ELECTORAL REPRESENTATION REVIEW

Mornington Peninsula Shire Council

Final Report

11 January 2012

Contents

Recommendation

The Victorian Electoral Commission (VEC) recommends that Mornington Peninsula Shire Council consist of 11 councillors elected from six wards with two three-councillor wards, one two-councillor ward, and three single-councillor wards.

Background

Legislative basis

The *Local Government Act 1989* (the Act) requires the VEC to conduct an electoral representation review of each municipality in Victoria at least every 12 years. In 2010, legislation extended the review period from two terms to three terms. As part of the transition, the Minister for Local Government determined that Mornington Peninsula Shire Council would be in the first group of councils to be reviewed under the new schedule, even though it had been only six years since its last representation review.

The Act specifies that the purpose of a representation review is to recommend to the Minister for Local Government the number of councillors and the electoral structure for a municipality, which will provide 'fair and equitable representation for the persons who are entitled to vote at a general election of the Council'.[1]

The Act requires the VEC, as part of an electoral representation review, to consider:

- the number of councillors in a municipality;
- whether a municipality should be unsubdivided or subdivided;
- if it should be subdivided, whether ward boundaries:
    - provide for fair and equitable division of the municipality;
    - ensure equality of representation through the number of voters being represented by each councillor being within 10 per cent of the average number of voters represented by all councillors; and,
- if it should be subdivided, the number of councillors that should be elected for each ward.

The VEC and electoral representation reviews

The VEC has conducted electoral representation reviews since 2004 on appointment by local councils. The Act was changed in 2010 to define the VEC as the only agency authorised to undertake the reviews.

The VEC drew on its experience in mapping and boundary modelling and also engaged consultants with experience in local government to provide advice on specific local representation issues during the review.

[1] Section 219D of the *Local Government Act 1989*.

The electoral representation review process

The VEC proceeded on the basis of three main principles:

1. **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.**

   Populations are continually changing. Over time these changes can lead to some wards having larger or smaller numbers of voters. As part of the review, the VEC corrected any imbalances and also took into account likely population changes to ensure these boundaries provide equitable representation until the next review.

2. **Taking a consistent, State-wide approach to the total number of councillors.**

   The VEC was guided by its comparisons of municipalities of a similar size and category to the council under review. The VEC also considered any special circumstances that may warrant the municipality to have more or fewer councillors than similar municipalities.

3. **Ensuring communities of interest are as fairly represented as possible.**

   Each municipality contains a number of communities of interest and, where practicable, the electoral structure should be designed to take these into account. This allows elected councillors to be more effective representatives of the people in their particular municipality or ward.

The VEC's recommendation is based on:

- internal research specifically relating to the municipality under review;
- VEC experience from its work with other municipalities and in similar reviews for State elections;
- VEC expertise in mapping, demography and local government;
- careful consideration of all public input in the form of written and verbal submissions received during the review; and,
- advice received from consultants with wide experience in local government.

Public submissions were an important part of the process, but were not the only consideration during the review. The VEC seeks to combine the information gathered through public submissions with its own research and analysis of other factors, such as the need to give representation to communities of interest. The recommendation is not based on a 'straw poll' of the number of submissions supporting a particular option. All suggestions for structures were modelled using sophisticated mapping software and those that fit the +/- per cent tolerance were included as options at the preliminary stage. Those that do not comply are included in diagram form, indicating why they do not work.

Profile of Mornington Peninsula Shire Council

Mornington Peninsula Shire was formed in 1994 by the amalgamation of the Shires of Flinders, Hastings, and Mornington. The Shire includes Arthurs Seat, Balnarring, Baxter, Bittern, Blairgowrie, Crib Point, Dromana, Flinders, Hastings, McCrae, Moorooduc, Mornington, Mount Eliza, Mount Martha, Portsea, Red Hill, Rosebud, Rosebud West, Rye, Safety Beach, Somerville, Sorrento, Tootgarook and Tyabb.

At the 2006 census, the Shire recorded a population of 136,482 people. Over the next 10 years, the population is projected to grow by 8.8 per cent, though the Department of Planning and Community Development notes that growth in the Shire is difficult to predict due to the high number of holiday dwellings.[2]

Current electoral structure

The last electoral representation review for Mornington Peninsula Shire Council took place in 2005.[3] Following the review, the Minister for Local Government determined that the structure of Mornington Peninsula Shire Council would be:

- 11 councillors;
- divided into 11 wards — Balcombe Ward, Cerberus Ward, Kangerong Ward, Mornington Ward, Mount Eliza Ward, Nepean Ward, Red Hill Ward, Rosebud Ward, Rye Ward, Truemans Ward, and Watson Ward;
- with one councillor for each ward.

Chronology of the review

The electoral representation review of Mornington Peninsula Shire Council followed the below timeline:

- Wednesday, 3 August: Public information sessions.
- Wednesday, 17 August at 5.00pm: Deadline for preliminary submissions.
- Monday, 5 September: Release of preliminary report.
- Wednesday, 5 October at 5.00pm: Deadline for response submissions.
- Wednesday, 12 October: Public hearing in support of response submissions.
- Thursday, 3 November: Release of addendum report.
- Wednesday, 7 December: Deadline for comment on the addendum report.
- Wednesday, 11 January: Release of final report.

[2] Department of Planning and Community Development, Victoria in Future 2nd Release (2008).
[3] An electoral subdivision review, which can only look at adjusting ward boundaries, was conducted by the VEC in 2008. The subdivision review recommended (and resulted in) changes to the boundaries of Balcombe Ward, Cerberus Ward, and Red Hill Ward.

VEC research

In addition to the information provided in submissions, the VEC created a profile of the municipality based on population trends, development projections and demographic indicators. The VEC used the Australian Bureau of Statistics 2006 census community profiles, the Department of Planning and Community Development projections and voter statistics from the Victorian electoral roll. The VEC also undertook field work to view current and possible boundaries for each of the options presented in the preliminary report to evaluate their effectiveness.

Public involvement

The VEC values the local knowledge and perspectives presented by the public in written submissions. The public were given four opportunities to provide submissions during the review. Their input was considered by the panel in forming the options in the preliminary report and they were also invited to respond to these options. In addition, a public hearing was held to enable people to speak in support of their submissions and supplement it with information. The VEC released an addendum report on Thursday, 3 November, and invited the public to lodge further submissions in response to this report.

To ensure transparency in the process, all written submissions were published on the VEC website and all verbal submissions were heard at a public hearing.

To raise awareness of the review and encourage the public to engage with the process, a full public information campaign was undertaken.

Advertising

In accordance with sections 219F(4) and 219F(7) of the Act, the VEC ensured public notices were placed in local newspapers.

A notification of the review appeared in local newspapers — *Frankston Leader* on Monday, 18 July, *Frankston Weekly* and *Mornington Peninsula Leader* on Tuesday, 19 July, and *Peninsula Weekly* on Wednesday, 20 July. A general notice covering several reviews was printed in *The Age* and *Herald Sun* on Tuesday, 5 July.

A notification of the release of the preliminary report appeared in — *Frankston Leader* on Monday, 5 September, *Frankston Weekly* and *Mornington Peninsula Leader* on Tuesday, 6 September, and *Peninsula Weekly* on Wednesday, 7 September.

A notification of the release of the addendum report appeared in — *Frankston Leader* on Monday, 7 November, *Frankston Weekly* and *Mornington Peninsula Leader* on Tuesday, 8 November, and *Peninsula Weekly* on Wednesday, 9 November.

Media releases

The VEC produced three media releases for this review and distributed these to the local media. These releases corresponded with the notice of review on Monday, 18 July, the notice of release of the preliminary report on Monday, 5 September and notification of the release of the addendum report on Thursday, 3 November.

Public information session

The VEC held three public information sessions for people interested in the review process on Wednesday, 3 August in Rosebud, Mornington, and Hastings.

Information brochure and poster

An information brochure was provided to the Council to be distributed to residents through the Council's network, such as in libraries and service centres. A poster was provided to the Council to be displayed in public spaces.

Helpline

A dedicated helpline was established to assist with public enquiries concerning the review process.

VEC website

The VEC website delivered up-to-date information to provide transparency during all stages of the review process. All submissions were posted on the website and an online submission tool was created to facilitate the submission process. VEC reports were available for electronic download on the website.

Guide for submissions

A guide for submissions was developed and distributed to those interested in making submissions. Copies of the guide for submissions were available on the VEC website, in hardcopy on request, and were provided to the Council.

Preliminary report

In accordance with the Act, the VEC produced a preliminary report outlining its proposed options for Mornington Peninsula Shire Council. The report was released on Monday, 5 September.

Preliminary submissions

The deadline for preliminary submissions was 5.00pm on Wednesday, 17 August. Of the 42 submissions that were received, 13 were in favour of retaining the existing single-councillor ward structure. Only one submitter specified they wished to retain 11 councillors; while the other 12 preferred single-councillor wards, they did not discuss the number of councillors. The arguments made in support for single-councillor wards for Mornington Peninsula Shire included that:

- historically, multi-councillor wards have been less effective in the Shire;
- competition between candidates at council elections would likely create adversarial relationships during the ensuing term of Council under a multi-councillor ward structure;
- increased accountability of councillors to their individual constituencies exists under a single-councillor ward structure;
- there is duplication in work by councillors in multi-councillor wards;
- a number of small towns in the Shire may be under-represented in a multi-councillor situation; and,
- single-councillor wards provide responsive and accessible local representatives.

The remaining 29 submissions were in favour of an unsubdivided municipality or a configuration of multi-councillor wards. The majority of submitters who mentioned an unsubdivided municipality were in favour of multi-councillor wards as an alternative. The arguments in favour of multi-councillor ward and unsubdivided structures included that:

- these structures provide that an alternative representative is available to constituents where an individual councillor is unable or unavailable to take up their concerns;
- having a range of councillors can provide representation across a wider range of issues and communities of interest;
- there is the opportunity for increased competition and co-operation between councillors;
- multi-councillor structures are likely to encourage new individuals to stand as candidates at Council elections;
- these structures reduce the likelihood of candidates standing unopposed at Council elections;

- councillors would be in a better position to share their workload; and,
- residents would not be left unrepresented when a councillor is on leave, is ill, or during the period between a councillor leaving office mid-term and the consequential by-election.

