



2015-16

**Council  
Representation  
Reviews**

# **Final Report**

## **2015 Bass Coast Shire Council Electoral Representation Review**

*Wednesday 11 November 2015*

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## 1 Recommendation

The Victorian Electoral Commission recommends Bass Coast Shire Council consist of nine councillors elected from three three-councillor wards.

This recommendation is submitted to the Minister for Local Government as required by the *Local Government Act 1989*.

Please see Appendix 2 for a detailed map of this recommended structure.

## 2 Executive summary

The *Local Government Act 1989* (the Act) requires the Victorian Electoral Commission (VEC) to conduct an electoral representation review of each municipality in Victoria before every third council general election.

The purpose of an electoral representation review is to recommend an electoral structure that provides fair and equitable representation for the persons who are entitled to vote at a general election of the council. The matters considered by a review are:

- the number of councillors
- the electoral structure of the council (whether the council should be unsubdivided or divided into wards and, if subdivided, the details of the wards).

The VEC conducts all reviews 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
2. taking a consistent, State-wide approach to the total number of councillors and
3. ensuring communities of interest are as fairly represented as possible.

### Current electoral structure

The last electoral representation review for Bass Coast Shire Council took place in 2008. The review recommended that the Council continue to consist of seven councillors elected from single-councillor wards.

### Preliminary submissions

Preliminary submissions opened at the commencement of the current review on Wednesday 22 July. The VEC received 27 submissions by the deadline for submissions at 5.00 pm on Wednesday 19 August.

### Preliminary report

A preliminary report was released on Wednesday 16 September with the following options for consideration:

- Option A (preferred option)  
**Bass Coast Shire Council consist of seven councillors elected from seven single-councillor wards, with modified ward boundaries.**

- Option B (alternative option)  
**Bass Coast Shire Council consist of nine councillors elected from an unsubdivided municipality.**
- Option C (alternative option)  
**Bass Coast Shire Council consist of nine councillors elected from three three-councillor wards.**

### **Response submissions**

The VEC received 10 submissions responding to the preliminary report by the deadline for submissions at 5.00 pm on Wednesday 14 October.

### **Public hearing**

The VEC conducted a public hearing for those wishing to speak about their response submission at 6.00 pm on Monday 19 October in Wonthaggi. Two people spoke at the hearing. A second hearing, scheduled to be held in Cowes on Tuesday 20 October, was not held as there were no local requests to speak.

### **Recommendation**

**The VEC recommends Bass Coast Shire Council consist of nine councillors elected from three three-councillor wards.**

This electoral structure was designated as Option C in the preliminary report. Please see Appendix 2 for a detailed map of this recommended structure.

## 3 Background

### 3.1 Legislative basis

The Act requires the VEC to conduct an electoral representation review of each municipality in Victoria before every third general council election, or earlier if gazetted by the Minister for Local Government.

The Act specifies that the purpose of a representation review is to recommend the number of councillors and the electoral structure that provides 'fair and equitable representation for the persons who are entitled to vote at a general election of the Council.'<sup>1</sup>

The Act requires the VEC to consider:

- the number of councillors in a municipality and
- whether a municipality should be unsubdivided or subdivided.

If a municipality should be subdivided, the VEC must ensure that the number of voters represented by each councillor is within 10 per cent of the average number of voters per councillor for that municipality.<sup>2</sup> On this basis, the review must consider the:

- number of wards
- ward boundaries (and ward names)
- number of councillors that should be elected for each ward.

### 3.2 The VEC's approach

#### Deciding on the number of councillors

The Act allows for a municipality to have between five and 12 councillors, but does not specify how to decide the appropriate number.<sup>3</sup> In considering the number of councillors for a municipality, the VEC is guided by the Victorian Parliament's intention for fairness and equity in the local representation of voters under the Act.

The VEC considers that there are three major factors that should be taken into account:

- diversity of the population
- councillors' workloads and
- profiles of similar municipalities.

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<sup>1</sup> Section 219D of the *Local Government Act 1989*.

<sup>2</sup> *ibid.*

<sup>3</sup> Section 5B(1) of the *Local Government Act 1989*.

Generally, those municipalities that have a larger number of voters will have a higher number of councillors. Often large populations are more likely to be diverse, both in the nature and number of their communities of interest and the issues of representation.

However, the VEC considers the particular situation of each municipality in regards to: the nature and complexity of services provided by the Council; geographic size and topography; population growth or decline; and the social diversity of the municipality, including social disadvantage and cultural and age mix.

### **Deciding the electoral structure**

The Act allows for a municipality ward structure to be:

- unsubdivided—with all councillors elected 'at large' by all voters or
- subdivided into a number of wards.

If the municipality is subdivided into wards, there are a further three options available:

1. single-councillor wards
2. multi-councillor wards or
3. a combination of single-councillor and multi-councillor wards.

A subdivided municipality must have internal ward boundaries that provide for a fair and equitable division of the municipality, and ensure that the number of voters represented by each councillor remains within 10 per cent of the average number of voters per councillor for the municipality.

In considering which electoral structure is most appropriate, the VEC considers the following matters:

- communities of interest, encompassing people who share a range of common concerns, such as geographic, economic or cultural associations
- the longevity of the structure, with the aim of keeping voter numbers per councillor within the 10 per cent tolerance as long as possible
- geographic factors, such as size and topography
- the number of voters in potential wards, as wards with many voters can have a large number of candidates, which can lead to an increase in the number of informal (invalid) votes and
- clear ward boundaries.



### 3.3 The VEC's principles

Three main principles underlie all the VEC's work on representation reviews:

- 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.**

Over time, population changes can lead to some wards in subdivided municipalities having larger or smaller numbers of voters. As part of the review, the VEC corrects any imbalances and also takes into account likely population changes to ensure ward boundaries provide equitable representation for as long as possible.

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

The VEC is guided by its comparisons of municipalities of a similar size and category to the council under review. The VEC also considers any special circumstances that may warrant the municipality having 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. Where practicable, the electoral structure should be designed to ensure they are fairly represented, and that geographic communities of interest are not split by ward boundaries. This allows elected councillors to be more effective representatives of the people and interests in their particular municipality or ward.

