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13 March 2019

Victorian Electoral Commission,
[REDACTED]
[REDACTED]

To whom it may concern

Preliminary Submission – East Gippsland Electoral Representation Review

Please find attached Council's preliminary submission to the Victorian Electoral Commission (VEC) on its current Electoral Representation Review.

The submission has been prepared based on informal discussion with East Gippsland Shire Councillors.

The submission posits that the number of councillors should remain at nine, and the electoral structure of East Gippsland Shire should remain unsubdivided. It is considered that the current number of councillors and electoral structure has served the community well, having provided fair representation, holistic decision making, good community access to councillors and councillor accountability. Importantly, the unsubdivided structure has engendered a whole of Shire perspective among the Councillor Group, with Councillors focusing on achieving the best outcomes for the municipality overall, rather than for specific areas or groups.

The Commission's consideration of this submission would be appreciated.

Yours sincerely

[REDACTED]

Anthony Basford
CHIEF EXECUTIVE OFFICER

Att.



East Gippsland Electoral Representation Review – Preliminary Submission

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1. Executive Summary

It is considered that the current electoral structure has served the community well since its inception in 2008, having delivered fair representation, holistic decision making, good community access to councillors and councillor accountability.

In accordance with the VEC's Submission Guide, this preliminary submission addresses the number of councillors and the electoral structure of East Gippsland Shire Council. It also conforms to the VEC's advice that it welcomes suggested models that consider the issues outlined in the 'Issues to consider in your submission' section of its guide.¹

2. Submission

2.1 Number of Councillors

Council submits that the number of Councillors should remain at nine. This accords with the three VEC guidelines set out in the Submission Guide:

1. The number of councillors is between 5 and 12.
2. The number of voters represented by each councillor is fair and equitable across the local council.
3. A consistent, State-wide approach is taken to the total number of councillors.

East Gippsland is a rural electorate. Based on a table provided in the VEC *Electoral Representation and Subdivision Review Report 2015-16*, East Gippsland already has the maximum number of councillors for a rural electorate and is well above the population threshold where a reduction to seven would be considered.

Expected number of councillors	Enrolment			
	Metropolitan	Metropolitan-rural fringe	Regional urban	Rural
5	-	-	-	<8,000
7	<75,000	<75,000	<45,000	8,000-22,000
9	75,000-115,000	75,000-115,000	45,000-100,000	>22,000
11	>115,000	>115,000	>100,000	-

Table 1: Expected number of councillors for councils banded by type and enrolment

This is consistent with the interpretation drawn from Annexe 1 of the Submission Guide, which confirms that East Gippsland has the third highest number of voters per councillor among 'country Victoria' electorates.

¹ Submission Guide p3

Equally importantly, it is considered that nine councillors are the appropriate cohort, given the Shire's geography and population.

2.2 Electoral Structure

Council submits that the electoral structure of East Gippsland Shire should remain unsubdivided for the following reasons:

2.2.1 MUNICIPALITY-WIDE FOCUS

The primary benefit offered by an unsubdivided Council is that it promotes the concept of a council-wide focus. Councillors are elected by, and concerned about, the municipality as a whole, rather than parochial interests. It is contended that this is exactly what the unsubdivided structure has delivered. The tone and substance of Council business has demonstrated that decisions have been made in the interests of the East Gippsland community rather than any geographic or non-geographic community of interest.

2.2.2 RATEPAYERS HAVE A CHOICE OF COUNCILLORS TO APPROACH

In our experience, the unsubdivided structure has served to decouple representation from place. It encourages and facilitates direct approaches by the community to the councillor they believe is best placed to understand or address their concerns. This is particularly the case with respect to issues or communities of interest that are non-geographic in nature (e.g. pertaining to forestry, recreational fishing, early years, ageing in place, etc.).

Based on prior experience with ward-based structure, it is contended that ward based structures create a perception in the eyes of the community that they must take their issue to their ward councillor(s), as these individuals alone are their representatives. The danger of a perception like this is that potentially, on some issues ratepayers may be more reluctant to broach their issues, if they believe their ward councillor(s) may be unlikely to understand or champion their cause. Essentially, this would result in less accessibility to elected representatives and a weakening of the representative framework.