A list of submitters, by name, is available in Appendix 1. Copies of the submissions can be viewed on the VEC website vec.vic.gov.au.

Preliminary options

The VEC assessed a range of electoral representation models that might suit Mornington Peninsula Shire Council. The VEC considered the projected population change, the desire to maintain communities of interest, the number of voters and number of councillors compared with other municipalities, and the electoral history of the Council. The VEC developed a number of models, finally selecting four options for consideration.

Since the Council's last electoral representation review in 2005, there has been significant population growth in the north-west of the Shire. The Act requires all wards within a ward structure to deviate from the average number of voters per councillor across the municipality by no more than +/- 10 per cent. The VEC conducted an electoral subdivision review in 2008 to correct an imbalance that had occurred since the 2005 review, where Balcombe Ward, at +12.96 per cent, had exceeded the tolerance. Being single-councillor wards, the electoral structure for Mornington Peninsula Shire is more vulnerable to falling outside tolerance and more likely to require remedial measures in the intervening years between electoral representation reviews. In fact, changing population has led to another imbalance in the wards, with Balcombe Ward, at +11.53 per cent, already falling outside the tolerance level, and Truemans Ward, at -8.25 per cent, also projected to fall outside tolerance in the near future.

The VEC provided a single-councillor ward model as its preferred option (Option A). This option reflected the outcome of the 2005 representation review, where the VEC recognised strong community support for localised representation. However, the VEC was concerned that some communities of interest would be split and that ongoing population changes would continue to create imbalances because of the model's vulnerability to localised population shifts.

In considering suitable options, the VEC took into account how each option would provide for fair and equitable representation. The VEC noted that six of the 11 wards were uncontested at the 2008 local council elections. A number of submitters who mentioned this issue were concerned that electors were denied the choice of

candidates and could not be fairly represented. The VEC noted that all electoral combinations, including multi-councillor wards, single-councillor wards, and a mixture of multi- and single-councillor wards, have generally worked effectively across each of the four categories of municipalities in Victoria — Metropolitan, Metropolitan/Rural Fringe, Regional Urban Areas and Rural.

Another issue raised in submissions was the unique situation in the Shire of having a highly developed metropolitan area immediately adjacent to a sparsely populated rural area. Therefore, it is difficult to capture rural and urban communities separately without adjusting councillor numbers or mixing different zones together. The VEC recognised that the agricultural community in Mornington Peninsula Shire has different issues from the urban communities and, consequently, most of the options the VEC put forward did not mix the urban and rural communities. Option D did combine the current Red Hill Ward with bayside suburbs in a three-councillor ward. This model responded to a desire for multi-councillor wards throughout the Shire, elected through proportion representation. The proposed Two Bays Ward comprised a large enough rural component to facilitate representation of rural interests.

While multi-councillor wards, which use a proportional vote counting method, can provide fair representation to both urban and rural dwellers, the VEC found that in this instance it was possible to create wards that accommodated communities of interest without ignoring the different needs of the rural and urban communities.

Options B, C and D presented different configurations of multi-councillor wards, but have the sparsely populated agricultural area generally contained within one ward so that this community is more likely to be represented on Council. This meant that, as with the current Red Hill Ward, the rural ward was much larger in area than the more urban wards in each of the models.

Despite the arguments about what model is most appropriate for the Shire, it was clear from submissions that the structure must acknowledge the diversity between, and within, communities across the Mornington Peninsula. The VEC tries to develop sustainable boundaries that provide voters with recognisable wards. In addition, the VEC looks for electoral structures that are likely to provide effective representation for the next election and for future elections, and, as much as possible, avoid the dislocations and costs involved with subdivision reviews.

The preliminary report detailed four options that were under consideration by the VEC:

- **Option A (Preferred Option)** that Mornington Peninsula Shire Council consist of 11 single-councillor wards, using modified boundaries from the existing structure.
- **Option B (Alternative Option)** that Mornington Peninsula Shire Council consist of 11 councillors elected from six wards with two three-councillor wards, one two-councillor ward, and three single-councillor wards. For this option, the proposed ward name for Briars Ward was derived from geographic features in the area.
- **Option C (Alternative Option)** that Mornington Peninsula Shire Council consist of 11 councillors elected from five wards with one four-councillor ward, three two-councillor wards, and one single-councillor ward. For this option, the proposed ward name for Briars Ward was derived from geographic features in the area.
- **Option D (Alternative Option)** that Mornington Peninsula Shire Council consist of 11 councillors elected from four wards with three three-councillor wards and one two-councillor ward. For this option, the proposed ward names for Briars Ward and Two Bays Ward were derived from geographic features in the area.

Public response

Response submissions

Response submissions on the electoral representation review of Mornington Peninsula Shire Council opened on Monday, 5 September and closed at 5.00pm on Wednesday, 5 October. The VEC received 78 response submissions. Table 1 shows the levels of support for each option based on the preferences expressed in each response submission.

Table 1: Preferences expressed in response submissions for each option

Option A (Preferred Option)	Option B (Alternative Option)	Option C (Alternative Option)	Option D (Alternative Option)	Multi-member ward structure (non-specific)	Other
30	—	3	35	8	2

Analysis of submissions

The VEC received 30 submissions that directly supported Option A (Preferred Option), which proposed an 11 single-councillor structure using modified boundaries to the existing structure. Submitters argued that the existing structure has served the community well and offered accountability, transparency and more localised representation. Some submitters suggested that the boundaries in Option A reflected the historical and geographic communities of interest that exist within the Shire.

Several submitters in support of Option A expressed dissatisfaction with the proposed boundary changes and suggested that these boundaries did not retain established communities of interest. Arguments raised included that:

- the community of Mount Martha is quite distinct from Mornington and is, therefore, best served by being placed in its entirety within Balcombe Ward;
- the proposed boundary change between Kangerong Ward and Red Hill Ward is not suitable as it moves residents of Dromana into Red Hill Ward; and
- using the Mornington Peninsula Freeway/Moorooduc Hwy as a boundary of Cerberus Ward would not best reflect communities of interest of that area.

A submission by the Mornington Peninsula Shire Council argued that a single-councillor ward structure was the only workable option, given the size and social, economic and environmental diversity of the Shire. The Council also suggested that the smaller wards under the current model reflected the Shire's 40 distinct towns and villages, each with very strong communities of interest, and argued that single-councillor wards make councillor workloads manageable and simplify councillor/ organisational relationships.

The VEC received 35 submissions that supported Option D (Alternative Option). In support of Option D, submitters suggested that the ward boundaries captured the key communities of interest, particularly in Red Hill Ward, and would provide effective representation for these communities through a multi-councillor ward structure.

Submitters also felt that having more than one councillor to contact with their issues or concerns could strengthen the relationships between the residents and their ward councillors, improve the diversity of representation for the community's varied and changing population, and still ensure representation of local issues. Many also argued that the proportional representation vote counting system used in multi-councillor wards and unsubdivided structures was fairer.

Three submissions were in direct support of Option C (Alternative Option), which proposed an electoral structure consisting of 11 councillors to be elected from five wards with one four-councillor ward, three two-councillor wards, and one single-councillor ward. While the reasons submitters noted for supporting this option were similar to those who supported Option D, some submitters also argued that Option C offered more sustainable boundaries.

Ten further submissions did not directly support a particular option put forward by the VEC. Eight of the submissions, however, stated a preference for a multiple-councillor ward structure. The majority of these submissions argued that multiple-councillor ward structures would ensure effective representation of local interests. The remaining two submissions were in favour of an unsubdivided structure or a configuration of multiple-councillor and single-councillor wards. One of the submitters suggested a change of ward names for the proposed Nepean and Briars Wards in Options B, C and D, to Collins and Balcombe Wards, respectively, suggesting these names could be tied to the area historically or geographically.

The VEC received no submission directly supporting Option B (Alternative Option), which proposed an electoral structure consisting of 11 councillors to be elected from six wards with two three-councillor wards, one two-councillor ward, and three single-councillor wards.

A list of submitters, by name, is available in Appendix 1. Copies of the submissions can be viewed on the VEC website at vec.vic.gov.au.

Public hearing

A public hearing was held at the Mornington Peninsula Shire Council Chamber in Rosebud at 6.00 pm on Wednesday, 12 October. Everyone who made a submission in response to the report was invited to speak, and 20 speakers were heard. Seven people spoke on behalf of organisations, including the Mornington Peninsula Shire

Council. Members of the public were invited to attend and 32 people, including the speakers, were present.

There were nine speakers in favour of Option A, which retained the existing structure of 11 single-councillor wards, with modified boundaries. Most argued that the current single-councillor ward structure has served the community well and that the Council has been consistently providing effective representation under this model. The Mayor, Cr Graham Pittock, maintained that the current structure offered the only workable option for the Shire given its geographic, economic and social diversity.

Many speakers in favour of Option A argued that a single-councillor ward structure offered more transparency and allowed Councillors to be individually accountable to the electorate for their performance. In their view, this option provided residents with more localised representation and allowed Councillors to be responsive to the needs and priorities of their community. Speakers also suggested that the larger wards under a multi-councillor ward structure would require an increased level of localised knowledge and larger geographical distances to be travelled, which could result in heavier workloads for councillors. Some speakers were also concerned that there are higher costs in canvassing larger multi-councillor wards with more voters which might deter many from running as a candidate. As well, speakers were concerned that the proportional representation vote counting system would encourage party politics in the Shire, reiterating a point made in written submissions.

Nine speakers favoured Option D, which proposed 11 councillors to be elected from four wards, with three three-councillor wards and one two-councillor ward. However, three of these speakers supported Option D in lieu of a more suitable option. Most speakers in favour of Option D believed that a change to a multi-councillor ward structure would provide the most effective representation for the Shire. Many speakers highlighted the disadvantages of single-councillor wards, and spoke about varied experiences with particular councillors. They believed that multi-councillor wards would allow councillors to be more accessible to respond to residents' concerns.

