the shire.

In the 2007 review, the VEC proposed several possible subdivisions, but claimed that none of the could satisfy the arithmetic requirement, and therefore fell back on an unsubdivided council, which was then implemented.

It also proposed to move from eight councillors to nine, largely because the council had often been deadlocked at 4:4, effectively giving the mayor an extra vote. The justification for choosing nine (rather than seven or eleven) was that other councils with a similar-sized population had nine councillors - reflecting the VEC's preference for bureaucratic neatness based on population rather than the specifics of the East Gippsland case. That the median size of the nine councils on the list was 4026 sq.km., whereas East Gippsland Shire was five times that size, at 20,930 sq.km., was not discussed.

Nor is there any evidence of research by the VEC into the practice of representation in East Gippsland, or of any attempts to assess whether introducing an unsubdivided council delivered the benefits claimed for it in 2007. The 2007 Final Report claimed, in support of an unsubdivided council, that 'Evidence at the public hearing suggested that residents identify with East Gippsland'; would this mean that if people in the state identify as Victorians, we could elect the Legislative Assembly as a single unsubdivided constituency ? In any case, this 'evidence' was the view expressed by just one of the five people who spoke, while others expressed the conviction that their areas would be better represented with a ward system. It is not clear why their views were not 'evidence'.

Given the proclaimed research skills of the VEC, one might have expected some evaluation of its previous recommendations. In fact, it has expected the public to do this in their submissions, despite the clear evidence that the public is completely turned off by these bureaucratic rituals. In 2007, the VEC had press and radio advertisements, public briefings, a help-line and a web site – and it got six submissions: three from Metung, one from Omeo and two from outside the shire. When it published its draft report, it elicited fourteen responses. The public meeting to discuss the draft report was attended by five of these responders, and just three other members of the public.

And why should the public be interested ? On the only occasion when they were allowed to vote, they voted to have separate councils for the city and the rural areas. The state government then moved in to abolish all the councils they had and create a regional assembly and call it a local council. If people responded by saying they wanted at least to be able to elect councillors from a local ward, the VEC would tell them they couldn't have this. It would be only rational for people in East Gippsland to conclude that they will get the sort of council which is aesthetically pleasing to political and bureaucratic leaders in Melbourne, and that involvement in these public consultations is wasted effort. This is the situation that the VEC has in part inherited, in part exacerbated.

Other modes of representation in East Gippsland

This withering of local electoral representation has been compounded by the abolition of the local management committees which the former councils had constituted to take responsibility for local community facilities. The council's Strategic Projects Planner explained at a recent public meeting that after the amalgamation, the new council was persuaded to abolish these local management bodies and transfer responsibility for these parts of the public domain back to the state government. It was all too difficult for the amalgamated council to deal with these little local concerns (but apparently not for bureaucrats in Melbourne).

This means that the dominant voice in local concerns is not that of the councillors, but of the council staff. This can be seen in the current 'community planning' exercise to create a Land Use Plan for the 'Twin Rivers District' (a term invented by the council staff to refer to Nicholson, Johnsonville and Swan Reach). At a public meeting in Nicholson on 14.2.19 for 'community input' onto the plan, officials from the council, the DELWP and the EGCMA spoke for 125 minutes about the projects they had been, or expected to be, engaged on, occasionally asking 'any questions on that ?'; these invitations, and their answers, took no more than ten minutes. In closing the meeting, the council official stated that the public audience, who had exercised no choice, had been engaged in 'identifying needs'.

This bureaucratisation of council activity by the exclusion of local voice has been facilitated by the abolition of candidature for local wards. For much, perhaps most, of the council area, there are no elected members from anywhere near the area being discussed, and the councillors find it easiest to leave it in the hands of the council staff.

What can the VEC do ?

If the VEC does want to ensure 'fair and equitable representation for all voters' (and this has not seemed to be of great concern to the state government), it might well start by recognising that there are competing values in play: local representation and equal representation. Putting the stress on local representation means small councils and representation by wards, perhaps single-member ones; stressing equality of representation leads to undivided councils and the end of the local voice. In this context, the VEC can recognise that the stress in East Gippsland has been on equality and look for ways to strengthen the recognition of locality as part of fair and equitable representation.

The first thing is to frame a workable division into wards. A good place to start would be the preferred option of the 2007 review, which respected both the population distribution and the road network:

> The preferred option was: that the East Gippsland Shire Council consist of nine councillors, to be elected from one four-councillor ward (Mitchell Ward), one three-councillor ward (Lakes Ward) and one two-councillor ward (Snowy Ward).

In the end, this was discarded because on the boundaries chosen, the populations of the wards would have fallen outside the arithmetic requirement. The answer is obvious: *change the boundaries until the population does fall within these requirements.* This is, after all, what the VEC does with the boundaries of parliamentary constituencies all the time.

> In doing this work, the VEC has used sophisticated mapping software, conducted field research and has developed expertise in preparing electoral boundaries that both comply with legislative approximate equality requirements and respect communities of interest.

The VEC should now put this expertise to work in crafting boundaries for wards in the EGSC which do comply with both equality and community of interest requirements. It would not be difficult to bring the 2007 preferred option into compliance by the 'nip and tuck' method used in parliamentary constituencies, superimposing diagram 1 of the 2007 Final Report on the map on p.17 of the 2019 Submission Guide, and adding or subtracting polling places until the population in each ward reaches the appropriate multiple of 4312 or falls below the appropriate multiple of 5270, possibly shifting one of the councillors from the Coastal Strip to Mitchell to create a 4-3-2 allocation. It is easy to see how this could be done – start by dropping the boundary down the Buchan road towards Nowa Nowa – but since the VEC has this sophisticated mapping software (which it has because it's their job), it makes more sense to leave it to them.

In addition, the VEC should explore and recommend modes of representation other than the election of councillors. It should draw to the attention of the government the significance of the abolition of local management committees, and recommend the introduction of modes of representation to supplement that of the elected councillors, such as elected ward committees, which would have formal standing at the council, with a council officer responsible for relaying their concerns to the council. This would be a recognised form of local representation, and would constitute a formal channel from localities to the council, and also offer to council staff (who frequently talk of the need for 'reference groups') a local point of contact. Such local committees would certainly be as effective as the ad hoc, tea-and-sandwiches fuelled 'community representation' now in use.

In summary:

• Retain nine councillors

• Divide the council into three wards, using an adjusted version of the preferred option from the 2007 review

• explore and recommend other means of strengthening the representation of dispersed communities.

I would be happy to enlarge on these points if that would be helpful.

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Relevant personal data

I am by trade a political scientist specializing in the structure and dynamics of government. I have had a long-established interest in local government, and at one time ran the degree course in local government administration which was, at the time, one of the two routes for qualification as a Town Clerk in New South Wales. I am now (mostly) retired but am a Visiting Professor at the Australian Centre for Excellence in Local Government at the University of Technology, Sydney, and at the School of Social Science, University of NSW.

My wife's family have been present in East Gippsland for just under a century, and my wife and I have had a house on the family farm at Swan Reach for forty years. Up to now, we have been (like many members of the community in East Gippsland) only holiday residents, but are now planning a more full-time residency.