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Preliminary Submission to Electoral Representation **Review**, East Gippsland Shire Council

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

1. SUMMARY:

Proportional Representation Society of Australia (Victoria-Tasmania) Inc. considers that East Gippsland Shire Council should continue with nine councillors, either with an undivided municipality as at present, or - failing that - with three 3-councillor wards, so that the municipality's voters will be able to continue benefiting from **proportional representation using the single transferable vote (PR-STV)**.

The number of councillors should remain as an odd number, **to avoid tied votes** in the Council.

PRSAV-T Inc. recommends against introducing any single-councillor wards. APPENDIX 1 refers to Victoria's unimpressive decade-long trial of single-councillor wards. APPENDIX 2 details some of the disadvantages of single-councillor wards.

2. THE CASE FOR AN UNDIVIDED MUNICIPALITY, OR THREE 3-COUNCILLOR WARDS:

2.1 The advantages of an undivided municipal electoral district:

With the present undivided municipal area as a single electoral district for the election of all 9 councillors, the quota of votes for the election of each councillor is 10.0% of the overall vote plus one vote. As each quota of votes represents a different one-tenth part of the voters, nine-tenths of the municipality's voters have the advantage that the full value of their vote is used to actually elect a representative of theirs to a seat on the Council. If the VEC were to replace that system with a single-councillor ward system, that nine-tenths of effective votes would be reduced to just barely above a mere five-tenths of the voters casting effective votes, i.e. votes whose direction has effect in deciding which candidates are or are not elected.

The advantages of an undivided district, without any wards, for a 9-member Council include:

- an undivided district is the only system that ensures that the majority of the councillors have been elected by the affirmative votes of an absolute majority of voters over the entire municipal area,
- ward boundaries do not require periodic re-adjustment to cater for changes in relative enrolment numbers,
- councillors, who always have to vote on all issues in all wards, are given a compelling motive to become equally informed about all the areas they are collectively voting on, rather than tending to confine their knowledge to their own ward,
- citizens have the maximum choice of councillors to approach to engender action on their concern, and
- citizens do not become confused, or uncertain, about which ward they are in.

All candidates in an undivided municipality are on exactly the same footing when it comes to conveying their views to the electors. By contrast, in municipalities with wards, the candidates in different wards are not, as:

- some wards are larger in area than others,
- one ward can legally have up to 20% more councillors per elector than another, and
- the number of opposing candidates per ward can vary from zero in some wards to quite a large figure in others, which can lead to wide variations in the amount of choice for voters.

It is recognized that there is, in an undivided municipality, a greater effort required to convey candidates' views to a larger number of electors, but what really matters most electorally is the **relative** impact candidates have, and that is, as always, dependent on their perceived qualities, and on the support they can muster. Each councillor will be voting on matters relating to the whole municipal area, so it is not inappropriate that he or she should seek support over that area in full and free competition with all other contenders, rather than being compartmentalized and cushioned against direct comparison with the best candidates, who may in divided municipalities be fruitlessly pitted against each other in a single ward.

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

Table 1 below shows how the system of single-councillor wards, which PRSAV-T Inc. deprecates, ranks quantitatively against the possible alternative of three 3-councillor wards, and the present arrangement for East Gippsland Shire 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 1.

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 1: Minimum percentage of effective votes, showing the fractions from which it is calculated

No. of councillors per electoral district in relevant model	Minimum percentage of effective votes	Maximum percentage of wasted votes (those that are not effective in electing a candidate)	How the minimum percentage of effective votes is calculated (<i>No. of councillors for each ward size is shown in bold green</i>)
Nine 1 -Cr wards	50.0%	50.0%	$(10 * \mathbf{1} * \mathbf{1}) / (10 * (\mathbf{1} + \mathbf{1}))$
Three 3 -Cr wards	75.0%	25.0%	$(3 * \mathbf{3} * \mathbf{3}) / (9 * (\mathbf{1} + \mathbf{3}))$
One 9 -Cr undivided district	90.0%	10.0%	$(1 * \mathbf{9} * \mathbf{9}) / (9 * (\mathbf{1} + \mathbf{9}))$

The **wasted votes** above, where a voter has no effect on the outcome, are by far the fewest in the present, undivided municipal district. There would need to be a sound, well-justified case, such as the number of candidates typically being very large, for replacing that with three 3-councillor wards, where the maximum percentage of **wasted votes** would be 150% larger. At **the last three general elections**; in 2008, 2012, and 2016; there were 29, 17 and 39 candidates respectively. That does not appear to be an excessively onerous task for voters, but it would be made much less onerous if Victoria would follow the lead of other Australian jurisdictions, and its own practice for *below-the-line* voting for its Legislative Council, and provide for at least partial optional preferential marking of preferences.