Many speakers in favour of Option D argued that a multi-councillor ward structure would provide better representation of local issues and effective decision-making and would improve accountability and transparency of councillors. Some submitters felt that the current structure did not effectively represent the community's diversity and changing population, and argued that Option D provided the most progressive option by giving residents greater choice and support through the most number of councillors for each ward of all of the options put forward by the VEC. Some submitters also argued that multi-councillor wards discourage parochialism and ward-centric decision making, and encourage co-operation between councillors and consideration of broader issues.

Many speakers also noted the relatively high number of uncontested seats (six of the 11 wards) at the 2008 local council election. Some speakers discussed how under a single-councillor ward system incumbents can become entrenched, making it difficult for potential candidates to stand. Many felt that a multi-councillor ward system would encourage more people to stand in an election and allow more views to be represented on the Council.

Correspondence from Mornington Peninsula Shire Council legal representatives

On 26 October, some 12 days after deciding to issue an addendum report to extend the consultation period, the VEC received a letter from solicitors on behalf of Mornington Peninsula Shire Council, which was delivered by hand. The letter raised certain concerns about the conduct of the public hearing and the review as a whole. Council would not have known about the addendum report at the time. The VEC replied on 26 October, received a letter in response from the Council, and replied in turn.

The documents speak for themselves and can be interpreted by readers.

The VEC accepts that on occasion it will receive accusations of bias in the conduct of representation reviews. For example, in the current round of reviews, allegations have been made (and cited in final reports) during public hearings for Strathbogie and Moorabool Shires. Coincidentally, on all occasions the VEC's final recommendations have been the same as was supported by those making the allegations of bias. The VEC has also been accused of bias by proponents of multi-member ward structures who have viewed the Mornington Peninsula Shire Council preliminary report as giving in to the Council position.

The VEC is not and should not be immune to criticism, justified or not, and must be robust and tolerant of passion that is often involved with debate on electoral matters. Accordingly, the VEC is not disposed to do anything other than follow the law and the complementary principles it has developed over the past decade regarding issues of fair and equitable representation.

The aforementioned correspondence and a copy of the associated *Southern Peninsula News* article are available in Appendices 3 and 4 of this report.

Addendum report

The VEC released an addendum report on Thursday, 3 November to extend the consultation period and call for further public feedback on one of its options. The decision to release an addendum report was made in light of the public reaction to the preliminary report. Opinions were polarised between a single-councillor and multi-councillor ward options. It was, however, notable that many submissions wanted a change from the current structure because of operational issues involving the current Council. While such issues are outside the scope of this review, the VEC considered that these concerns may have distracted submitters from fully considering the impact of each of the options proposed in its preliminary report.

In view of this, and in recognition of the need to provide fair and equitable representation for both the rural and urban communities within the Shire, the VEC considered that further consultation was required to test the preliminary alternative model Option B. The VEC considered that this model could respond to the genuine concerns expressed by many submitters on both sides of the debate and meet the requirements for an electoral structure that provides fair and equitable representation for all voters for the next 12 years.

People and organisations were invited to provide written comments on this particular model, but it also should be noted that all options were under active consideration during this period.

Explanation of Option B

Option B proposed that Mornington Peninsula Shire Council consist of 11 councillors from six wards with two three-councillor wards, one two-councillor ward, and three single-councillor wards. The boundaries used in this option generally followed existing boundaries; however, similar communities were merged to create three multi-councillor wards to cover the urban population along the Port Phillip Bay coast.

This model provided for multi-councillor wards in the urban areas where there is a strong case for localities to be grouped. The VEC noted that five of the six current wards in the proposed multi-councillor wards were uncontested in 2008. It can be argued that proportional representation could provide those areas with a diversity of representation and a real choice in candidates. Single-councillor wards, covering the rural part of the peninsula, could provide effective localised representation that reflects the particular needs of those areas. Option B also minimised splitting existing wards to keep voter deviations within the required +/- 10 per cent tolerance.

Briars Ward combined the largely urban localities of Mornington, Mount Eliza, and Mount Martha, and proposed three councillors for this ward. This option also, to some extent, resolved the concerns about splitting the locality of Mount Martha,

which was necessary under Option A in the VEC's preliminary report to ensure the +/- 10 per cent tolerance could be met.

Seawinds Ward is the southern bay region extending from Safety Beach to Tootgarook, along the Port Phillip Bay coast, and included McCrae, Rosebud, and Rosebud West, and parts of Arthurs Seat and Dromana. In addition to the geographic similarities of most of these areas, the localities also experience a huge influx of holiday makers during the summertime peak.

Nepean Ward combined the current Rye and Nepean Wards to create one ward with two councillors. The VEC considered that these areas are geographically connected at the tip of the Peninsula and many live a lifestyle dominated by the sea.

Red Hill, Cerberus, and Watson Wards generally followed existing boundaries with minor modifications to align more closely with locality boundaries, and each ward retained a single councillor. There were many commonalities found in the localities grouped by each of these wards. Watson Ward, which contained the localities of Baxter, Moorooduc, Somerville and Tyabb, consists of rural communities that are within a commuting distance of Melbourne. Cerberus Ward is based on the industrial town of Hastings and includes the naval base at Crib Point. Red Hill Ward contains small beachside communities along the Western Port coastline and the hilly inland of the Peninsula, largely devoted to vineyards, and is by far the most sparsely populated ward.

Comments on the Addendum Report

Comments on the addendum report opened on Thursday, 3 November and closed at 5.00pm on Wednesday, 7 December. The VEC received 126 submissions in response to the report. Table 2 shows the levels of support for each option based on the preferences expressed in each submission.

Table 2: Preferences expressed in submissions for each option.

Option A (Preferred Option)	Option B (Alternative Option)	Option C (Alternative Option)	Option D (Alternative Option)	Multi-member (non-specific)	Option B with changes	Option A with changes
65	40	—	14	4	2	1

As at both the preliminary and response stages, views were divided between support for a single-councillor ward structure and a structure that includes multi-councillor wards, though at this stage marginally more submitters favoured single-councillor wards.

The VEC received 40 submissions that directly supported Option B, which proposed an 11-councillor structure with two three-councillor wards, one two-councillor ward, and three single-councillor wards. A further two submissions supported Option B, but recommended changes to boundaries. Many submitters mentioned their shift in preference from Option D, which proposed a structure of three-three councillor wards and one two-councillor ward, arguing that Option B also offered a model through which effective representation could be achieved for their community. Many favoured the proposed model as it offered a structure with minimal changes to ward boundaries as these generally followed the existing structure, and supported communities of interest of a broader nature.

One submitter suggested Option B reflected broad geographic and historical communities of interest in the Shire, suggesting it recognised both commuter areas to the north, rural areas to the east and the distinct area of the southern part of the Shire that contains a very high number of non-resident electors. Arguments raised in support for the proposed boundaries of Option B included that the structure:

- retained communities of interest, provided diversity in representation, and allowed for an increased in population in the urban wards;
- offered boundaries for Watson and Cerberus Wards that are likely to offset growth resulting from the development of the Port of Hastings and associated infrastructure, which is anticipated to occur in the next 13 years; and
- provided wards that would be more apt in reflecting the new services, functions and demographics likely to emerge over time in the Shire.

Several submissions also noted that communities of interest exist within and between the localities in the proposed Nepean Ward. The submitters suggested that, in addition to the geographical similarities of these areas, many residents used the shopping and recreational facilities at various localities in the proposed ward. One submitter in favour of this option, argued that grouping these localities would provide some of the more disadvantaged areas of the Shire with the attention needed for improvement.

Several submitters supported Option B because it used the proportional representation voting system for three of the six proposed wards. Some submitters noted that this would widen the selection of candidates for urban wards, which encompassed most of the uncontested seats at the 2008 local council elections.

Some of the general arguments made in favour of Option B were that the electoral structure:

- improved accountability and transparency of councillors, discouraged parochialism and ward-centric decision making, and encouraged co-operation between councillors; and
- provided better ratepayer representation and improved accessibility of councillors.

The VEC received 14 submissions with a preference for Option D. Eight of these submissions also stated their support for Option B. In support for Option D, one submitter suggested the major flaws of Option B were that no consideration was given for the major developments occurring around Hastings and that it used a combination of the preferential and proportional representation voting systems. Another submitter suggested that Option A did not provide representation for the full range of political opinion on matters that are the responsibility of local government.

Four further submissions did not directly support a particular option put forward by the VEC, but stated a preference for a multi-councillor ward structure. One submitter suggested a multi-councillor ward structure would increase the opportunity for collaboration within a region with close social links.

The VEC received 65 submissions that directly supported Option A, which proposed retaining the existing structure of 11 single-councillor wards, with minimal change to ward boundaries. One further submitter supported Option A, but suggested changes to boundaries.

Submitters who supported Option A argued that:

- a multi-councillor ward structure had not worked in the past for the Shire;
- a multi-councillor ward structure would result in resident confusion over who to contact regarding matters of concern;
- a multi-councillor ward structure would result in increased workloads for councillors; and
- a single-councillor ward structure would ensure councillor accountability and transparency.

Several submissions made in favour of the current structure were opposed to the proposed grouping of localities of multi-councillor wards, particularly Nepean Ward. Many argued that grouping localities with stark socio-economic differences would decrease the level of effective representation for these communities.

Furthermore, many submitters also opposed the grouping of Mount Eliza, Mount Martha and Mornington in the proposed Briars Ward. Submitters suggested that Option B could potentially place the 'voting control' of the Council into the hands of

councillors in two wards (Seawinds and Briars Wards), disenfranchising much of the voter base.

One submitter suggested the +/- 10 per cent tolerance requirement under the Act was an administration benefit and not a sufficient reason to change the system of representation. The submitter, however, suggested a number of modifications to the boundaries of Mount Eliza Ward, Mornington Ward and Balcombe Wards to allow for further population increases.

Several submitters from both sides of the argument also put forward opinions that were outside the scope of the review.

A list of submitters, by name, is available in Appendix 1. Copies of the submissions can be viewed on the VEC website at vec.vic.gov.au.