### 3.4 The electoral representation review process

#### Developing recommendations

The VEC bases its recommendations for particular electoral structures on the following information:

- internal research specifically relating to the municipality under review, including Australian Bureau of Statistics and .id (Informed Decisions) Pty Ltd<sup>4</sup> data; voter statistics from the Victorian electoral roll; and other State and local government data sets
- small area forecasts provided by .id (Informed Decisions) Pty Ltd
- the VEC's experience conducting previous electoral representation reviews of local councils and similar reviews for State elections
- the VEC's expertise in mapping, demography and local government

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<sup>4</sup> .id is a company specialising in population and demographic analysis that builds suburb-level demographic information products in most jurisdictions in Australia and New Zealand.

- careful consideration of all input from the public in written and verbal submissions received during the review and
- advice from consultants with extensive experience in local government.

### **Public involvement**

Public input is accepted by the VEC:

- in preliminary submissions at the start of the review
- in response submissions to the preliminary report and
- in a public hearing that provides an opportunity for people who have made a response submission to expand on this submission.

Public submissions are an important part of the process, but are not the only consideration during a review. The VEC ensures its recommendations are in compliance with the Act and are formed through careful consideration of public submissions, independent research, and analysis of all relevant factors, such as the need to give representation to communities of interest.

## 4 Bass Coast Shire Council representation review

### 4.1 Profile of Bass Coast Shire Council

Bass Coast Shire is located in south-eastern Victoria, about 130 kilometres from Melbourne. The Shire is bounded by Western Port Bay in the north and west, Cardinia Shire in the north-east, South Gippsland Shire in the east, and Bass Strait in the south. Bass Coast Shire is a rural, residential and holiday area encompassing 865 square kilometres that includes substantial coastal areas and Phillip Island. As shown in Table 1, the major population centre in Bass Coast Shire is Wonthaggi. Other population centres include the towns of Cowes, Inverloch and San Remo—all large coastal communities that experience population fluctuations during holidays and summer periods.

**Table 1: Current population estimates in major towns<sup>5</sup>**

Wonthaggi	7,279
Inverloch	4,458
Cowes	4,310
Cape Woolamai	1,549
San Remo	1,083

In 2014, the estimated resident population in Bass Coast Shire was 31,623.<sup>6</sup> The Shire is projected to experience growth at an annual rate of 2.4 per cent to 2031, which is nearly twice the rural and regional Victorian average (1.3 per cent). The majority of new residential developments are planned to be located on the periphery of existing urban centres, at the interface between urban and rural land.<sup>7</sup> Population distribution, at 36.6 people per square kilometre, is significantly denser than the rural and regional Victorian average of 6.3 people per square kilometre.

Bass Coast Shire has a median age of 46, compared to the rural and regional Victoria average of 41.6. It is an ageing population and approximately 45 per cent of the population is aged 50 years and over, which is higher than the rural and regional average of 38 per cent. The percentage of the population aged 18 to 34 is significantly lower than the rural and regional average (15.2 per cent and 18.6 per cent respectively). Forecast population figures suggest that the percentage of population aged between 15 and 30 years will decrease by approximately 1.7 per cent between

<sup>5</sup> Estimates based on 2011 ABS Census.

<sup>6</sup> ABS, *Estimated Resident Population*, 2014.

<sup>7</sup> *ibid.*

2011 and 2031, while the number of people aged 50 years and older will increase by 1.5 per cent.<sup>8</sup>

Cultural diversity within the Shire is close to the rural and regional Victorian average, with 5 per cent of the population speaking a language other than English at home. Despite a slightly higher percentage of people born overseas than the average, the majority of migrants arrived prior to 1980, indicating that the Shire cannot be considered a primary destination for new arrivals. The Aboriginal and Torres Strait Islander community in Bass Coast Shire is also small at 0.7 per cent of the population, approximately half the rural and regional average.

Approximately 55.5 per cent of the population participates in the workforce, with a slightly lower unemployment rate (4.7 per cent) than the rural and regional average (5.2 per cent).

Construction is the largest industry of employment (28 per cent), followed by manufacturing (8.8 per cent), retail trade (8.6 per cent) and accommodation and food services (7.6 per cent).

## 4.2 Current electoral structure

The last electoral representation review for Bass Coast Shire Council took place in 2008.

Following the last review, the VEC recommended the subdivided structure of Bass Coast Shire Council remain, with seven councillors elected from seven single-councillor wards. The review attracted a large number of public submissions. Public feedback provided information that helped to determine the VEC's final recommendation.

As a 'sea change' destination, Bass Coast Shire is one of the few municipalities in Victoria that has both a permanent and significant non-resident population. The total number of voters at the time of last review was 38,488, and was considered by the VEC as comparable to other rural and regional councils with nine councillors. However, there was overwhelming support by the public for retaining seven single-councillor wards. Arguments made in support of the structure included:

- the geographically small size of the Shire
- a lack of evidence that the number of non-resident voters would increase councillors' workloads
- strong resident identification with local areas
- direct interaction between constituents and representatives, promoting a 'grassroots' environment and
- the suitability of seven councillors to adequately manage community expectations.

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<sup>8</sup> Profile.id, *Forecast age structure 2011–2031*.

On balance, the VEC considered that nine councillors was an appropriate number for Bass Coast Shire and that an unsubdivided or multi-councillor ward structure would have had a number of merits. However, the VEC also considered that seven councillors elected from single-councillor wards had provided fair and equitable representation for voters and would continue to do so, leading to its recommendation to retain this structure.

### **4.3 Public information program**

Public involvement is an important part of the representation review process. The Bass Coast Shire Council representation review commenced on Wednesday 22 July and the VEC conducted a public information program to inform the community, including:

- public notices of the review and the release of the preliminary report in local and state-wide papers
- media releases announcing the commencement of the review, the release of the preliminary report and the publication of this final report
- public information sessions to outline the review process and respond to questions from the community
- coverage through the municipality's media, e.g. Council website or newsletter
- a helpline and dedicated email address to answer public enquiries
- ongoing information updates and publication of submissions on the VEC website and
- a *Guide for Submissions* to explain the review process and provide background information on the scope of the review.

See Appendix 3 for full details of the public information program.

## 5 Preliminary report

### 5.1 Preliminary submissions

The VEC received 27 preliminary submissions by the deadline for submissions at 5.00 pm on Wednesday 19 August.