Table 1 shows how using single-councillor wards, instead of the present undivided municipality, would increase the percentage of **wasted votes five-fold**, to nearly equal the percentage of effective votes. In an undivided municipality, 90% of the voters cast a vote that ultimately forms part of the quota of an elected councillor. As Table 1 shows, that percentage is 20% higher than for three 3-councillor wards.

2.3 Minimum vote percentage for an organized group to control East Gippsland Shire 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 5 of the 9 wards in an East Gippsland Shire Council with single-councillor wards would be all that is needed to gain control of East Gippsland Shire Council, and those 5 wards would include 55.6% of the voters, it is theoretically possible for a minority with just **27.8%** 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.

As Table 2 below shows, having nine single-councillor wards for East Gippsland Shire Council would enable a dangerously low minimum percentage of the overall public vote to deliver control of the Council to an organized group of candidates. The best way to avoid that fate would be to retain the present undivided structure. If a symmetrical multi-member structure of three 3-councillor wards were to replace the present structure, that would unfortunately still lower the threshold for control of the Council, but not nearly as much as nine single-councillor wards.

Table 2: 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 the 5 Council seats needed is calculated
Nine 1-Cr wards	27.8%	$(5*1)/((1+1)*9)$
Three 3-Cr wards	41.7%	$(5*3)/((1+3)*9)$
One 9-Cr district	50.0%	$(5*9)/((1+9)*9)$

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 a single-councillor ward system. For nine single-councillor wards, 5.56% 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 50% increase in the support a councillor in a single-councillor ward needs for election. For an undivided municipality with nine councillors, each councillor would need 10.00% for election.

2.4 Communities of interest need not be so rigidly set as geographic - let voters choose to combine:

Part of the desire for dividing municipalities into wards seems to rely on a perception that allowance must be made for what are called ‘communities of interest’.

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 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 close to the same number of electors.

2.5 Comparison with recent reviews of similar councils that recommended an undivided structure:

East Gippsland Shire is less populous than comparable regional municipalities with an urban area, which include Horsham, Warrnambool, Wodonga, Mildura and Greater Shepparton. In recent reviews, all of those comparable municipalities have had an undivided structure recommended, with all being proposed as 7-member Councils, except for Mildura whose exceptionally large area possibly led to 9 being proposed. East Gippsland Shire would fit in with that group with 9 councillors.

2.6 Single-councillor wards leave all ward electors’ eggs in one basket – 9 baskets would be safer:

Not all elected councillors prove to be outstanding, exemplary, or even adequate, but a certain number usually are. Without councillors being compartmentalized by themselves in small wards there is a much greater likelihood that the occasional poor performer will be compensated for by his or her colleagues. If there is only one or two councillors for a ward, and those councillors prove, without quite invoking the legal provisions for their dismissal or reproach, to be lazy, unreliable, inaccessible, or to be absent too often, all the constituents in that ward face serious neglect.

With small single-councillor wards, each councillor's electoral base is at most only one of the nine wards, whereas with an undivided Council, the entire body of councillors has a geographical area in common and an electoral motive to understand that entire area. There is potent electoral incentive for sensible motions relating to that entire area, or part of it, that are moved by one of the councillors to be seconded by one of the other councillors, whereas with single-member wards a lack of knowledge of, or lack of motivation for interest in a ward, by all the other councillors can make informed seconding of motions, and voting on them, more problematical.

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 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 East Gippsland Shire 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, and not the arbitrary, pre-determined, and rigid compartmentalization of single-councillor ward systems.

Each of the nine councillors in an undivided Council can each gain a quota, which requires each to gain 80% more votes than would be required in a single-councillor ward, so they can thus each be regarded as much more substantial representatives than their single-councillor ward counterparts would be. The strength of representation that particular municipality-wide viewpoints gain can vary from just one of the nine councillors in the ward 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.

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

2.7 PR-STV works far better in districts with an odd, rather than an even number of councillors:

PRSAV-T Inc. urges the review **not** to recommend any electoral district with an **even number of councillors** to be elected. Districts electing an even number of councillors are most unsatisfactory, as they flout the important democratic principle that a majority view should be represented by a majority of elected councillors.