Findings and Recommendation

The VEC published a preliminary report outlining a preferred and three alternative options for the electoral structure of Mornington Peninsula Shire Council on Monday, 5 September. The VEC subsequently released an addendum report on Thursday, 3 November to call for further public consultation and comment on Option B, one of the alternative options presented in its preliminary report. After careful analysis and consideration of the arguments raised during the consultation process, the VEC now provides its findings for recommendation to the Minister.

Number of councillors

The VEC is guided by its comparisons with Victorian municipalities of similar size and category in the State in determining the appropriate number of councillors for a council. The Act allows municipalities to have between five and 12 councillors.

The VEC recommended an increase from nine to 11 councillors following the Shire's last electoral representation review in 2005 in recognition of its size, seasonal peak demands and seasonal population fluctuations. The VEC considers that the Shire's growing population, planned developments and number of non-resident electors justify the retention of 11 councillors.

Electoral structure

The VEC received a strong public response for the electoral representation review for Mornington Peninsula Shire Council. More than twice as many submissions were received at the preliminary and response stages of the review process than for any other review conducted in 2011, and a further 126 submissions were made in response to the addendum report. The VEC values all submissions, and considers this as a reasonable cross-section of opinion of the residents interested in this review. Although the VEC's final recommendation is not based on a 'straw poll' of the number of submissions supporting a particular option, the trend and substance of submissions is important. The VEC considers the submissions received in support for an alternative to the current structure, notwithstanding the Council's efforts to encourage local organisations and residents to write in support of the status quo, do show there may be an appetite for change that was not present to the same extent during the previous review in 2005.

The VEC considers that all of the options put forward in its preliminary report have the capacity to achieve fair and equitable representation. The critical point is which option is the most appropriate option for Mornington Peninsula Shire Council at this time.

Submissions from the Council were based on its 'Ten Tests of Effective Local Government',[4] which are:

1. Maximises local accountability
2. Smallest ward size
3. One vote/one value/one councillor
4. Avoids voting blocs/facilitates consensus approach within Council
5. Makes candidacy affordable
6. Makes councillor workloads manageable
7. Simplifies councillor/organisational relationships
8. Proven successful for the Mornington Peninsula
9. Has the strong support of the community
10. Same electoral system for all councillors

Implicit in the ten tests is the assumption that single-councillor wards are superior. Application of the ten tests would have a predetermined result in favour of single-councillor wards. The VEC does not regard the ten tests as an impartial method of assessing electoral structures.

The Act does not support the notion that one model of representation has a clear advantage over another. The criteria outlined in the legislation and the complementary principles applied by the VEC in the context of a particular municipality and its features are decisive in discriminating between options and determining the recommended structure.

Indeed, the VEC has recommended all four types of structures (unsubdivided or comprising of single-councillor wards, multi-councillor wards, or a mixed structure). For example, in the most recent electoral representation reviews, the VEC recommended single-councillor wards for the Shires of Loddon and Pyrenees, and mostly single-councillor wards for Strathbogie and Moorabool Shires, and the VEC recommended a change from a mixed structure to single-councillor wards for Loddon Shire Council.

It should be noted that multi-councillor ward structures are not uncommon in Victoria. Prior to the 1990s, every Council in Victoria consisted of multi-councillor wards. Research also shows that unsubdivided municipalities and multi-councillor wards are the predominant electoral structures for councils across Australia, as shown in Table 3.

[4] Document referenced in the Mornington Peninsula Shire Council's Preliminary and Response submissions.

Table 3: Comparison of electoral structures in Australia in 2011

State/Territory	Unsubdivided	Multi-councillor wards	Mixed	Single-councillor wards	Unknown/ Not Applicable
Victoria	23	29	13	14	—
New South Wales	88	64	—	—	—
Queensland	46	—	—	22	1
Western Australia	74	66	—	—	4
South Australia	32	29	6	—	—
Tasmania	29	—	—	—	—
Northern Territory	5	8	2	1	—
TOTAL	**297**	**196**	**21**	**37**	**5**

Source: VEC research based on local government and electoral commission websites. Victorian data include structures approved as of 30/12/2011.

The VEC's experience with other councils has been that often where there was strong opposition against a move away from single-councillor wards at earlier reviews, once in place there is very little support for a change back. Wyndham City Council is one such council. In 2005, the Council's submission argued strongly against a multi-councillor structure, suggesting that single-councillor wards were beneficial for councillors to have different communities of interest within their ward so that councillors can understand the different factors affecting the municipality. In contrast, the Council's submission as part of the 2011 representation review stated:

> ... multi-member wards are seen by Council to represent a much more effective system than single member wards and better serve both the community and the aim of equitable representation. They permit the sharing of workload amongst Councillors and allow continued representation of a ward when individual Councillors are indisposed or on leave.

Similarly, the electoral representation reviews of the Frankston, Moreland and Monash City Councils showed minimal support for a return to single-councillor wards.

Submissions argued that a multi-councillor ward structure had not worked well for Mornington Peninsula Shire in the past. However, there was a different vote counting system in place at that time. The proportional representation system that applies now could lead to different outcomes.

In determining the most appropriate structure for Mornington Peninsula Shire Council, one of the VEC's key concerns was the number of uncontested wards at the Council's general election in 2008 and its effect on fair and equitable representation for voters. While unopposed elections are not exclusive to single-councillor ward structures, this structure does make up the majority of uncontested wards in Victoria.

At the 2008 Council elections, 45 of the 50 uncontested wards across the State were single-councillor wards.

The VEC received submissions that suggested uncontested seats reflected the community's satisfaction with the incumbent or the level of disinterest in potential candidates due to the increase in length of term from three to four years, and the relatively low remuneration. While there are a number of factors that may influence candidacy, including, but not limited to, an established incumbent with no willing opponent, or the expense of a political campaign, the VEC is concerned by the dramatic increase in the number of uncontested wards compared to the Council's previous general elections. Six of the 11 wards were uncontested at the last election, compared to only one uncontested ward in 2005, with more than half of the electors in the Shire not having the opportunity to vote for their chosen representative. It is the VEC's view, and past elections show, that multi-councillor wards are likely to provide a wider choice of candidates and limit the possibility of uncontested elections. Some submitters argued that the cost of campaigning across larger wards would deter candidates, but evidence from the 2008 local council elections indicates that this is not a serious concern. There was an average of 3.5 candidates for each of the 166 single-councillor wards across the State, 6.1 candidates for the two-councillor wards, and 10.7 candidates for the three-councillor wards.

Another consideration raised in submissions was the level of localised knowledge required by councillors and the difficulty in maintaining this under a multi-councillor ward structure. The VEC, however, notes that the current Red Hill Ward encompasses some 21 localities comprising a land area of 340.96 square kilometres. Under Option B, each of the multi-councillor wards is less than quarter of the size of the Red Hill Ward and have no more than seven localities. Although these wards are larger than the current single-councillor wards, it is possible for councillors to gain effective local knowledge.

Many of the submissions received argued on the lines of accountability, suggesting that with single-councillor wards there was more transparency in councillors' responsibilities. Many also suggested there would be a duplication of efforts in multi-councillor wards. Although this may be the case, the VEC views this occurrence as largely depending on the individual councillors rather than the arrangement of wards. In practice, councillors in many multi-councillor wards seem to work together satisfactorily, as has been indicated in Wyndham City Council's submission. The VEC considers that multi-councillor ward structures would have the advantage of offering constituents a number of councillors to contact, particularly where one councillor is unavailable.

The VEC also noted concerns expressed in submissions that suggested that two of the multi-councillor wards combined would make up the majority of the council, potentially leaving other wards disadvantaged. It is the VEC's experience that councillors from multi-councillor wards generally work in the wider interests of their ward and more broadly for the interests of the municipality as a whole through Council decision making. The VEC Report of Local Government Electoral Activity 2008–09 showed that councillors from selected two-councillor wards vote differently on 37.8% of divisions.[5]

The VEC considers communities of interest as an important guiding principle in determining the most appropriate structure for a municipality. The arguments made in support of separate and distinct communities of interest presented by Mornington Peninsula Shire Council in 2005, and consistent with Council's and other submitters' current view, were taken into consideration when modelling single-councillor ward boundaries for Option A. The Council's submissions argued a single-councillor ward structure was the only workable option, given the size and social, economic and environmental diversity of the Shire and that smaller wards under the current model reflected the Shire's 40 distinct towns and villages. The VEC strongly supports the guiding principles of communities of interest and recognises that individual communities have their own identity. However, the number of councillors allowable and the +/- 10 per cent tolerance requirement under the Act creates challenges in modelling ward boundaries that reflect the variety of communities of interest present in each ward.

Option A was the VEC's best endeavour at modelling single-councillor ward boundaries best fitting the communities of interest that exist within the Shire to maintain the existing electoral structure. However, the VEC's attempt to bring Truemans and Balcombe Wards within tolerance inevitably meant that adjusted boundaries cut across communities. Given that under any model communities can be either grouped or split, it was important for the VEC to consider the best grouping of communities. Localities grouped in the larger wards can vary considerably in terms of communities of interest. For instance, the varying localities of Somers and Red Hill in the current Red Hill Ward provides an example of where localities are grouped as a broader community of interest, belonging to the rural part of the peninsula. Similarly, under Option A, Truemans Ward combines the urban area of Rosebud West with the thinly populated Cape Schanck on the other side of the Peninsula.

Option B offers a structure whereby broader geographic communities of interest are grouped to reduce the number of split communities. The structure consists of

[5] Victorian Electoral Commission. Report of local government electoral activity 2008–09. Part III. Report of local government electoral representation reviews conducted by the VEC between 2004 and 2008. 2009: 78–80 & Appendix 8.

boundaries that generally follow existing ward boundaries, but reduces the number of wards by merging similar communities to create three multi-councillor wards covering the urban population along the Port Phillip Bay coast.