This representation review has taken place in the context of a public campaign for Phillip Island to break away from Bass Coast Shire and form its own municipality. The VEC emphasised during its information sessions and in other information material that this matter was outside the scope of the representation review. However, a number of submissions discussed the possible separation of Phillip Island. Other submitters acknowledged that the review could not address this matter, but their views may have been shaped by their attitude to separation.

Submissions were received from all over the Shire, with roughly half each from Phillip Island (14 submissions) and the mainland (12 submissions). There was one submission, by the Proportional Representation Society (PRSA), from outside the Shire.

Submissions proposed a wide variety of models, ranging from four to 12 councillors and from single-councillor wards to an unsubdivided structure. There was an appetite for change, but also a defence of the current structure. It is significant that, in spite of the Phillip Island campaign, the submissions were not simply divided on 'island versus mainland' lines; submissions from both areas had differing ideas.

Submitters who supported the status quo, including a current councillor, argued that the single-councillor ward structure enabled local representation of the diverse communities of Bass Coast Shire. This structure meant that residents had easy access to their local councillor, who would be expert on their area and bring that knowledge to the Council table. These submitters were concerned that a move to multi-councillor wards would disadvantage time- and finance-poor candidates, and open the way to domination by political parties and vested interests.

The most popular alternative structure was to create two multi-councillor wards, one covering Phillip Island plus San Remo and Kilcunda, and the other covering the remainder of the Shire. This was seen as fitting communities of interest, with Phillip Island and associated areas based on tourism, while the rest of the Shire had a more rural focus. Perceived advantages of multi-councillor wards were that proportional representation would apply (considered to be a fairer system of election), that councillors would have broader focus, and that constituents would have a choice of councillors to approach. A major reason for proposing the change was a sense of inequity in the current arrangements. Several submitters from Phillip Island maintained that the island was not receiving its share of spending by a 'mainland-centric' Council, and believed that

the proposed structure would lead to a more equitable situation. In contrast, Les Larke of Wonthaggi thought that, under the current boundaries, Phillip Island was over-represented and Wonthaggi under-represented, and that his proposed boundaries (which were similar to the boundaries proposed by several island submitters) would end this inequity.

Six submissions proposed a change to an unsubdivided structure. Cr Jordan Crugnale (representing Townsend Ward) made a comprehensive submission arguing that an unsubdivided structure would allow voters to vote for all the councillors, encourage the community and councillors to think Shire-wide, allow councillors to win support according to their sphere of influence, expertise, and policy interests instead of their geographic location, and increase diversity on Council. Cr Crugnale wrote that Bass Coast was united by its natural environment, and that communities of interest were spread across the Shire, with geographic location being one of many types of community of interest. She described some possible low-cost ways in which candidates could reach voters across an unsubdivided Shire.

Bass Coast Shire Council's submission did not take a position on the electoral structure, but warned that the structure should not be defined in a way that would nurture parochialism and an 'us versus them' approach to decision making. The Council advised the VEC to consider large-scale dynamics that might have a propensity to divide the Council or community, and pointed out that local government representatives are always required to make difficult decisions.

A slim majority (14) of submissions supported the retention of seven councillors. The Council's submission argued that the compact size of the Shire, the large number of non-resident voters and comparison with other councils justified the current number, and that the benefits of an increase would be outweighed by the costs. The Council and other submissions contended that a reduction in councillors would jeopardise representation of the diversity of the Shire.

Four submissions wanted the number of councillors to be reduced, on the ground that this would reduce costs. Seven submissions favoured an increase, arguing that this would cater for the addition of 4,000 voters since the last review.

On ward names, several submissions observed that most of the current wards are named after pioneers, who were all white and male, and welcomed the opportunity to canvass the community, though without offering any alternative names.

A list of people who made a preliminary submission can be found in Appendix 1.

## **5.2 Preliminary report**

A preliminary report was released on Wednesday 16 September. The VEC considered public submissions and research findings when formulating the options presented in the preliminary report.

### Number of councillors

The VEC considers that similar types of municipality of a similar size should have the same number of councillors, unless special circumstances justify a variation. On voter numbers alone, there is a case for increasing the number of councillors on Bass Coast Shire Council. Bass Coast Shire has more voters than any other rural municipality in Victoria. Nine shires have fewer voters but more councillors than Bass Coast. Furthermore, the Shire is growing steadily. The number of voters has increased by some 4,000 (10.7 per cent) since the 2008 review, and the population of the Shire is predicted to grow by 55 per cent between 2011 and 2031.<sup>9</sup> This scale of growth produces development and planning pressures for the Council, increasing its workload. The Council also has to deal with important rural issues, such as the recent proposal to expand the Yo You Dairy at Kernot.<sup>10</sup>

On the other hand, the Council itself preferred to keep councillor numbers at seven, and there was no comment to the effect that the Council felt oppressed by its workload. A distinguishing feature of Bass Coast Shire is its very high proportion of non-resident voters—44.28 per cent of all voters. This is by far the highest percentage of non-residents on the roll of any coastal municipality, second only to the City of Melbourne which has quite different municipal voters' roll arrangements. Non-resident voters (who in coastal municipalities are mostly holiday home owners) tend to have fewer demands on Council than residents. This was one of the reasons why the VEC recommended seven councillors for Bass Coast Shire Council at its last review of the Shire in 2008, and that reason still applies.

Another reason for not increasing the number of councillors was Bass Coast Shire's comparatively small area of 865 square kilometres. The Shire's compact size means that councillors do not face long travel times in performing their duties.

The current number of councillors also fits the single-councillor ward electoral structure, as the ward boundaries tend to follow geographic communities of interest with seven councillors, and do not do so with more councillors.

The VEC considered that there were valid arguments for both retaining the current number of councillors under the current electoral structure, and increasing the number to reflect the growing population and increased demands on Bass Coast Shire Council.

If the number of councillors was to be increased, the question arose of what that number should be. The most popular number among submitters was eight councillors, to cater for the increased population and because this number fitted their proposed electoral model. Des McRae noted that

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<sup>9</sup> *Victoria in Future 2015*.

