



16 February 2016

Victorian Electoral Commission
Level 11
530 Collins Street
MELBOURNE VIC 3000

Dear Sir/Madam,

The Committee for Geelong (CfG) is delighted to be provided with the opportunity to lodge a submission to the Victorian Electoral Commission on the Greater Geelong City Council representation review.

Please note that the CfG's submission is not confidential and we therefore give consent for it to be made public.

Thank you for taking the time to review our submission and we look forward to hearing from you soon.

Yours faithfully,

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COMMITTEE FOR GEELONG

RESPONSE TO VICTORIAN ELECTORAL COMMISSION'S REPORT ON THE GREATER GEELONG CITY COUNCIL REPRESENTATION REVIEW

SUBMISSION

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1. Introduction

The Committee for Geelong (CfG) appreciates the opportunity to respond to the electoral structure options presented by the Victorian Electoral Commission (VEC) for the City of Greater Geelong (CoGG).

As a broad based representative body, the CfG works to achieve the best long-term outcomes for the region, enabling Geelong to become a world-class city. Local government leadership and representation are issues the CfG has addressed, reviewed and led on over recent years.

The CfG had a combination of reasons for refraining, in December 2015, from making an initial submission to the VEC on electoral arrangements. A brief explanation is warranted in case it is perceived that the CfG is disinterested in this issue.

In light of the major governance issues being experienced in Geelong, the CfG felt that it was premature then, and still is, to be drawing up a specific electoral structure for the Greater Geelong municipality based on existing legislation.

In the latter months of 2015, the CfG's time was spent advocating for urgent Government action to address governance issues at the CoGG. The CfG was also, at that time, completing a major submission to the Victorian Government's Review of the Local Government Act, a submission which included substantial argument on the adequacy, fairness and effectiveness of different electoral structures for Geelong. Given the problems in Geelong, it was hoped that the Government might pre-emptively embrace some of the changes advocated in the CfG submission on the Local Government Act and, as a result, give the VEC a much wider brief for undertaking a review of Geelong's electoral arrangements, leading to an outcome based on more contemporary thinking.

The CfG welcomes the calling of the Commission of Inquiry into the CoGG, announced by the Minister for Local Government on 1 December 2015. With the Commission of Inquiry underway, the CfG is conscious of the prospect that the Commission may find that the electoral representation structure has contributed to a range of issues in Geelong. If so, this would influence the CfG's thinking in relation to future electoral structures. For example, if it is found that the representational structure is a significant contributing factor to Geelong's problems, the question arises whether it is just the current single ward structure that is problematic or is it any ward based structure? Having access to a considered view on this question would shed a different perspective on the merit of an un-subdivided municipality, an option which the VEC has dismissed in its report.

Nevertheless, the CfG acknowledges that the VEC can only comply with the brief it is given in regard to the rules and the timing of the review, and that the matters outlined above are outside the scope of the VEC's current review. While cautious about responding to options which have not been influenced by consideration of other relevant work (i.e. the Commission of Inquiry and the Local Government Act Review work) the CfG in this submission will comment on each of the options offered by the VEC and give its **conditional** support to a preferred option.

The CfG realises that the matters outlined above are more appropriately addressed to the Minister for Local Government. The CfG hopes that the VEC's recommendations will be carefully considered in conjunction with the findings of the Commission of Inquiry and with some regard for any modernising changes being contemplated in the new Local Government Act. It would be very

disappointing to find that an electoral structure that is not scheduled for review again until 2028 would not have the benefit of being designed according to the latest available **collective** analysis and thinking.

When writing to the Minister for Local Government, the CfG will seek to reserve the opportunity to reconsider its support for any electoral structure declared herein in light of the post Commission of Inquiry work that is expected to take place at a Departmental and Ministerial level, hopefully in time to be implemented before the 2016 council elections.

2. Factors which influence CfG thinking on electoral structures

In its submission to the Local Government Act Review, the CfG researched and advanced a number of arguments in relation to different electoral structures. This section draws on those arguments.