If a two-councillor ward were 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 would still have equal representation under proportional representation. Unfortunately four-councillor wards have been recommended for several municipalities in the earlier round of representation reviews. In those wards, a minority group with just on 40% of the vote will 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.

2.8 Any 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.

If it is considered that East Gippsland Shire should no longer remain undivided, the only arrangement that would provide most of the benefits argued for above would be three wards, each with three councillors. That can be a better arrangement in large relatively impersonal metropolitan councils, where large numbers of relatively unknown candidates, sometimes more than 27, can stand for a single ward. That does not always apply for East Gippsland Shire, although the numbers standing for the whole municipality exceeded that in both 2008 and 2016 .

*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.*

Geoffrey Goode
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APPENDIX 1 – Victoria’s unsuccessful trial of single-councillor wards:

The long and generally widespread wisdom of avoiding single-councillor districts:

Single-councillor districts 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](#) was held with multi-councillor wards, and was the first use of proportional representation (PR) for the election of a public body in the world. Since then, consistent with long-standing and continuing world practice, multi-councillor districts have nearly always applied for all municipal elections in all the States and Territories of Australia, except for the gratuitous introduction, mainly in Victoria, and only for some of its councils, of single-councillor wards in the mid-1990s.

Victoria’s clumsy initial 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 quota-preferential system of proportional representation in 1948.

Unable to choose PR, Victorian councils decided to choose the lesser of two 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 unfortunate and short-lived period when all that was available were two *winner-take-all* systems, with one being distinctly worse than the other, Victoria now has the far more satisfactory and 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 present *Local Government Act 1989*, which fortunately now requires that polls in multi-councillor districts must be counted on a proportional representation basis only.

APPENDIX 2 – Some of the disadvantages of single-councillor wards:

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

With single-councillor 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 an undivided Council, the voters' choice of candidates, for a given total number of candidates overall, is maximized by comparison with single-councillor wards, and the candidates' choice of which ward to contest is minimized, as is their ability to **avoid scrutiny** by a wider electorate.

The electoral system should emphasize as much as practicable the importance of letting voters choose their candidates, rather than that of letting candidates choose their voters. The choice of candidates open to voters should be arranged so that 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.

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 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 the point 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.*

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

Setting and adjusting the intricate and cumulatively long boundaries for seven single-councillor wards is a contentious, time-consuming and expensive task. No internal boundaries are needed for an undivided municipality, compared with at least six for seven single-councillor wards. Few electors know the boundaries of their ward, and few councillors, including Mayors, know the boundaries of wards other than their own. The resources needed for boundary and ward size control and maintenance can be used for more productive purposes.

It has long been recognized, 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 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. 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 ward arrangements facilitate.

‘Dummy candidates’ are a single-councillor ward device that is little use in an undivided Council:

Single-councillor wards using preferential voting are very much more vulnerable to manipulation by the use of so-called ‘dummy candidates’. These are candidates that do not expect or wish to be elected, but that are encouraged to stand for election by more serious candidates in the hope that they will garner first preference votes that the more serious candidate might not expect to get. The hope is 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.

Proportional representation using the single transferable vote is far less conducive to the fielding of ‘dummy candidates’. The reason for that is because, 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 occurs in PR counts, but it is not the only transfer, and it occurs only after transfer of surplus votes, or if there are no surplus votes.

As several councillors are to be elected in a PR count, it is much more likely that at least one will gain a quota of first preference votes than it is that any one of many candidates in a single-councillor ward will gain an absolute majority of first preference votes. Once a candidate in a PR count has gained a quota of first preference votes there must then be a transfer of surplus votes before any transfers arising from exclusion can occur. Unless a single candidate in a single-councillor ward can gain an absolute majority of first preference votes and be elected forthwith, such a count has to proceed to the transfer of excluded candidates, which involves transfer, at full value, 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. Those transfers 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. Such exclusions 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. By contrast, transfers arising from exclusions of candidates, although necessary and justified, are of lower priority, but not value, as reflected in the rules for a quota-preferential proportional representation 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. is very pleased that the review process recommended PR systems a number of the councils reviewed in recent rounds. PRSAV-T Inc. remains of the view that it would be highly desirable for Local Government in Victoria to move towards a more consistent electoral system, and it looks forward to electoral arrangements in East Gippsland Shire that empower voters and leave all candidates satisfied that community views are fairly reflected in the representation determined after each poll.

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