<sup>10</sup> See *Weekly Times*, 21 August 2015, [weeklytimesnow.com.au/agribusiness/dairy/yo-you-proposal-for-kernot-dairy-expansion-rejected-by-bass-coast-shire-council/story-fnkegg0i-1227491253914](http://weeklytimesnow.com.au/agribusiness/dairy/yo-you-proposal-for-kernot-dairy-expansion-rejected-by-bass-coast-shire-council/story-fnkegg0i-1227491253914).



no other council has eight councillors, but believed it could work well. 'As a former councillor (pre amalgamation) in a shire with an equal [number], in three terms as President a casting vote was rarely required (only 2 or 3 times a year)', wrote Mr McRae. In contrast, the Council's submission supported 'the retention of an odd number of councillors, as is the usual practice in local government in Victoria. We submit that an odd number makes for clearer resolution of issues in the Council Chamber'.

The VEC is prepared to put forward an even number of councillors if that suits a council's particular circumstances. In this case, the VEC believed there was no compelling justification for an even number. An even number of councillors increases the chances of tied votes, which can only be settled by the casting vote, and puts additional pressure on a council's decision-making processes. More specifically for Bass Coast Shire, if an increase in the number of councillors was required, it was clear through looking at comparable councils that the most appropriate number of councillors was nine.

## **Electoral structure**

### ***Single-councillor wards***

Despite Bass Coast Shire's compact size, areas in the Shire vary considerably. Phillip Island's economy is mainly based on beach- and event-centred tourism, with thousands of holiday homes and significant tourist attractions and events held throughout the year. A high proportion of holiday homes is not exclusive to Phillip Island, however, as holiday homes are also common in the mainland coastal settlements of San Remo, Kilcunda, Cape Paterson and Inverloch. Wonthaggi is the main urban centre of the Shire. The inland parts of the Shire are largely devoted to dairy farming. Information from the 2011 Census reveals other social and demographic variations within the Shire. There is a wide range in the level of social disadvantage across the Shire, from the Waterline townships along Westernport Bay, with a SEIFA index of 913.6, to Inverloch-Pound Creek, with 1,025.3.<sup>11</sup> Phillip Island is often seen as a strong community of interest, but there are distinct variations within the island. Cowes, for example, has an older age profile and relatively high unemployment, while the Newhaven-Cape Woolamai area has a younger age profile, high proportions of professionals and residents who have tertiary qualifications, and a greater than average percentage of high-income residents.<sup>12</sup>

Residents from such varying areas are likely to have a sense of their own locality's individuality, and to have differing needs from council. This may be a contributing factor to the strong support

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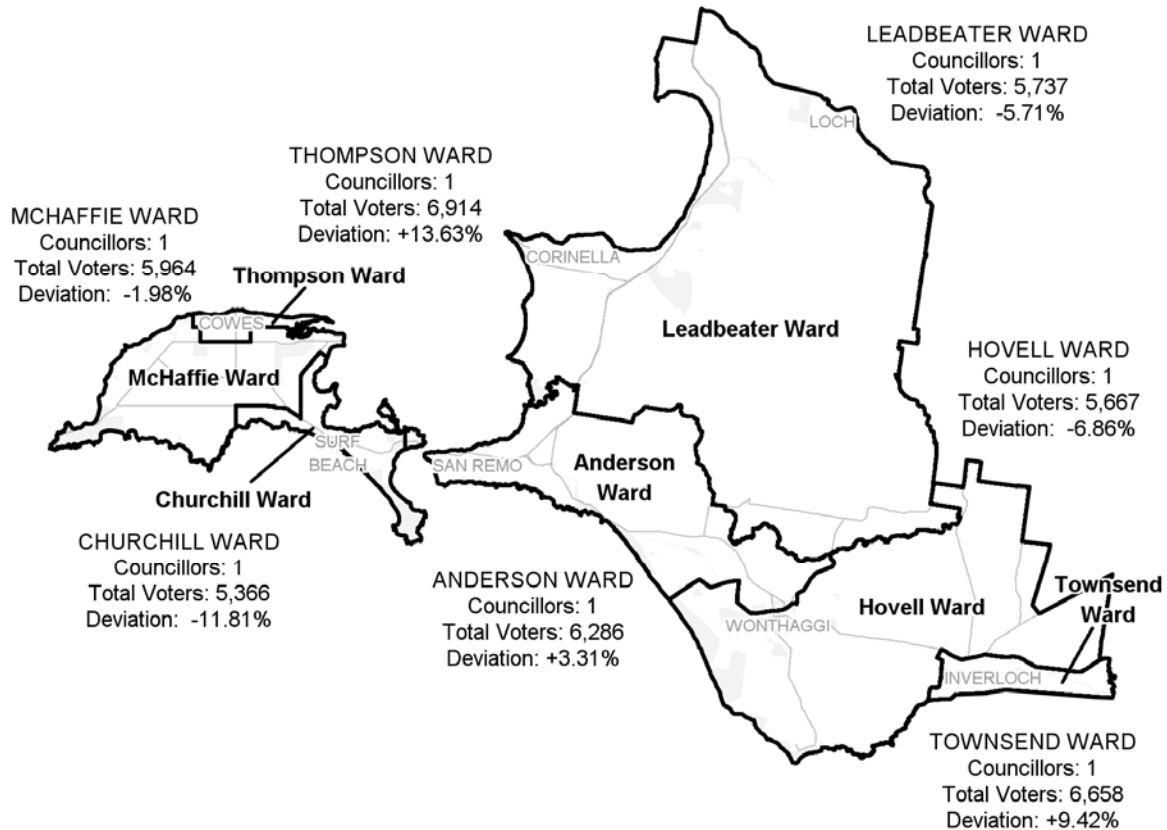
<sup>11</sup> The SEIFA (Socio Economic Indexes for Areas) index of disadvantage measures the relative level of socio-economic disadvantage based on a range of census characteristics, such as low income, low educational attainment, high unemployment, and jobs in relatively unskilled occupations. A lower score on the index means a higher level of disadvantage.

<sup>12</sup> Derived from the .id community profile on the Bass Coast Shire Council website, [profile.id.com.au/bass-coast/home](http://profile.id.com.au/bass-coast/home).

for single-councillor wards. The 2008 review recommended the single-councillor ward structure in recognition of the 'place-based' nature of representation in the Shire, where people strongly identify with their local townships and pay close attention to local issues. Submissions for the current review have argued along the same lines: that a diverse Shire needs local councillors who know their own communities and will bring those communities' concerns to Council.