2.1 Adequate, fair and effective representation

The CfG has given consideration to what constitutes an adequate, fair and effective representational structure for Geelong and subscribes to the following:

Adequate representation is generally interpreted as a sufficient number of representatives:

- Relative to the number of electors
- To provide various interests and sectors within the electorate with an opportunity of representation within the council membership
- To effectively fulfil the legislative and community requirements of the role.

Fair representation is generally interpreted as requiring:

- A democratic election process
- An equality of representation for electors
- That the system does not favour any interest group or geographic location, but all electors are provided with an equal opportunity for representation.

Effective representation is achieved when councillors:

- Demonstrate a capacity for strategic decision making
- Play a collective leadership role
- Work towards the advancement of the community as a whole, rather than represent small pockets or narrow interests.

The CfG understands the merit of having representational structures that satisfy, and can be shown to satisfy, fairness and equity tests. In its submission to the Local Government Act Review, the CfG argued that the new legislation should make a full range of representation structures and voting systems available to the VEC when it undertakes reviews. When making recommendations it would then be up to the VEC to test its recommendations against approved

fairness and equity tests and where departures are proposed, the reasons for the departures should be fully explained.

2.2 Single member ward structures have serious shortcomings

The CfG has come to the view that the only community of interest served by a single councillor ward structure is a geographical community of interest and, in Geelong, this gives a clear weighting to residential voters. Significant non-geographical 'community of interest' sectors such as the agriculture, tourism and retail sectors and, for example, community groups representing the aged, people with a disability and the culturally and linguistically diverse are not well represented in a single ward structure. The CfG also believes that a single councillor ward structure potentially facilitates parochialism that limits the opportunity for a broad, whole-of-municipality approach to the identification of strategic issues, the development of regional projects together with broad-based decision making.

'Mirror representation', as cited in the 2013 Local Government Electoral Review discussion paper, states that more effective representation occurs when specific groups in a society are represented according to their ratio in the community. Representatives should, as closely as possible, represent the shades of opinion, the interests, and diversity of the community at large.

The Proportional Representation Society of Australia, Victorian-Tasmanian Branch (PR Society), an organisation which rigorously studies representational structures and voting systems, claims that the preferential voting system used in single member wards limits the proportion of effective votes cast for a candidate, and thereby generates a high proportion of 'wasted' votes. It can also allow minority groups to achieve control of a council at the expense of majorities. In its submission to the VEC's current electoral review on the CoGG it states:

"Single-councillor ward electoral systems exaggerate majorities, particularly quite small majorities, and as a consequence lead to under representation of quite large majority viewpoints and a distortion of the community's views. Such under-representation inevitably leads to an increase in the level of dissatisfaction with local government. It may also lead to an unhealthy interest in the exact configuration of boundaries rather than service the interests of the community as a whole. Proportional representation, on the other hand, provides the best opportunity for the widest variety of community opinion to be represented on Council."

Tellingly the PR Society adds: "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."

2.3 An un-subdivided municipality has considerable merit

An un-subdivided municipality appeals to the CfG, because it is capable of accommodating non-geographical community of interest sectors described in 2.2 above. Under a single ward structure the voices of important interest sectors are indistinct and constrained.

In excluding an un-subdivided option the VEC, in its current report, has made the following comment on an un-subdivided Geelong:

*“An un-subdivided structure can bring the benefits of proportional representation, provide voters with a greater choice of candidates and facilitate a whole-of-municipality strategic focus. **An un-subdivided structure was preferred by some submitters but did not have significant support in submissions overall.** In Greater Geelong City Council elections, the number of candidates is likely to be very high, given it is the second largest municipality in Victoria in terms of voter numbers (there were almost 60 candidates at the 2012 election). The VEC has observed that a high number of candidates can create an unwieldy ballot paper for voters, resulting in a higher informal voting rate.”*

An un-subdivided municipality may, in the opinion of the VEC, have some drawbacks, but it is a good way in which sectors of interest within the community at large can assemble voting support in sufficient numbers to give candidates representing those sectors a reasonable chance of succeeding in an election to become a councillor.