2.2.3 SIMPLE TO ADMINISTER AND UNDERSTAND

As pointed out in the Submission Guide, an unsubdivided structure removes the need to define internal ward boundaries and negates the requirement for by-elections in the case of councillor resignation or non-completion of term. These are very real benefits because when they occur, subdivision reviews and by-elections come at significant cost to both the taxpayer and ratepayer.

Conversely, the challenge of defining internal ward boundaries that will meet VEC principles while delivering fair representation in East Gippsland is significant, and may prove insurmountable.

Even if the Review can meet the challenge of establishing ward boundaries that respect geographic features and like communities, these internal boundaries must also pass the test of being comprehensible to voters.

Put simply, voters need to understand which ward they live in and for that to occur, they need to understand where the boundaries are, and the logic that sits behind them.

Finally, the unsubdivided structure of East Gippsland shire has slightly reduced the administrative and governance burden associated with managing Shire affairs. Wards create an additional layer of administrative complexity that flows through to a number of Council functions: rates, the name and address register, maintenance of the CEO List for elections, etc.

The status quo is simple and easily understood. A return to a ward structure is considered very likely to be less so and therefore, add to the complexity facing the voter and to lesser degree, Council.

2.2.4 VOTING FOR ALL CANDIDATES OR WARD CANDIDATES ONLY

The fact that an eligible voter can vote for any candidate, and not just those nominating within 'their' ward, provides residents with a greater opportunity to vote for candidates whose values and views resonate most strongly with them. An unsubdivided municipality also provides citizens with an opportunity to contribute to shaping the whole Council, rather than just one part of it.

An unsubdivided municipality also minimises the risk of a ward being left with fewer candidates than vacant positions or in extreme cases, an unrepresented ward because no-one has nominated for the vacancies within it.

On the other side of the equation, in the 2016 council election 39 people nominated for East Gippsland Shire Council. It is considered that the requirement to individually rank so many candidates has the potential to increase the risk of ineligible ('informal') or uninformed ('donkey') votes.

There is a question to be answered here, i.e. do the benefits that accrue to the community from having a wider pool of candidates to choose from outweigh the potential detriments arising from having to correctly navigate the voting and selection process for them all? On balance, is this trade-off ultimately better or worse than the related issues that characterise single member or multi-member wards (no, or reduced, or unsatisfactory choice)?

There is no objective 'right answer' to these questions. Having more freedom and choice in voting is clearly beneficial, but the problematic variable (number of nominees causing voter confusion) cannot be 'managed' under the unsubdivided electoral structure, as there is no capacity to 'cap' nominees and no consensus on whether this would be a 'good' thing. But nor is it certain that such large numbers of citizens will nominate in 2020, and what may have been problematic in the case of 39 candidates may be far less problematic if 20 people were to nominate, for example.

On balance, it is contended that the benefit outweighs the potential detriment because although the downside is contingent, the benefit (more freedom of choice) will always be enjoyed.

2.2.5 RISK OF DOMINANCE ARISING FROM COUNCILLORS COMING FROM A SINGLE PART OF THE SHIRE

In East Gippsland Shire Council's case, this has never been an issue. Current councillors represent the diversity of this Shire. Of the nine councillors, one comes from Omeo, one from Benambra, one from Lakes Entrance, one from Lindenow, one from Marlo, one from Orbost and three from Bairnsdale – with only the far east (Mallacoota and district) not having a local representative. This is not to say that this is not a legitimate risk, merely that it has not been a problem in the Shire to date. It is also worth noting that in previous Councils, Mallacoota has been represented.

Also, if the balance of members was to become unbalanced at the next election, it is argued that the unsubdivided nature of East Gippsland Shire ought to mitigate rather than exacerbate the risk of dominance.