The constraints of the equality requirement of the Act mean that ward boundaries cannot always coincide with geographic communities of interest. For instance, Wonthaggi is too large to fit in just one single-councillor ward. The centre of town is in Hovell Ward. North Wonthaggi is in Anderson Ward, which stretches through Kilcunda and San Remo to include Newhaven on Phillip Island. Anderson Ward thus includes parts of three communities of interest. Even so, the single-councillor wards do generally capture geographic communities of interest. The VEC considered that the current structure should be the preferred option in the preliminary stage of this review.

On the current ward boundaries, enrolments for Thompson and Churchill Wards are outside the 10 per cent tolerance allowed by the Act, and enrolment for Townsend Ward is approaching 10 per cent above the average. Under Option A, adjustments to ward boundaries were required to bring all wards back within the 10 per cent threshold.



**Diagram 1: Current Bass Coast Shire Council electoral structure and voter statistics.**

The VEC proposed to equalise numbers by transferring Silverleaves from Thompson Ward to McHaffie Ward, Sunset Strip and the Koala Conservation Centre area from McHaffie Ward to Churchill Ward, urban Newhaven from Anderson Ward to Churchill Ward, and part of Inverloch west of Ullathornes Road from Townsend Ward to Hovell Ward. These proposed boundary changes would transfer a total of 2,104 voters to another ward, comprising 4.94 per cent of the Shire’s voters.

The VEC modelled single-councillor wards with nine councillors, and found that the boundaries were unsatisfactory as they cut across communities more than the current boundaries do.

**Unsubdivided municipality**

An unsubdivided municipality is the opposite structure to single-councillor wards, and has the opposite characteristics. Whereas single-councillor wards mean local representation, under an unsubdivided structure councillors are elected to represent the municipality as a whole. A number of submissions argued that the current structure could lend itself to parochialism and factionalism, while an unsubdivided structure would encourage a Shire-wide outlook. This structure would also allow for the representation of non-geographic communities of interest. The Council’s submission pointed to the existence of a multitude of communities of interest in the

Shire, many of which overlap. Cr Crugnale observed that 'Interest groups are not constrained geographically within the Bass Coast Shire. People with interests in farming, agriculture, natural environment, conservation, small business, construction and trades, ... arts and culture, sport/recreation, tourism, social justice, politics, even coal seam gas that are young, single, married, partnered with family, elderly, resident and non-resident ratepayers etc are found represented in all communities across the whole of shire'.

One criticism of unsubdivided electoral structures is that the increased scale of campaigning for election could rule out candidates without large resources, opening the way for domination by political organisations and groups with vested interests. However, judging from submissions to the VEC for other electoral representation reviews, this does not seem to have occurred in most unsubdivided country municipalities. Cr Crugnale also addressed this in her submission, suggesting that candidates from small communities could get support from other areas and proportional representation meant that it was unlikely that councillors from one large town would dominate the Council. The VEC's experience has been that, in most unsubdivided councils, councillors' locations tend to be spread across the municipality.

One of the potential flaws of single-councillor wards is an increased likelihood of uncontested elections, reducing the choice for voters. Unsubdivided municipalities have the opposite risk—of so many candidates that voters can become confused and a high informal vote can result. Bass Coast's record is mixed. In the 2008 election, four out of seven wards were uncontested. However, there have been no uncontested wards at any other election this century. The total number of candidates has ranged from 17 to 29, with a median of 24. A ballot paper with 24 candidates would be large. Nevertheless, the VEC considered that the potential positive features of an unsubdivided structure justified it being put forward as an option at this review.

### ***Multi-councillor wards***

Multi-councillor wards are a step in between single-councillor wards and an unsubdivided structure. They provide for local geographic representation, though on a broader scale than for single-councillor wards. They give constituents a choice of councillors to approach, and the proportional representation system that operates in multi-councillor wards allows scope for diversity of representation.

A total of 11 submissions suggested various combinations of multi-councillor wards. The most popular model, supported by five submissions, was for two wards—one ward covering Phillip Island plus San Remo and Kilcunda, and the other ward covering the rest of the mainland. This model was justified on community of interest grounds, with the Phillip Island-San Remo ward based on tourism and the other ward having a more rural focus.

A two-ward structure, as proposed, would comply with the equality requirement of the Act. However, this model had serious drawbacks. It ignored the differences within each of the proposed wards. More importantly, a two-ward structure ran the risk of entrenching division between two parts of the Shire. Apart from potential effects on governance, such a division would not assist in achieving fair and equitable representation of the voters of either ward.

The VEC proposed an alternative option of three three-councillor wards. Under this structure, there could be no perception of inequality between wards, and all councillors would be elected on approximately the same quota. The wards would be big enough to encourage diversity of representation, but without excessively large ballot papers. On the proposed boundaries, the 'Townsend Ward' would unite the urban area of Wonthaggi, and combine it with nearby Inverloch; the 'Port Ward' would include San Remo, Kilcunda, the dairy country and the Waterline townships; and the 'Island Ward' would cover most of Phillip Island. The numbers requirements of the Act meant that the eastern end of the island, from Sunderland Bay to Newhaven, would need to be included in the 'Port Ward'.

### Options

After careful consideration, the VEC put forward the following options:

- Option A (preferred option)  
**Bass Coast Shire Council consist of seven councillors elected from seven single-councillor wards, with modified ward boundaries.**
- Option B (alternative option)  
**Bass Coast Shire Council consist of nine councillors elected from an unsubdivided municipality.**
- Option C (alternative option)  
**Bass Coast Shire Council consist of nine councillors elected from three three-councillor wards.**

## 6 Public response

### 6.1 Response submissions

The VEC accepted submissions responding to the preliminary report from Wednesday 16 September until 5.00 pm on Wednesday 14 October. The VEC received 10 response submissions. A list of people who made a response submission can be found in Appendix 1. Table 2 indicates the level of support for each option.

**Table 2: Preferences expressed in response submissions**

Option A	Option B	Option C	Other
3	2*	4 <sup>#</sup>	1

\* One of the submitters considered Option C to be acceptable.

# One of the submitters put forward a modified version of Option C.

In contrast to the first phase of the review, most (six) of the submissions were from the mainland, with three coming from Phillip Island and one from outside the Shire.

The most popular option was Option C, supported by four submissions. Submitters stated that three three-councillor wards would produce the best spread of councillors. Les Larke argued that Option C would best fit the communities of interest in the Shire, though he proposed a modification to the ward boundaries. Mr Larke rejected Option A as not complying with communities of interest, and the unsubdivided Option B as being vulnerable to takeover by organised groups.