An un-subdivided municipality, together with the proportional representation system of voting, increases the prospects of candidates representing sector constituencies being successful. In part, this is because successful candidates only have to receive a quota of votes, not a majority as in preferential voting, and their chances of obtaining the quota are enhanced if they can gain voting support across the whole municipality. This level of support is quite difficult to achieve in a geographically prescribed ward.

Another important argument in favour of an un-subdivided municipality goes to the matter of budget allocation and decision making. As in most municipalities the total budget available in the CoGG is never enough to do all that the Council would like to do. In municipalities with a ward structure (single or multi) this sets up the imperative for competition between ward councillors for budget allocations leading to the criticism that councillors are only concerned with the welfare of their own ward and not the municipality as whole.

This has been an issue previously for CoGG where whole of community thinking and best interest has often been subverted in favour of ward-based considerations. CoGG's now discredited ward funding program is an example of this. Geelong needs councillors who are also capable of focussing on the whole municipality and not held back by specific ward-based concerns.

2.4 Fairness and equity scores well in some multi-councillor ward models

While both multi councillor wards and single councillor wards allow for direct representation of geographic areas and direct accountability of ward representatives, the key advantage of multi councillor wards is that the proportional representation (PR) voting system used in multi councillor wards delivers enhanced fairness and equity outcomes that are generally absent under a single councillor ward structure. Under PR, the full value of the votes of a higher percentage of voters is used in multi councillor wards to elect a representative.

Other favourable benefits claimed by the PR Society for multi councillor wards with an odd number of wards and the same odd number of councillors in each ward include:

- As councillors are required to vote on all issues before the council, they are thus given a compelling motive to become equally informed about all such issues rather than tending to confine their knowledge to a small localised ward
- Citizens have the maximum choice of councillors to approach in order to discuss matters of concern to them
- Ward boundary decisions, which can be, or perceived to be, invidious, are less likely to be required, and boundaries are less likely to require the periodic re-adjustment, which can be quite contentious, to cater for changes in relative enrolment numbers
- Citizens do not become uncertain or confused about which ward they are in
- Unopposed councillors being returned is less likely so a more active democratic culture develops.

When considering the fairness and equity of representation from multi councillor wards, there is some variation between views held by the PR Society and the views expressed by the Electoral Review Panel chaired by Petro Georgiou in 2013/14. The PR Society prefers a municipality being divided into an odd number of wards with the same odd number of councillors being elected from each ward, as it claims that this ensures that the majority of councillors have been elected by the affirmative votes of an absolute majority of voters in each ward. It claims that wards electing an even number of councillors is a poor use of PR because the anomaly may arise that one candidate might win 65% of the vote and another just 35% yet the two would have equal representation. In its submission to the current VEC review, the PR Society strongly urges the VEC not to recommend any electoral districts with an even number of councillors. It states: "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."

On the other hand, the Georgiou Review Panel advocated reducing the available representational structures on the grounds of fairness and equity. Basing their considerations on the questions:

- Is the principle of 'one vote, one value' protected?
- Is each councillor elected to any given council elected with the same proportion of voter support?

The Panel also recommended that the practice of allowing two electoral structures within one municipality should be discontinued, including municipalities that consist of:

- Both single- and multi-member wards
- Multi-member wards with different numbers of councillors in each ward.

However, under Georgiou's proposal, structures which would allow an even number of wards with an even number of councillors being elected in each ward would still be permitted, contrary to the view of the PR Society.

In its submission to the Local Government Act Review, the CfG proposed the following structures. Note that the submission (in another section) made a case for introducing a directly elected deputy mayor, as is the case in the City of Melbourne and is included in these models. The submission stated:

If the rules were changed to reflect the PR Society's concept of fairness and equity (i.e. an odd number of wards with same odd number of councillors) the CfG would favour a structure for Geelong Council of eleven members in total, comprising:

- *The mayor and deputy mayor, both directly elected*
- *Nine councillors, three elected from each of three geographically delineated wards (3 x 3)*

Working to the Georgiou concept of fairness and equity (i.e. allowing even numbers of wards and even numbers of councillors) the CfG would advocate consideration of multi councillor ward structures including:

A Geelong Council of ten members in total, comprising

- *The mayor and deputy mayor, both directly elected*
- *Eight councillors, two elected from each of four geographically delineated wards (2 x 4)*

Or

A Geelong Council of twelve members in total, comprising:

- *The mayor and deputy mayor, both directly elected*
- *Ten councillors, two elected from each of five geographically delineated wards (2 x 5).*

For the purposes of the VEC review, the deputy mayor can be taken out of the models.