The Council's submission has criticised the proposed Nepean Ward under Option B, because it combines Sorrento and Portsea with Rye despite marked socio-economic differences between the localities. Although the VEC does take into account the socio-economic nature of areas, this does not necessarily determine where boundaries are placed. The VEC views the pattern of living — where people go for their shopping, education, recreation and government services — as more important considerations in determining boundaries. The VEC also considers the area within Nepean Ward, under Option B, as being geographically connected at the tip of the Peninsula and with many within this ward living a lifestyle dominated by the sea. Further, one submitter suggested that Truemans Ward is a unique area with no major shopping, transport or industry to support its community. This indicates that in fact the centre of the community is outside the ward in Rosebud.

The VEC also views the communities on the Western Port Bay side as being more distinct than those along the Port Phillip Bay coast and, accordingly, sought to ensure effective representation for the rural part of the Peninsula, each area with its particular characteristics. Watson Ward, which contains the localities of Baxter, Moorooduc, Somerville and Tyabb, consists of rural communities that are within a commuting distance of Melbourne. Cerberus Ward is based on the industrial town of Hastings and includes the naval base at Crib Point. Red Hill Ward contains small beachside communities along the Western Port coastline and the hilly inland of the Peninsula, largely devoted to vineyards, and is by far the most sparsely populated ward.

The VEC believes Option B provides the most effective electoral structure for the residents of Mornington Peninsula Shire. This option addresses many of the concerns expressed by submitters, as it retains existing communities of interest, but also adapts to the sprawling residential development along the Port Phillip Bay coast and provides diversity of representation for the urban areas. The historical communities of interest are preserved within the proposed wards and single-councillor wards are retained in the less populated Western Port Bay side of the Shire, where population change is less dramatic.

For this option, the proposed ward names for Briars Ward and Seawinds Ward were derived from geographic features in the area. The option uses the existing ward names for the remaining four wards as they largely correspond with the option's proposed boundaries.

Furthermore, the VEC modelled all specific changes to ward boundaries suggested in submissions to assess the viability of the changed boundaries. The VEC found that

some modifications to boundaries were more successful than others in meeting the -/+ 10 per cent voter tolerance requirement of the Act.

While Councillor Gibb did not support Option B, he did make valuable suggestions, which improved the way that boundaries reflected communities of interest while affecting a minimal number of electors (22). Councillor Gibb suggested shifting the boundaries to have BlueScope Steel as part of Cerberus Ward and using Denham Road as a boundary. The VEC was able to successfully model this change and considers this as an improvement, having BlueScope Steel now within a largely industrial ward. This change means that the whole industrial area of Hastings is included within one ward. Councillor Gibb also recommended continuing the eastern boundary between Briars and Cerberus Wards along Moorooduc Highway (as in Option A). The VEC considers this as another valuable change that will better reflect communities of interest by including more of Mount Martha within Briars Ward and will offer a clearer boundary.

The VEC believes that Option B can respond to the genuine concerns expressed by many submitters on both sides of the debate and meets the requirements for an electoral structure that provides fair and equitable representation for all voters for the next 12 years.

Recommendation

The Victorian Electoral Commission (VEC) recommends that Mornington Peninsula Shire Council consist of 11 councillors elected from six wards with two three-councillor wards, one two-councillor ward, and three single-councillor wards:

- Briars Ward (three-councillor ward, including the localities of Mornington, Mount Eliza and Mount Martha);
- Seawinds Ward (three-councillor ward, including the localities of Safety Beach, McCrae, Rosebud, Rosebud West and Tootgarook, and parts of Arthurs Seat and Dromana);
- Nepean Ward (two-councillor ward, combining the current Rye and Nepean Wards to include Rye, Blairgowie, Sorrento and Portsea);
- Watson Ward (single-councillor ward, uniting the locality of Tyabb and using similar ward boundaries to the current ward);
- Cerberus Ward (single-councillor ward, including BlueScope Steel and using similar ward boundaries to the current ward); and
- Red Hill Ward (single-councillor ward, using the current ward boundaries).

S. H. Tully
Electoral Commissioner

Appendix 1: List of submitters

Preliminary submissions were received from:	
Blairgowrie Yacht Squadron Inc.	Mornington Peninsula Shire Council
P. Brown	D. Morris
M. and D. Campbell	A. and N. Nelsen
M. Chatterton	Nepean Ratepayers Association
I. Cowden	Nepean Conservation Group Inc.
J. Dwyer	Nepean Historical Society Inc.
L. G. and N. J. Evans[6]	J. Oliver
D. Gibb	Proportional Representation Society of Australia (Victoria–Tasmania) Inc.
D. Harrison	B. Robinson
J. Hocking	M. Rush
C. Holden	L. Smith
G. Howard	Somers Residents Association Inc.
I. Hundley	J. Spittle
A. Kotzman	M. Spittle
R. E. B. Lambert	St. Andrews Habitat Improvement Preservation and Protection Society
J. Lenzo	D. Trunfull
D. Lines	Tyabb and District Ratepayers Group
A. Lorkin	Victorian Farmers' Federation
A. McInnes	M. Wilson
Mornington Environment Association Inc.	
Mornington Peninsula Croquet Club	
Mornington Peninsula Ratepayers and Residents Association Inc.	

[6] L. G. and N. J. Evans submitted twice to the review — a personal written submission and they were included in the count of form submissions.

Response submissions were received from:	
1066 Hasting Day Club	J. Hill
L. Allan	J. Hocking
R. and E. Auhl	G. Howard
Balnarring Beach Ratepayers Association Inc.*	I. Hundley*
Balnarring Pony Club	Dr M. K. Kennedy*
R. Barnard Brown	A. Kotzman
P. Borzymowski	L. Lambert
S. Borzymowski	R. Lambert*
P. Brown*	J. Lenzo*
N. Buck*	R. Lewis
G. Bull	R. Ljubicic*
H. Bull	S. Luntz
A. Burke	R. J. Matthews
K. Burnstein	McCrae Homestead Coastal Group Inc.
P. Carlsen	S. McLean
A. Celi	W. McLoughlin
T. Code*	Moorooduc Progress Association
B. Colomb*	Mornington Civic Bowls and Social Club
B.D. and J.L. Davidson	Mornington Peninsula Ratepayers and Residents Association Inc.*
A. and S. Drebing	Mornington Peninsula Shire Council*
K. Dyer	MornPenCouncilWatch*
L. Eustace*	B. Morris
Flinders Community Association*	Mount Eliza Community Alliance 2011*
D. Gibb*	Mount Martha Senior Citizens Club
Greek Senior Citizens Club	National Trust of Australia Mornington Peninsula Branch
Growing Our Community Incorporated	R. Smith
G. Nelmes	

A.A. and N.J Nelsen	Somerville Tennis Club
Nepean Historical Society Inc.	Southern Peninsula Players
J. Oliver	J. Spittle
M. Orwin	M. Spittle
Peninsula Aero Club	St Andrews Habitat Improvement Preservation and Protection Society*
Proportional Representation Society of Australia	B. L. Stahl*
N. Quick	R. Steiner
D. Renouf	Tyabb and District Ratepayers Business and Environment Group
B. and D. Robinson	P. Uri*
Rosebud Chamber of Commerce	War Widows' Guild of Australia Southern
M. Rush	J. Warfe
Rye RSL	M. Wilson
Rye Historical Society Inc.	

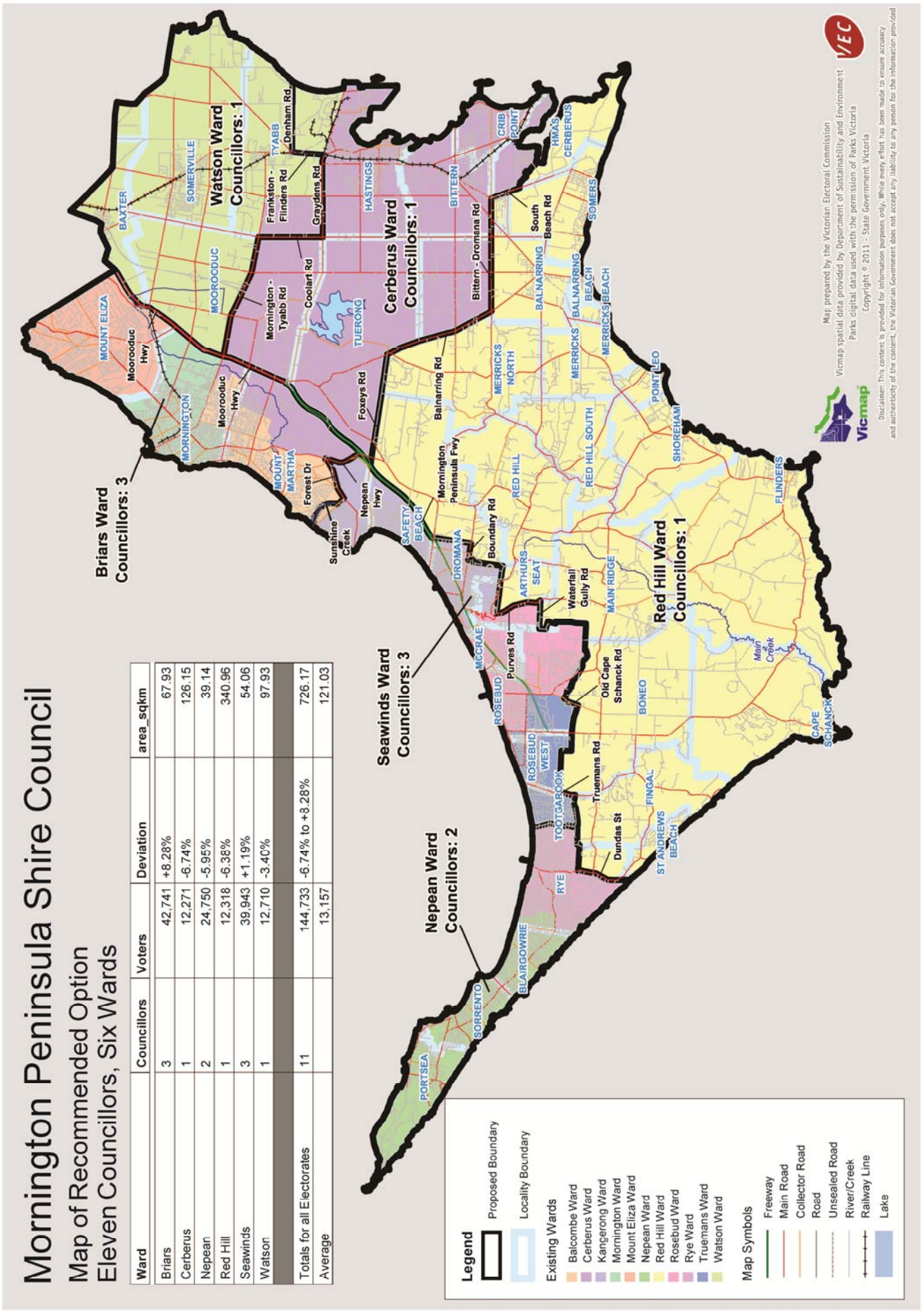
* Indicates those submitters who spoke in support of their submission at the public hearing on Wednesday, 12 October.