The three submitters from Phillip Island favoured the current structure (though one of them supported nine councillors). In their view, single-councillor wards provided local representation, which gave better service to constituents. Bessie Tyers of Rhyll considered that the present subdivision of three wards on Phillip Island and four on the mainland gave fair and reasonable representation.

Three submissions advocated an unsubdivided structure (one of these wanted five councillors). Cr Crugnale pointed to the different types of communities of interest, including the use of schools and Council facilities. Cr Crugnale argued that 'A ward system artificially divides communities of interest as although a community of interest may be geographic it is also much more than that'. Cr Crugnale observed that under the current structure, it would be difficult to keep ward numbers within tolerance given the Shire's growth, and that some of the current and proposed ward boundaries split towns: 'An unsubdivided structure has no voter division within town settlements thereby no leading to confusion about who is the representative and avoids accentuating a

geographical split'. The Proportional Representation Society of Australia (PRSA) supported an unsubdivided structure because the Society believed that structure would maximise choices for voters and produce the most representative election outcomes. The PRSA considered Option C to be also quite acceptable.

Few submissions discussed ward names. Ms Tyers thought that the ward names were sensible and reflected the history of the area and Cr Crugnale asked whether there was a timeline for name changes and whether the VEC had a role to play.

## **6.2 Public hearing**

The VEC conducted a public hearing for those wishing to speak about their response submission at 6.00 pm on Monday 19 October at the Bass Coast Shire Council Civic Centre, Baillieu Street, Wonthaggi. A list of people who spoke at the hearing can be found in Appendix 1.

The VEC had scheduled a second public hearing, to take place at Cowes on Tuesday 20 October. However, there were no local requests to speak so the second hearing was not held.

Cr Crugnale observed that there was a State-wide trend to unsubdivided municipalities and multi-councillor wards, which should be followed in Bass Coast Shire's case. She believed that wards artificially divided communities, and did not correspond with residents' concerns and use of services. As Councillor for Townsend Ward, Cr Crugnale found that much of her work was on a Shire-wide basis. Under an unsubdivided structure, there would be a bigger pool of candidates to choose from. Cr Crugnale believed that the community preferred seven councillors, and that an increase to nine would mean additional expense. She was concerned that the multi-councillor ward option might lead to division, but, when asked the question, thought that it was preferable to the current structure.

Mr Larke expanded on his written submission, and provided material in support. Mr Larke argued that Option A failed the VEC's principle of ensuring that communities of interest are as fairly represented as possible. He detailed the localities that were split between two wards or unnaturally joined in one ward under the VEC's proposed boundaries, which he considered would simply modify, entrench and even exacerbate a poorly structured representation of voters. Mr Larke also rejected Option B, believing that under an unsubdivided structure there was a significant risk of the election result being engineered and one group gaining control of the Council. In contrast, Mr Larke thought that the three three-councillor ward structure of Option C was the most appropriate one to represent Bass Coast voters and their diverse communities. He proposed a modification to the boundaries, grouping all the localities facing Westernport Bay in one ward.

The views of the two speakers were partly based on differing ideas of community of interest. For Cr Crugnale, a geographic community of interest was only one of many types of community, and should not have priority. Mr Larke, on the other hand, appeared to regard geographic community of interest as the primary form of community.



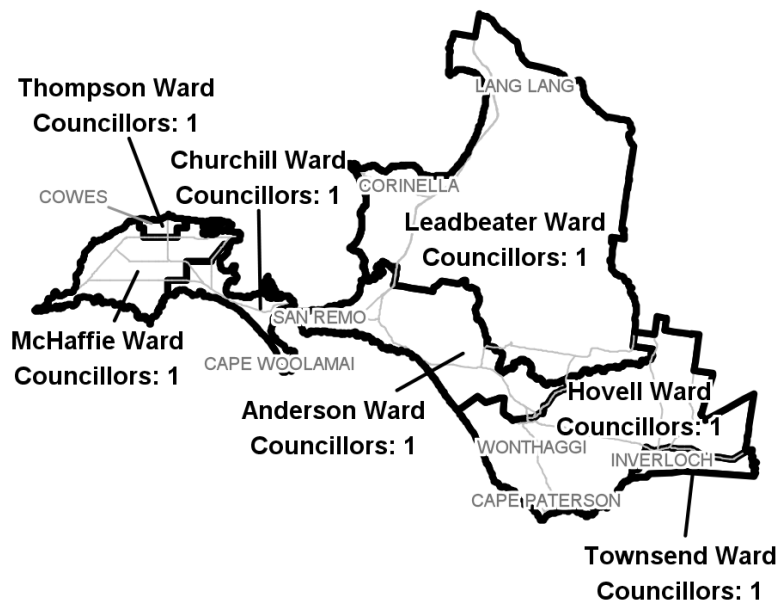
## 7 Findings and recommendation

### 7.1 The VEC's findings

Having received and considered public feedback, the VEC is now in a position to recommend one of the three options put forward in the preliminary report.

#### Option A: seven councillors, single-councillor wards

The VEC included the status quo (with modified ward boundaries—as shown in Diagram 2) as its preferred option basically because it seemed to be working. Although Bass Coast Shire has more voters than any other rural municipality, more than 44 per cent of these voters are non-residents. The councillors who contributed to the review were content with the current number of councillors, and did not consider themselves overburdened. On the electoral structure, the single-councillor wards respond to a demand for local representation, with each councillor having close connections with their own ward.



**Diagram 2: Option A – seven councillors in single-councillor wards.**

Nevertheless, the current structure fits Bass Coast's past more than its future. The Shire's growth, increasingly outstripping all other rural shires in Victoria, will inevitably produce more demands on the Council. More councillors will be needed to meet these demands. The non-resident voters may be less engaged than residents with the Council, but they still interact with the Council. At the public hearing, Cr Crugnale noted that non-residents contacted her about waste charges, the level of Council rates, and local issues. On balance, the VEC considers nine to be the most appropriate Ward number of councillors for Bass Coast Shire.