If there was a desire to maximise fairness and equity and both the PR Society's and Georgiou's concepts of fairness and equity were considered to be valid only one of the above models would be acceptable:

A Council of ten members in total comprising:

- The Mayor directly elected
- Nine councillors, three elected from each of three geographically delineated wards (3 x 3).

However, it would be preferable to include a directly elected deputy mayor in this structure.

2.5 A 'hybrid model' could be an effective structure for Geelong

Although not permissible under current legislation, the CfG has considered the merit of a 'hybrid model' of representation for Geelong.

While the CfG can see considerable value in an un-subdivided municipality, given the large size and population distribution of the municipality, it has sympathy for the view that there is a

need to ensure some measure of geographical representation. A 'hybrid model' where some councillors are elected from the whole municipality and some from wards might balance the interests of all.

The 'hybrid model' (or what was previously called the 'dual voting system') gives voters two votes – one vote for the candidates seeking to be elected 'at large' for the whole municipality and one vote for the ward candidates.

In its submission to the Local Government Act Review, the CfG argued that discontinuation of the 'dual voting system' in Geelong in 2001 after just one term should not preclude it from being allowed as a model that is available for consideration by the VEC when reviewing council electoral arrangements. Its trial in Geelong followed shortly after six Geelong councils had been merged into one, and in a period of local government transitional instability in Victoria, and its discontinuation in Geelong was decided by the council itself, not by the independent VEC.

Theoretically, its historical origins should not invalidate the dual system as a legitimate democratic electoral system. In practice, its politicised introduction has tainted the system and makes consideration of it in isolation of its origins inadequate.

A measure of confidence is gained in the 'hybrid model' (or what South Australia refers to as the 'mixed model') with the experience of the City of Adelaide. Granted, it is a much smaller area than Geelong, but it has been applied in the City of Adelaide since 2007 and was recommended to continue following an Electoral Representation Review in 2013.

Currently in Adelaide there are 12 councillors elected as follows:

- The lord mayor elected by the electors for the whole municipal area
- Four councillors elected as representatives of the municipality as a whole and
- Seven councillors elected as representatives of three defined wards – 2 wards x 2, 1 ward x 3.

In explaining the reasons for making the recommendation, the draft report on the proposed Adelaide structure states:

"The election of councillors from the council area as a whole is the only councillor composition that ensures the fundamental democratic principle of one vote one value....."

"The inclusion of the election of some councillors as representatives of wards incorporates the desirability of reflecting communities of interest of an economic, social, regional and other kind and improves the perceived feasibility of communication between electors affected by the proposal and their elected representatives."

The CfG understands that the 'hybrid model' is not permissible under current legislation but in its submission to the Local Government Act Review it argued that the legislation and/or the criteria used by the VEC in determining electoral representation should allow for a 'hybrid model' to be considered and, if appropriate, recommended.

3. Response to VEC options for Geelong

3.1 Number of councillors

Although the report comments sympathetically on submissions that advocated a fewer number of councillors all options offered by the VEC are for 11 councillors, with a directly elected Mayor making a total council membership of 12.

When considering the balance between representativeness and efficiency, the CfG would be prepared to trade-off some representativeness in order to achieve greater efficiency. The CfG would therefore be attracted to models with a fewer number of councillors, increasing the prospects of council governance being more corporate and board-of-directors-like.

On the other hand, given the ratio of councillors to voters, there is a strong case for Geelong having the maximum number of councillors allowed under the legislation due to its large number of voters.