Comments on addendum report were received from:	
W. Agnew	M. Coates
L. Allan	J. Coleman
N. Allen	B. Colomb
K. Anderson	N. Cornish
P. Avery	N. Cowles and T. Hill
S. Berson	A.S. Crowe
M. Bottari	P. Davis
L. Bowden	I. and D. Dick
R. Bowden	K. Dyer
M. Breidahl	L. Eustace
P. Brown	L. G. Evans
R. Brown	N. J. Evans
N. Buck	P. Fitton
G. Bull	P. Fitzgerald
K. Burnstein	R. Fitzgerald
K.A. and S. Burrows	B. Foster
E. Cain	P. Galante
J. Cain	P. and N. Galante
D. Campbell	D. Gibb
M. Campbell	B. Goodrem
D. Capper	G. Gordon
P. Carlsen	B. and C. Gray
A. Carlyon	P. Greer
N. Carlyon	D. Harrison
C. Cayless	P. and P. Harvey
A. Celi	C. Haydon
D. and K. Chalke	M. Hibbert
J. ClarkeJ	K. Hopcroft

G. Howard	G. Nelmes
S. Howard	A. and N. Nelsen
I. Hundley	Nepean Historical Society
D. Jarman	Nepean Ratepayers Association
P. Johns	J. Oliver
S. Johnson	B. Parry
E. Judd	C. Paterson
R. Kenery	Peninsula Aero Club
R. Kilkenny	G. Powell
A. Kotzman	P. Powell
L. Lambert	B. Preston
R. Lambert	Proportional Representation Society of Australia
J. Lenzo	D. Renouf
M. Lewis	M. and M. Ringham
R. Lewis	B. Robinson
D. Lines	M. Rush
J. Lines	E. Sage
R. Ljubicic	A. Shaw
S. Lowther	K. Sheaves
F. Martin	R. Smith
R. Martin	Reade Smith
H. Mason	Sorrento Portsea Chamber of Commerce
A. McInnes	R. and L. Spaull
R. Miller	J. Spittle
J. Moore	M. Spittle
Mornington Peninsula Shire Council	St Andrews Habitat Improvement Protection and Preservation Society
MornPenCouncilWatch	B. L Stahl
Mt Eliza Community Alliance 2011	
Mt Eliza Woodland Residents Association	

R. Steiner E. Sutton C. Thompson B. Thornell J. Trantino Truemans Road Recreation Reserve Section 86 Committee D. Trunfull	B. Turner P. Uri L. Wagner J. Warfe L. Warfe J. Wilson M. Wilson

Appendix 2: Map



Ward	Councillors	Voters	Deviation	area_sqkm
Briars	3	42,741	+8.28%	67.93
Cerberus	1	12,271	-6.74%	126.15
Nepean	2	24,750	-5.95%	39.14
Red Hill	1	12,318	-6.38%	340.96
Seawinds	3	39,943	+1.19%	54.06
Watson	1	12,710	-3.40%	97.93
Totals for all Electorates	11	144,733	-6.74% to +8.28%	726.17
Average		13,157		121.03

Appendix 3: Correspondence between Council legal representatives and the VEC

Maddocks

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DX 259 Melbourne

Contact Mark Hayes
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Email mark.hayes@maddocks.com.au
Our Ref MRH:5137928

26/10/2011

BY HAND
Mr Steve Tully
Electoral Commissioner
Victorian Electoral Commission
Level 11
530 Collins Street
MELBOURNE VIC 3000

Dear Mr Tully

Mornington Peninsula Shire Council Electoral Representation Review

We act on behalf of Mornington Peninsula Shire Council.

We are instructed that, on 12 October 2011, you presided at a public hearing convened by the Victorian Electoral Commission (**the Commission**) for the purpose of hearing from those who had submitted 'response submissions' and indicated that they wished to be heard in support of such submissions. Response submissions were submissions responding to the Commission's Preliminary Report on electoral representation for the Mornington Peninsula Shire.

We are further instructed that, during the course of the public hearing, you:

1. consistently advocated the merits of multi-member wards and the benefits of a proportional representation system of voting.

   It is to be expected that, for the purpose of testing submissions, those representing the Commission would raise the possibility of contrary positions and challenge what is said. There is, however, a clear difference between doing this and positively advocating a position in a consistent and vehement manner. That the latter course was adopted is, in part, evident from exchanges reported in the 18 October edition of the *Southern Peninsula News* (see extract attached).

   A number of those present at the hearing concluded that you did not have an open mind on the options outlined in the Commission's Preliminary Report – that either Option B, Option C or Option D needed to be embraced.

   In these circumstances, a responsible bystander might conclude that you might not have an open mind to the issue of what constitutes 'fair and equitable representation for the persons who are entitled to vote at' Council's general elections (as to which see section 219D of the *Local Government Act* 1989). The reasonable apprehension of bias may taint the validity of anything now decided by the Commission; and

2. had a focus on the proportional representation system of voting and the alleged lack of challenges to incumbent Councillors.

Continued next page

Continued from previous page

Maddocks

The proportional representation system of voting is, of course, a consequence of multi-member wards. It is *not* a consideration that is relevant to whether there will be 'fair and equitable representation' for those entitled to vote at a general election.

To take this into account risks the Commission's subsequent deliberations being invalidated on account of an extraneous consideration.

The purpose of this email letter is to communicate to you our client's concerns about the objectivity (and, therefore, validity) of the purpose that the Commission has followed. Our client awaits with anticipation the Commission's final recommendation to the Minister for Local Government.

Our client expressly reserves all of its rights in relation to the matters set out above.

We request that a copy of this letter be forwarded to other members of the panel who were present at the 12 October hearing.

Yours faithfully

Mark Hayes
Partner

Victorian Electoral Commission
Level 11, 530 Collins Street
Melbourne Vic 3000
T (03) 8620 1100 F (03) 9629 8632
vec.vic.gov.au

Our ref: 12350/D11/4256
Your ref: MRH: 5137928

Mr M Hayes
Maddocks Lawyers
DX 259
Melbourne
By email to mark.hayes@maddocks.com.au

26 October 2011

Dear Mr Hayes,

RE: Mornington Peninsula Shire Council Electoral Representation Review

Thank you for returning my call today.

I have received your letter, delivered by hand at this office, in relation to the Mornington Peninsula Shire Council electoral representation review.

I write to confirm that the VEC conducts all its activities including electoral representation reviews in an open and transparent manner. The electoral representation review process is clearly set out at the beginning of the reviews, and each stage of the review is conducted in accordance with that process. All preliminary and response submissions are made publicly available and are published on the VEC's website, and all reports are made public in the same manner. The public hearing is held within the municipality and is an open hearing. Matters raised in submissions and at the hearing are considered by the panel and summarised in reports.

I do not take submissions outside of this process.

Given the spirit of openness and transparency and the nature of your letter I confirm that, subject to considering any further material you put to me, I intend to include your letter along with my responses in my next public report.

Yours sincerely

S.H. Tully
Electoral Commissioner

Maddocks

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DX 259 Melbourne

Email Letter

From	Date
Mark Hayes	27/10/2011
Direct	**Email**
03 9288 0533	mark.hayes@maddocks.com.au

To	Organisation	Email
Steve Tully 12350/D11/4256	Victorian Electoral Commission	aileen.duke@vec.vic.gov.au

Our Ref MRH:5137928

Dear Sir

Mornington Peninsula Shire Council Electoral Representation Review

Thankyou for your email letter last evening.

Our client has no problem with a copy of our letter of 26 October 2011 being included in the Commission's Final Report, on the understanding that you will also include:

- a copy of your email letter sent last evening; and
- a copy of this email letter in reply.

This will ensure that there is the complete openness and transparency described in your email letter last evening.

We should also make it clear that:

1. contrary to what is implied in your email letter last evening, our 26 October letter was not a submission.

   It did *not* touch on the merits of the options being considered as part of the Commission's Electoral Representation Review. Rather, the letter was concerned with the objectivity (and, therefore, integrity) of the process followed by the Commission; and

2. what you said during our telephone conversation about our 26 October letter being designed to 'influence' you is not right.

   The purpose of the letter was to express concerns about the objectivity of the process which has been followed, and to expressly reserve our client's rights. Our client does not wish to find the Commission's final recommendation to the Minister for Local Government being vulnerable to legal challenge.

We trust that this makes clear our client's position.

Our client continues to look forward to the Commission's final recommendation to the Minister for Local Government.

Yours sincerely
Maddocks

Transmission authorised by:
Mark Hayes
Partner

[5137928: 8731109_1]

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Sydney

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Our ref: 12350/D11/4263
Your ref: MRH: 5137928

Mr M Hayes
Maddocks Lawyers
DX 259
Melbourne
By email to mark.hayes@maddocks.com.au

28 October 2011

Dear Mr Hayes,

RE: Mornington Peninsula Shire Council Electoral Representation Review

Thank you for your prompt reply to my correspondence of 26 October 2011.

The next public report on Mornington Peninsula Shire Council electoral representation review will be published on 3 November 2011, and I will ensure that all correspondence (four pieces plus the newspaper article) is included in that report.