While the single-councillor wards provide local representation, they are arguably less effective in other ways. The structure privileges geographic communities of interest, making it more difficult for non-geographic communities that may be scattered across the Shire to be represented. Furthermore, the current boundaries do not capture geographic communities of interest in some areas. As noted earlier in this report, Anderson Ward includes parts of three geographic communities, and Wonthaggi is divided between two wards. The modifications to ward boundaries in Option A improve matters in some areas but worsen them in others, such as the division of Inverloch between Townsend and Hovell Wards.

### **Option B: nine councillors, unsubdivided**

An unsubdivided structure, in which all councillors represent all the voters, would tend to encourage a Shire-wide outlook on the part of councillors. Election results would be those determined by all voters, choosing from all the candidates. Mr Larke was concerned that the results would be vulnerable to being engineered by an organised group through the manipulation of preferences. There is scope for this occurring in Federal Senate and State Legislative Council elections, in which more than 90 per cent of voters vote 'above the line' on the ballot paper, and the preferences of above-the-line votes are determined by the parties' group voting tickets. In Victorian local government elections, on the other hand, candidates are listed on the ballot paper in a randomised order, with no party or group identification. Candidates can give an indication of preferences with their candidate statement (in postal elections) or by distributing a how-to-vote card (in attendance elections), but voters do not have to follow these. Candidates are entitled to negotiate with each other on preferences and to campaign as a group, but voters make up their own minds on how to allocate their preferences. A VEC study of 10 local government elections in 2008 found that only 45 per cent of voters followed how-to-vote instructions.<sup>13</sup>

The main flaw of an unsubdivided structure is not manipulation of the voters by political groups but rather inadvertent mistakes by voters in completing their ballot paper. Based on the number of candidates in recent elections, there could be more than 20 candidates on the ballot paper for an unsubdivided Bass Coast Shire Council election. As Table 3 shows, there is a consistent pattern of informal votes increasing with the number of candidates, with the increase accelerating where there are more than 15 candidates.

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<sup>13</sup> Victorian Electoral Commission: *Voter Conformity with Candidate How-to-Vote Preferences*, [vec.vic.gov.au/files/LGPEIS-HTVCCConformity.pdf](http://vec.vic.gov.au/files/LGPEIS-HTVCCConformity.pdf).

**Table 3: Average informality rates compared to numbers of candidates for Council elections by post<sup>14</sup>**

Candidates	Informal votes 2005 (%)	Informal votes 2008 (%)	Informal votes 2012 (%)
2-5	2.59	2.05	2.48
6-10	3.38	2.72	3.11
11-15	4.67	4.05	4.81
>15	7.76	6.28	7.63

Where there are more than 15 candidates, voters are much more likely to make numbering mistakes on their ballot paper, and such votes have to be rejected as informal. These voters do not contribute to the election of any councillor, and are in a sense disenfranchised. At the public hearing, Cr Crugnale suggested that an education campaign for the community would be needed. Such a campaign, though, may not eliminate the problem.

### **Option C: three three-councillor wards**

The VEC considers that Option C has the potential to combine the strengths of both single-councillor wards and an unsubdivided structure for the voters of Bass Coast Shire. It meets the demand for local representation, even though each ward would be larger than the current wards. At the same time, the proportional representation system allows for diversity of representation. A candidate would need to gain 25 per cent plus 1 of the votes to be elected, and candidates with differing views, occupations, areas of expertise and locations could be elected for the same ward. The number of candidates on each ward's ballot paper would be likely to give voters a wide choice without being overwhelming. With three councillors per ward, constituents would have a choice of councillors to approach, and the councillors for a ward could fill the gap if one of them was absent for any reason.

The three-ward model avoids the stark divide that might have occurred under the two-ward structure that some submitters proposed at the first stage of the review. Under Option C, no one ward could dominate the Council, and all councillors would be elected on the same basis.

Each of the wards in Option C has commonalities uniting it. For instance, there are close links between Wonthaggi, Inverloch and Cape Paterson in the Townsend Ward. The broader scale of the wards has enabled the VEC to group whole localities in most cases, avoiding the splitting of localities that is common under the current structure.

<sup>14</sup> Source: Victorian Electoral Commission: *Report on the Conduct of the 2012 Local Government Elections*, p. 40, [vec.vic.gov.au/files/LG-2012-Election-Report.pdf](http://vec.vic.gov.au/files/LG-2012-Election-Report.pdf)

Mr Larke proposed some adjustments to the ward boundaries, suggesting that Rhyll and Silverleaves be transferred from Island Ward to Port Ward because they have a greater alignment to Westernport, and that in return Surf Beach and Sunderland Bay be transferred from Port Ward to Island Ward. These changes would create a non-contiguous ward, with Rhyll and Silverleaves separated from the rest of Port Ward. The VEC considers that such a ward would not comply with community of interest principles and would be difficult to represent. Consequently the VEC cannot accept Mr Larke's proposed modifications.

### **Ward names**

Although ward names are not the VEC's major focus for representation reviews, they are important to be able to clearly identify wards and to provide local meaning and relevance for constituents. In considering the ward names in Option C, the VEC has varied the names of two of the three wards recommended in the preliminary report. The name of the third ward, 'Island Ward', is unchanged from the preliminary report.

Mr Larke suggested changing 'Townsend Ward' to 'Bunurong Ward'. This name suits the ward as the Bunurong Marine and Coastal Park and Bunurong Marine National Park cover the coastline of the ward, between Inverloch and Harmers Haven. The name would also recognise the Indigenous heritage of the area.

The VEC has also changed 'Port Ward' to 'Westernport Ward'. The neighbouring ward in Cardinia Shire is already called Port Ward, and such duplication might be confusing. The name 'Westernport' captures the focus of the ward.

If the Bass Coast Shire community is minded to prefer alternative ward names, the Act provides for ward names to be altered by an Order in Council.

## **7.2 The VEC's recommendation**

**The VEC recommends Bass Coast Shire Council consist of nine councillors elected from three three-councillor wards.**

This electoral structure was designated as Option C in the preliminary report. Please see Appendix 2 for a detailed map of this recommended structure.