Under a ward structure the +/- 10% rule will guarantee that councillor numbers will concentrate in areas of high population and population growth. In East Gippsland Shire that is the Bairnsdale/Paynesville/Twin Rivers area of the Shire. The electoral system cannot eradicate this risk, irrespective of which model is chosen. However, if the majority of councillors come from only a few wards, they will have only the residents of those wards to thank for their election. Under those circumstances it is considered natural that they may feel conflicted in any circumstances where the interests of the Shire and the ward were at cross-purposes.

Under an unsubdivided structure, while it is equally possible that a number of councillors may come from a single locality, at least the absence of wards reduces the degree to which a councillor's interests are tethered to a particular town or locality.

Finally, it is worth noting the view expressed by the VEC in summarising the lessons learned from the Electoral Representation Reviews conducted during the 2015-16 year:

“One frequently raised objection to an unsubdivided structure is that the council could be dominated by the main urban area, with smaller population centres left effectively unrepresented. This does not appear to be the case in the council areas that have moved to unsubdivided electoral structures.”²

2.2.6 MAY BE DIFFICULT TO ACCESS OR ASSESS INDIVIDUAL COUNCILLORS

To reiterate, Council believes that a benefit of the unsubdivided model is that it invites constituents to think differently about their representatives, i.e. to consider which councillor/s among the councillor group is best placed to assist them with their concerns, rather than worrying about whether their ward representative is near or far.

The fact that there is currently an equitable distribution of councillors across the Shire means that a councillor will be physically accessible for most constituents.

² *Electoral Representation and Subdivision Review Report 2015-16* p18

Although it cannot be assumed that such a distribution will persist into the future, Council has several initiatives in place designed to optimise accessibility of councillors to East Gippslanders.

First, all Council meetings are streamed live and recorded to allow constituents to view deliberations in real-time or at their leisure. Second, Council has a program of 'travelling' Council meetings. In 2019, Council meetings will take place in Mallacoota, Lakes Entrance, Omeo and Orbost, in addition to Bairnsdale (the Corporate Centre). An additional benefit of these initiatives is that they allow the voting public to see councillors in action and by doing so, understand and assess their contribution to the formal business of governance.

It is also important to recognise that 'access' is about more than just face-to-face interaction. A host of technologies are now routinely used by constituents to overcome the tyranny of distance (e.g. Skype, Zoom, telephone/SMS, email, social media) in accessing their chosen councillor(s).

It is important to recognise that the issue of physical access is likely to persist significantly under a ward model. The geographic and population peculiarities of East Gippsland make this inevitable, as was highlighted by the VEC during the 2007 Review:

"However, developing satisfactory ward-based options posed challenges for fair representation due to the size and the contrasting features of the municipality, which includes large, remote and sparsely populated regions, scattered townships, and concentrated populations in the larger towns. In particular, any ward covering the sparsely populated north and east of the Shire would be geographically enormous and difficult to represent."³

In Council's experience, accessibility is always a challenge in East Gippsland, but it is not considered that the unsubdivided model has exacerbated the issue.

3. Conclusion

Council submits that the unsubdivided model has succeeded in engendering a whole of Shire perspective in the councillor group. It is serving the interests of East Gippsland effectively and provides fair and equitable representation for the voter.

Council is of the view that the VEC's conclusion following its previous Review was the correct one and agrees with the sentiment voiced by the Commission in its 2015-16 conclusion:

³ *Submission Guide* p15

“The VEC did not lightly overturn the existing electoral structure. The VEC had recommended an electoral structure during these councils’ first electoral representation reviews, which were conducted according to the same principles as the current reviews. There needed to be strong reasons to change the existing structure, such as significant population shifts or evidence that the structure was not functioning satisfactorily.”⁴

Not all members of the community will agree with all decisions made by Council. Some may hold a particular view about whether some councillors represent their views and interests as well as others. Some may find some councillors more accessible than others. This is their right. However, it is important to recognise that the electoral structure has very little bearing on these matters.

Council looks forward to the release of the Preliminary Report, and to playing its part in helping the VEC and its citizens to ensure that the Review process delivers the best outcome for the voters of East Gippsland.

⁴ *Electoral Representation and Subdivision Review Report 2015-16* p5

Contact us

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