I am not able to share the contents of that report with you as I have made a commitment to make the reports available to the public at the same time as the Minister.

Yours sincerely

S.H. Tully

Appendix 4: Article referenced in correspondence from Mornington Peninsula Shire Council legal representatives

Come in spinner, but

By David Harrison

IT was a memorable clash. Irresistible spin met immovable bureaucrat when Michael Kennedy tackled Victoria's electoral commissioner Steve Tully, the former with an opening pirouette reminiscent of Nureyev; the latter composed, watchful and not about to chase one outside the off stump.

The event was final public submissions on the VEC's review of the shire's voting system held at the Rosebud council chamber, Dr Kennedy's home ground, on Wednesday 12 October.

Dr Kennedy, self-described "principal servant" of the shire, entered stage right – a trifle late, adding drama to the appearance – with a confidently executed grand jeté.

He was, he told Mr Tully, a local government practitioner, a doctoral researcher and a peninsula resident. He clearly felt no need to explain why, as CEO with (one might assume) some responsibility to stand disinterestedly above vulgar politics, that he felt the shire should take a vigorous partisan stance, and back it with ratepayers' cash.

Then came the blinding opening pirouette. Have a listen:

"We do good policy work, we're efficient and effective, we lead on sustainability and a number of other things, we have no infrastructure renewal gap, we deliver a high level of services, we are financially strong, and this shire's rates are among the lowest in Victoria," Dr Kennedy said.

"That's because our model works. And all those things are evidence: they're not my assertions."

By "model" he meant single-member wards. Multi-member wards, favoured by a clear and substantial majority of submitters to the electoral review, including this writer, would be "impossible".

Multi-member wards had been tried by the shire and found wanting, despite being favoured by most Victorian councils, he said. "It was stressful, it was clumsy, it was costly and it was unresponsive. That's why the council changed it."

By contrast, Dr Kennedy said, a sole councillor is someone who knows their particular community, their particular club, their needs, their priorities. Someone who is easily contactable and will respond quickly and involve council officers quickly to address whatever the issue is.

A problem means a meeting, a phone call, a referral, a solution. Job done.

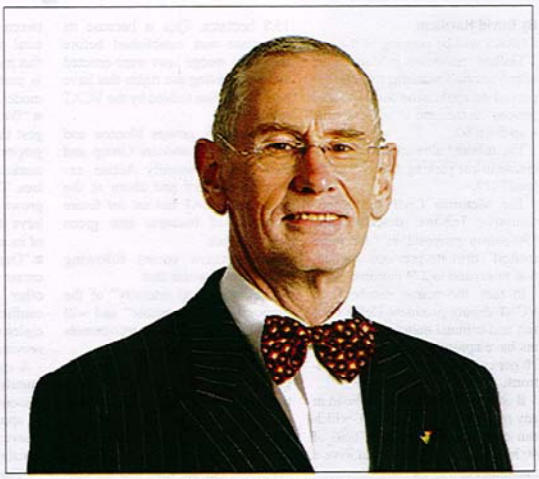
"How does that work with three councillors jointly responsible for a ward that stretches from Mt Eliza to Mornington East, Mornington to Mt Martha, from Mt Martha, Safety Beach, Dromana, McCrae, Rosebud, Rosebud West and Tootgarook, which are remarkably different places? The answer is, it doesn't," he declared.

"While council can't please absolutely everyone they do in fact please the majority of people. Look at the record.

"Our councillors keep getting re-elected. And re-elected. And re-elected. Our shire performance is there for all to see. It's what 150,000 or 200,000 people think, not what 10 or 12 think that matters. Look at the record." (The shire's permanent population is about 148,000.)

Then, with slow and solemn emphasis: "Our model of single-member wards works."

He had, Dr Kennedy told Mr Tully, "attended many, many local ward meetings with each councillor in their patch, seeing how different those communities are, seeing how well those councillors connect with their particular local community of which they are a part, and having seen how that helps us keep local government 'local' in a very large, very diverse municipality. I am in no doubt that the VEC recommendation (its preferred option is to retain the status quo) is correct."



Shire CEO Michael Kennedy.

The Kennedy virtuoso solo over, Mr Tully began his questions. They have been edited, because both men had a tendency to be long-winded.

Tully: "Do you make any concession that under a different system of election that that arrangement might be different? When it's winner take all and immediately you've got a bloc because they're all of the same mind ... under proportional representation (PR, the Senate system, used in voting for multi-member elections) that's very unlikely if not impossible for a group of two or more to be elected of the same mind."

Kennedy: It depends on the individuals. I can name municipalities around Melbourne [where] there's five there, there's five there, the mayor's there, and guess what? The six carries everything. ... If they are of a mind to play that game – which does not get played here – it has portents of disaster. What it does is it engineers conflict potentially into the system: what our model does, it engineers conflict out of the system.

T: I'm interested in your notion that conflict is bad ...

K: (Interjects) Too much conflict is bad.

T: ... and I would have thought that good robust debate from different points of view is good ...

K: (Interjects) It is.

T: ... and that conflict can be productive.

K: Yes, but ... but ... we ... again, I don't want to become doctoral ... a level of tension and, quite frankly, we have that all the time, and diversity of opinion and all those things is absolutely fantastic.

Then, another classic Dr Kennedy explanation: "But if part of the process of being an elected representative is ... the aim is to be re-elected then there's the issue of who does the work, who is seen to do the work, and how many votes do I need to get, and you're saying, well, we'll all compete with each other and then when the election is over and someone is a winner then we'll all be good friends and then we are now one year from an election so councillors are looking forward and saying right, there's four of us in this great big ward and I want to make sure I win. Is that something that's going to facilitate and encourage cooperation? I don't think so. So there is what's called a functional level of conflict. My concern is a dysfunctional level of conflict."

T: People [argue] that what's good for state and federal is good for local. I reject that there's any real comparison you can make.

K: I agree with you.

T: Federal and state have got built-in opposition. But in local government everyone needs to work to the common goal ...

K: (Interjects) Indeed.

T: ... so ...

K: (Interjects) I agree with you wholeheartedly on that.

T: ... umm, that's good ... umm, so there is a different structural issue ... the thing that I have to say weighs heavily on my mind [is that] the council, in 12 years' time, will be judged on what we've done and whether it would have been done differently. What worries me in all of these is that we get one crack at it in 12 years. If our colleagues tonight will say we've got some major problems with the environment, we've got some major problems with transport, we've got major problems in other areas, that need a different approach and that our structure of single-member wards is a direct impediment for dealing with those wider issues ... and our friend who says Hastings could be the new Port of Melbourne – and that's not the first time I've heard that – how does the council – how do the people in the council's area get the best representation they can to deal with such a massive change?

Dr Kennedy then began outlining the shire's successes in public transport. He was interrupted.

T: No, no, I'm not asking you to defend ...

K: (Resumes public transport argument, then adds:) The assertions of others should be held up to the light to be tested because, with respect, they will not withstand that scrutiny.

T: Mmm. I'm a bit more troubled than that because hindsight is the only way they'll be truly assessed ...

K: And ...

T: ... and people will look back and say 'Look at what's happened, how did

The Thoughts of David Gibb

WE don't have party politics in this shire. I am aware of some municipalities up in Melbourne where they're all card-carrying members of a party, albeit different factions of a party. It's a very unhealthy situation in my opinion.

Nine councillors worked well in the shire. No one complained about lack of access to the councillor. Lack of access to councillors is a furphy.

Two more councillors have provided no better value for the ratepayers.

If you could think of a boardroom table with 11 around it, where everyone wants to have a chatter, it takes longer to come to consensus. We have to go to that extra layer of work (committees) to get around the problem of a dysfunctional 11 – an excessive number.

In Macedon Ranges Shire you've [the VEC] deemed it appropriate that there be only 3700 ratepayers per councillor so I can't see the rhyme or reason as to how you've just defaulted to 11 for the Mornington Peninsula when on that logic of 3700 you'd allocate 39 councillors to MP to give us 3700 ratepayers per councillor.

The silent majority is comfortable with the status quo ... you tend to get only a few activists in the community who will make a submission. I'd say to you that 78 out of 140,000 people is a darned good referendum to say that the population is very happy with the shire and the electoral system we've got.

In terms of uncontested wards, it shouldn't be assumed that this is symptomatic of a malaise or a problem. In fact it indicates a satisfaction and trust in the performance of the council and the councillors.

I genuinely receive comments from residents who say "Don't ask me about it – do it. We trust you. If you think it's the right thing, and the council thinks it's the right thing, proceed with it".

The level of goodwill and harmony and satisfaction with community is extraordinarily high, contrary to the grumbles you will hear from a handful of people here tonight.

In my opinion there's a great diversity with the current council. You have, for example, both genders represented. You have a range of socio-economic classes represented. You have retirees, you have ... in the past you've had unemployed councillors, you've got self-employed, you've got employees, you've got a range of ages. So I would say that in fact you've got quite a degree of diversity in the shire [council].

I'm independent, says councillor's partner

PIERRE Uri told the VEC forum he did not "belong or represent any organisation or special interest group. Basically I am here representing myself, my own personal views and opinions. I am not politically minded".

"I want to share a few opinions, make a few comments based on my own observation and based on my past life experience," he said.

Mr Uri, partner of Cr Antonella Celi, suggested that perhaps voters in the six uncontested wards in 2008 were happy with their councillor. He asked how one could distinguish between three single-ward councillors and three councillors from a multi-member ward.

He read from a prepared statement: "Can anyone here tonight see a single problem with single-councillor wards? With no disrespect to our councillors, I can see multiple problems to multi-councillor wards."

Solo councillors could provide:

- More effective service to their constituents.
- Were better positioned to provide equitable and just representation.
- Could offer more meaningful collaboration and mediation between community members and local government.
- Were more able to give personalised accountability and responsiveness to their community members.

"Victoria utilises the principle of [the VEC's] Option A structure to elect our state premier. Also, Australia utilises the principle of Option A structure to elect our prime minister," Mr Uri said.

"Can you imagine a multi-premier state or even a multi-prime minister nation? Just think – Julia Gillard, Tony Abbott and Bob Brown as multi-prime ministers.