## Appendix 1: Public involvement

### Preliminary submissions

Preliminary submissions were received from:

Bass Coast Shire Council  
David Blakemore  
Carmela Bush  
Suzanne Chadwick  
Cr Jordan Crugnale  
Phil Dixon  
Peter Dumergue  
Geoff Ellis  
Keith Finney  
Kevin Griffin  
Tony and Deborah Holland  
Chris Jobe  
Les Larke (two submissions)  
Gail McKenzie  
Kathleen McLaughlin  
Peter McMahon  
Des McRae  
Jennifer Merrick  
William Overton  
Ruth Partridge  
Proportional Representation Society of Australia (Victoria-Tasmania) Inc  
Robert Scott  
Pauline Taylor  
Michael and Mary Whelan  
Maxwell Williams  
Cr Phil Wright

## **Response submissions**

Response submissions were received from:

Patrick Barry

Jordan Crugnale

Terry Earl

Maureen Edwards

Les Larke

Allan Leggett

Peter McMahon

John O'Connell

Proportional Representation Society of Australia (Victoria-Tasmania) Inc

Bessie Tyers

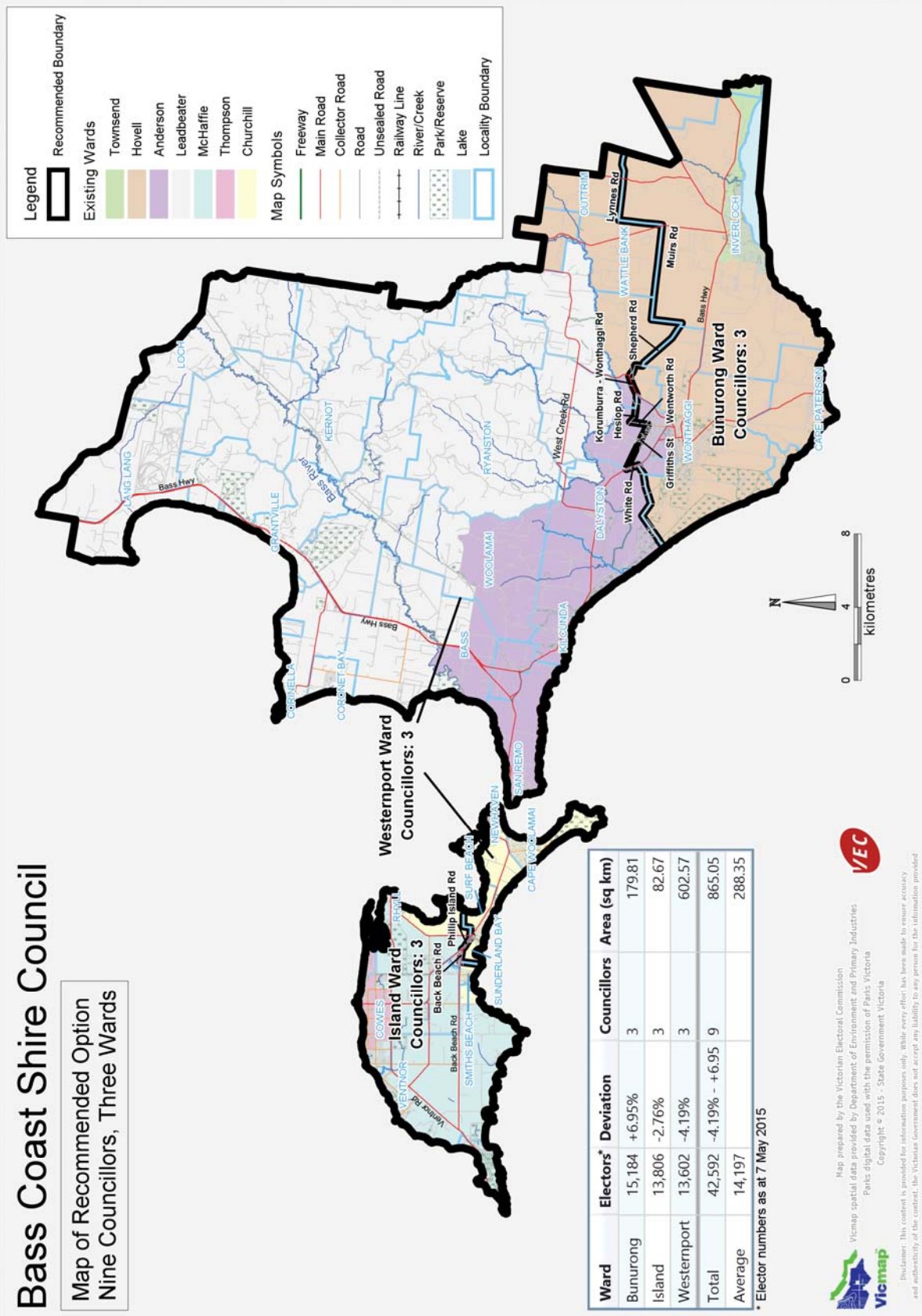
## **Public hearing**

The following individuals spoke at the public hearing:

Jordan Crugnale

Les Larke

## Appendix 2: Map



## Appendix 3: Public information program

### Advertising

In accordance with the Act, public notices of the review and the release of the preliminary report were placed in the following newspapers:

Newspaper	Notice of review	Notice of preliminary report
<i>Herald Sun</i>	Wednesday 15 July	Wednesday 9 September
<i>South Gippsland Sentinel Times</i>	Tuesday 21 July	Tuesday 22 September
<i>Phillip Island Advertiser</i>	Wednesday 22 July	Wednesday 16 September

### Media releases

A media release was prepared and distributed to local media at the commencement of the review on Wednesday 22 July. A further release was distributed at the publication of the preliminary report on Wednesday 16 September. A final release was circulated on the publication date of this final report.

### Public information sessions

Public information sessions for people interested in the review process were held on:

- Monday 27 July in Meeting Room 1, Cowes Cultural Centre, 91-97 Thompson Avenue, Cowes
- Tuesday 28 July at the Inverloch Community Hub, 16 A'Beckett Street, Inverloch
- Wednesday 29 July at the Bass Coast Shire Council Civic Centre, Baillieu Street, Wonthaggi
- Thursday 30 July at the Grantville Transaction Centre, 1504–1510 Bass Highway, Grantville.

### Helpline and email address

A telephone helpline and dedicated email address were established to assist members of the public with enquiries about the review process.

### VEC website

The VEC website delivered up-to-date information to provide transparency and facilitate public participation during the review process. An online submission tool was made available and all public submissions were posted on the website.



## **Guide for Submissions**

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

## **Council website and newsletter**

Information about the review was provided to Council for publication in council media, e.g. website and newsletter.

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Melbourne VIC 3000

131 832

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