The CfG accepts that the VEC has recommended 11 councillors and, for the purposes of *this* submission, this number may be appropriate. However, if 11 is the VEC's recommended number, the CfG's preferred option would consist of 10 councillors plus a directly elected mayor and deputy mayor.

3.2 Structure options

As a result of its research when preparing its submission to the Local Government Act Review the CfG has, up to this point, been influenced by what it considered to be valid views on fairness and equity held by the PR Society and Georgiou, as outlined in detail in section 2.4 above. It appears that the VEC is not influenced by these views, or seemingly is not required to be influenced by them in developing its options - namely the PR Society's concern about wards with even numbers of councillors and Georgiou's concern with municipalities which have multi-member wards with different numbers of councillors in each ward.

The CfG has therefore tested the options against the PR Society's and Georgiou's views, but has not ruled them out on the grounds that they do not comply.

Option A

(preferred option) Greater Geelong City Council consist of 11 councillors elected from three three-councillor wards and one two-councillor ward.

Consideration of fairness and equity merit: Taking into account the PR Society's and Georgiou's views on fairness and equity the three three-councillor wards would comply with the PR Society's view on good use of PR voting, the two councillor ward would not. This option does not comply with the Georgiou view because it has multi member wards with a different number of councillors in one ward. However it is only one ward – the two councillor ward – that falls short against the PR Society's and Georgiou's views and the model does have various elements in its favour as articulated in the VEC report.

Consideration of geographical merit of ward boundaries: The CfG agrees with the VEC that these boundaries recognise the four distinct areas of the municipality and where desirable the proposed ward boundaries preserve geographical communities of interest.

Option B

(alternative option) Greater Geelong City Council consist of 11 councillors elected from four two-councillor wards and one three-councillor ward.

Consideration of fairness and equity merit: This option suffers because two councillor wards do not make best use of PR voting - four wards with two councillors from each ward would be deficient against the PR Society's test of fairness and equity, only the three councillor ward would measure up. It does not comply with the Georgiou test. The CfG considers these fairness and equity deficiencies to be more serious than in Option A.

Consideration of geographical merit of ward boundaries: As the VEC report points out the wards are smaller than in Options A and C but some important geographical communities of interest are disrupted under this option, making it less acceptable than Option A.

Option C

(alternative option) Greater Geelong City Council consist of 11 councillors elected from two four-councillor wards and one three-councillor ward.

Consideration of fairness and equity merit: Although it does not comply with the Georgiou view, this option has appeal because it has only three wards - the fewest number of wards in any of the options. Also on equity grounds four councillor wards (although an even number) make better use of PR voting than the two councillor wards proposed under Option B. It is preferable to Option B, but not as acceptable as Option A.

Consideration of geographical merit of ward boundaries: The VEC points out that this option, because it has larger sized wards, preserves localities to a greater extent than Options A and B.

Option D

(alternative option) Greater Geelong City Council consist of 11 councillors elected from single-councillor wards.

Consideration of fairness and equity merit: Given both the historical and recent issues related to the Greater Geelong Council operating under single councillor ward structures, together with the arguments set out in 2.2, there are no circumstances under which the CfG would support this option.

4. Conclusion

The CfG believes that it is important that the representational structure for Geelong be able to withstand close scrutiny, both by experts and by the community at large. It should also score highly for its adherence to democratic principles, its fairness and equity and its ability to serve communities of interest.

The CfG accepts that, in its deliberations, the VEC is guided by three main principles, namely:

- Ensuring the number of voters represented by each councillor is within 10 per cent of the average number of voters per councillor for that municipality.
- Taking a consistent, State-wide approach to the total number of councillors.

- Ensuring communities of interest are as fairly represented as possible.

As stated earlier in this submission, the CfG has also been influenced by fairness and equity arguments put by the PR Society and findings of the Georgiou Review.

From the options offered by the VEC, the CfG has come to the view that **Option A is its preferred option** at this stage of the review process. However, as stated in the introduction to this submission, if further relevant information comes forward before a final decision is made on the representational structure for the City of Greater Geelong, the CfG would want to review its position and have the opportunity to submit its reconsidered views.

5. Contact information

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