"I'm confident that the VEC review panel's final report recommended to the minister of local government will ultimately prove that Option A is the best option for our diverse and thriving community and be conducive to an equitable and democratic outcome for the Mornington Peninsula."

watch the cover drive

this occur, what structures were in place to stop this happening that didn't work?'

K: Well, again, if you wanted to talk about the port, the council has had ...

T: No, I ...

K: ... a strong, a clear position...

T: ... Mmm ...

K: ... over a period of time with regard to the development of a port and it is my expectation that we will have the opportunity to contribute positively to the development of that port ... and that's because we have a sound track record on sustainability.

Mr Tully then moved on to the crucial matter of uncontested wards.

T: It troubles me, the lack of contests in a number of wards. I don't think you can dress it up in any other way [except] to say it's a problem. People aren't getting to make a choice. I think there is a great deal of evidence to suggest that single-member wards will bring out to a multiplier factor of 10 the problem of no-contests.

K: And my ...

T: ... and that really worries me.

K: Without having time to reflect on it my proposition would be that somebody considering running for a particular ward has a look at the record of the person who's there, what they've done and see if they're going to be able to knock [them] off: that's because they're doing well, not because they're doing badly.

Now, a council would be keen to encourage more people to stand ... I would love it if the next time there's an election I've got 10 people running against me. That's great. But I struggle to see ... if you bear in mind that you're going to create a ward that covers four of our current wards, the time, effort and cost of running for that ward is going to be absolutely immense; and the notion that you're going to have a well-informed public, the notion that people covering – I won't name all those localities again – are going to be well informed ... they're going to have 150 words and a picture ... are they going to have much else?

I seriously doubt it. And the cost of running will be four times as great. Does that facilitate the ordinary person running for council? No it doesn't. Our model does because ...

T: (Interrupts) I'm not sure that the facts support that argument. I just pulled out some figures before we came. At the last election there were 164 single-member electorates throughout Victoria. Forty-five of them, or 27.4 per cent, were uncontested.

K: (Indistinct interjection)

T: You [the shire] were a heavy contributor to that. [Six of the 11 shire wards were uncontested in 2008.] But in terms of multi-member wards there were 458 vacancies. Only 11 were not contested. So in comparing single-member electorates uncontested throughout Victoria, nearly a quarter – nearly a third – whereas multi-member is only 2.5 per cent.

K: I'm struggling a bit with the relative importance of ...

T: Well ...

K: ... the council meeting its ...

T: ... well, that's probably why we're struggling ...

K: (Indistinct interjection)

T: ... because I'm on about fair and equitable representation and I wouldn't want to mount an argument that it's good democracy to have 27 per cent of single-member wards in Victoria uncontested. I think it's a sad reflection.

K: That might be so, but again, what is the purpose of an electoral system? The purpose of an electoral system is to run an election, and if people get elected to deliver on issues, what I'm saying, using the hindsight argument, if you look at this council's record over the time period when we went to single-councillor wards ... its track record on everything that is examinable is outstanding.

T: I have to look at fair and equitable representation and what I'm suggesting to you is that that's a criterion we have to take into consideration and that when people don't have the choice through not standing themselves, or whatever reasons [there may be] there is something that needs addressing. And you don't agree.

K: I'm sure that if some of those councils performed less well you've solved your problem. Would that be a good thing? I don't think so. That's my opinion.

T: Well, OK ...

K: ... and that's not an academic perspective, that's a practitioner's perspective after 18 years in local government. I'd rather work with a council that's delivering for its community and, given another 20 minutes, I could recite all the ...

T: No, no, no. Again, it's not our business to judge how well the council is going. Our sole criterion, or driving criterion, is fair and equitable representation. And I think, coming back to what is my issue, as a practitioner of democracy, is the key factor in democracy is choice, and when you haven't got choice I start to struggle with whether you've got a true ...

K: People can more easily stand, and more easily be elected...

T: The stats don't prove that: they don't back your argument. Anyone can...

K: I'm sure councils can address [indistinct] the fact of the matter is that if I want to run for one of our single-member wards I can more easily do that than I can mount a campaign when...

Interjector: Is this a debate? We weren't supposed to debate tonight.

T: No, no. I'm trying to tease out the question. A key question is fair and equitable representation. We have a man who has a doctorate in this type of study: not all of us have. I wanted to test my fundamental concern that when you get six – when there is no choice for the great majority of the Mornington Peninsula Shire Council – I think that's an issue.

K: (Indistinct comment)

T: You may not [agree with me] ...

K: ... and so the assertion that is made is not correct. It's not the case that the majority of our people don't have a choice.

T: How many [councillors] were elected unopposed?

K: I don't know...

T: Six.

Interjectors: Six, six out of 11. One interjector: It's actually a majority, Michael.

Another interjector (indignantly): Excuse me!

T: That's right. And I'm asking you, that's why. Because I think ... And you're saying it's because the quality of the people is the ... and it's [indistinct] I have to take that into account. I would rather ask you than make assumptions myself. And I'd like to test that with you.

K: Can you remember this, Noel? (Shire governance manager Noel Buck makes an indistinct reply.)

T: All right, I'm sorry, it's not meant to be ... it's airing of something – of two things – that troubled me. I would rather put them to you and have them tested than just make my assumptions.

K: Thank you very much.

T: Thank you.

VEC Electoral Commissioner Steve Tully.

Shire might not be broken, but it needs fixing, says long-time critic

LONG-time council watcher Roger Lambert likened Mornington Peninsula Shire to an old and inefficient gas-fired boiler: proponents of retaining the current 11 single-member wards were arguing that it still works, it ain't broke, so there's no need to fix it.

"Taking the gas boiler as the shire council and the cost of running it as shire rates, we have a direct comparison with an old-model council being run at high cost to ratepayers, with councillors, officers and their financially dependent affiliates saying they don't want change," he said.

But change was essential to ensure that the shire could deal with three vital challenges in particular:

- The proposed development of the Port of Hastings.
- The commissioning of Peninsula Link freeway.
- A forecast increase of 10,000 in the aged population by 2016.

"The Port of Hastings is a community of interest in itself," he said, referring to arguments other submitters had put to leave the current electoral system largely untouched so as to maintain "communities of interest".

The VEC's preferred Option A – preserve 11 single-member wards – "doesn't satisfy the main community of interest – namely the ratepayers," he said.

He pointed out that electoral reviews held elsewhere in Victoria had prompted few submissions. Seven of them had received less than 10 submissions each, with the greatest number being 23.

By contrast, more than 70 submissions were received by the Mornington Peninsula Shire review, showing "a healthy concern" about the shire's electoral process.

Mr Lambert said concern had been growing in the community since the 2008 council poll, when six of the 11 wards – a majority – had been uncontested. The entire state had had only 46 uncontested wards at the 2008 elections.

"Fifty-five per cent of Mornington [Peninsula] ratepayers were disenfranchised in 2008 – wiped off," he said.

"And for someone to suggest [as an earlier submitter had] that that was because they were happy with their councillors ... well, I nearly boiled over at that point."

In the Frankston Council electoral review, only one of the 20 responses to the preliminary report had mentioned returning to single-member wards.

Mr Lambert said the current single-member system "discourages people from offering themselves as candidates".

The main factor was the prevalence of the donkey vote. His scrutineers had reported this was as high as 25-30 per cent on both occasions he stood for council.

"It's a tremendous hurdle for candidates to overcome using the preferential system of voting in single-councillor wards," he said.

"I have not yet researched to discover how many successful candidates in past elections did not also have the most primary votes, but I suspect I already know the answer. This research could well earn a doctorate, I would think."

Preferential voting "may technically work but is inefficient and unsatisfactory, just like my gas boiler," he said.

Proportional representation (PR) would partially overcome the donkey vote as "it works on a quota system, and distribution of surplus votes [is] only undertaken when the quotas aren't met to elect the required number of candidates".

PR would attract prospective councillors with a wider range of expertise, he said, which would greatly benefit the community.

Referring to the single-member system, Mr Lambert said: "Disconnection of ratepayers from local government has become entrenched. Community consultations – when they occur – result in little if any observable ratepayer input being taken into consideration.

"In fact, ratepayer input is not welcome."

He cited "two local and recent incidents".

In the first, he claimed that "an email dated 16 August from an entrenched councillor who was unopposed in the last two elections [had said] that all [nuisance] ratepayers should be microchipped and spend time in the pound or [be] sued for sedition.

"It tells you the attitude," he said.

In the second incident, Mr Lambert said "the current mayor has been quoted as telling ratepayers to butt out" of the debate on the reappointment of the CEO. The mayor had said "it was nothing to do with them", he said.

Mr Lambert said that multi-councillor wards "afford ratepayers a chance of being able to present their concerns to more than one councillor.

"Currently if a single councillor is unavailable, for instance is in Copenhagen, or not speaking to them, or ignores their emails, or fails to provide a clear answer, they have no one else to turn to. That is lack of effective representation."

Buck queried on conflict of interest

SHIRE governance manager Noel Buck was queried about his possible conflict of interest as a senior shire staff member when making a verbal presentation to the committee.

Mr Tully, stating he was not familiar "with all the rules on conflict of interest and arm's length and local government protocols", said: "What I do know is we don't get many submissions from people in positions such as yours."

Mr Buck replied: "Well, that's unfortunate, isn't it."

Mr Tully: "Well, it may be; therefore I am, just as a friend – and I certainly will hear [your submission] – just asking you to reflect whether that creates any problems for you in any sense."

Mr Buck said that in discussions with colleagues at Local Government Victoria it was indicated there was no conflict of interest.

Mr Tully responded: "If you're happy, I'm happy. I'm just raising it because it's so unusual ... so unusual ... I'm not saying it's wrong ..."

Mr Buck said that "as a practitioner of 35 years in local government I think that I should have at least a view on council structures and council wards etcetera".

"That may be true, Mr Tully said. "As I say, I'm only putting it there for you to consider."

Mr Buck then proceeded with his submission, telling the chairman: "Look, I don't have a lot to add."

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