

Local Council Representation Review

Final Report

**EAST GIPPSLAND
SHIRE COUNCIL**

June 2019

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Version 1



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Recommendation

The Victorian Electoral Commission recommends that East Gippsland Shire Council consist of nine councillors elected from three wards (one four-councillor ward, one three-councillor ward and one two-councillor ward).

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.

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 people 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 ward boundaries and the number of councillors per ward).

The VEC conducts all reviews based on three main principles:

1. taking a consistent, State-wide approach to the total number of councillors
2. if subdivided, ensuring the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council
3. ensuring communities of interest are as fairly represented as possible.

Current electoral structure

East Gippsland Shire Council currently comprises nine councillors elected from an unsubdivided electoral structure. Prior to the last representation review in 2007, East Gippsland Shire Council was comprised of eight councillors elected from two four-councillor wards.

Visit the VEC website at vec.vic.gov.au to access a copy of the 2007 review final report.

Preliminary submissions

Preliminary submissions opened at the commencement of the current review on Wednesday 13 February 2019. The VEC received 25 submissions for the representation review of East Gippsland Shire Council by the deadline at 5.00 pm on Wednesday 13 March 2019.

Preliminary report

A preliminary report was released on Wednesday 10 April 2019 with the following options for consideration:

- Option A (preferred option)
East Gippsland Shire Council consist of nine councillors elected from an unsubdivided electoral structure.
- Option B (alternative option)
East Gippsland Shire Council consist of nine councillors elected from three wards (one four-councillor ward, one three-councillor ward and one two-councillor ward).
- Option C (alternative option)
East Gippsland Shire Council consist of ten councillors elected from two wards (two five-councillor wards).

Response submissions

The VEC received 20 submissions responding to the preliminary report by the deadline at 5.00 pm on Wednesday 8 May 2019.

Public hearing

The VEC conducted a public hearing for those wishing to speak about their response submission at 7.00 pm on Wednesday 15 May 2019. Seven people spoke at the hearing.

Recommendation

The Victorian Electoral Commission recommends that East Gippsland Shire Council consist of nine councillors elected from three wards (one four-councillor ward, one three-councillor ward and one two-councillor ward).

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

Background

Legislative basis

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

The Act states 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 people who are entitled to vote at a general election of the Council.'¹

The Act requires the VEC to consider:

- the number of councillors in a local council
- whether a local council should be unsubdivided or subdivided.

If a local council is subdivided, the VEC must ensure that the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council.² On this basis, the review must consider the:

- number of wards
- ward boundaries
- number of councillors that should be elected for each ward.

Public engagement

Public information program

The VEC conducted a public information program to inform the community of the representation review, including:

- public notices printed in local and state-wide papers
- public information sessions to outline the review process and respond to questions from the community
- media releases announcing the commencement of the review and the release of the preliminary report
- a submission guide to explain the review process and provide background information on the scope of the review

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

² *ibid.*

- an information email campaign targeted at known community groups and communities of interest in the local council area
- sponsored social media advertising geo-targeted to users within the local council area
- ongoing information updates and publication of submissions on the VEC website.

More information on the VEC's public information program for the representation review of East Gippsland Shire Council can be found at Appendix 3.

Public consultation

Public input was accepted by the VEC via:

- preliminary submissions at the start of the review
- response submissions to the preliminary report
- a public hearing that provided an opportunity for people who had made a response submission to expand on their submission.

Public submissions are an important part of the review process but are not the only consideration. The VEC ensures its recommendations comply with the Act and are formed through careful consideration of public submissions, independent research, and analysis of all relevant factors.

The VEC's principles

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

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

The VEC is guided by its comparisons of local councils of a similar size and category to the council under review. The VEC also considers any special circumstances that may warrant the local council having more or fewer councillors than similar local councils.

2. If subdivided, ensuring the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council.

This is the principle of 'one vote, one value', which is enshrined in the Act. This means that every person's vote counts equally.

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

Each local council 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 local council or ward.

Developing recommendations

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

- internal research specifically relating to the local council under review, including data from the Australian Bureau of Statistics and .id³; voter statistics from the Victorian electoral roll; and other State and local government data sets
- 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
- careful consideration of all input from the public in written submissions received during the review and via oral submissions at the public hearing
- advice from consultants with extensive experience in local government.

Deciding on the number of councillors

The Act allows for a local council to have between five and 12 councillors but does not specify how to decide the appropriate number.⁴ In considering the number of councillors for a local council, the VEC is guided by the Victorian Parliament's intention for fairness and equity in the local representation of voters under the Act.

The starting point in deciding the appropriate number of councillors for a local council is comparing the local council under review to other local councils of a similar size and type (Principle 1). Generally, local councils 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 also considers the particular circumstances of each local council which could justify fewer or more councillors, such as:

- the nature and complexity of services provided by the Council
- geographic size and topography
- population growth or decline
- the social diversity of the local council.

³ .id is a consulting company specialising in population and demographic analysis and prediction information products in most jurisdictions in Australia and New Zealand.

⁴ Section 5B(1) of the *Local Government Act 1989*.

Deciding the electoral structure

The Act allows for a local council ward structure to be unsubdivided—with all councillors elected ‘at-large’ by all voters—or subdivided into a number of wards.

If the local council is to be subdivided into wards, there are three options available:

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

A subdivided electoral structure must have internal ward boundaries that provide for a fair and equitable division of the local council.

The Act allows for wards with different numbers of councillors, as long as the number of voters represented by each councillor is within plus-or-minus 10% of the average number of voters per councillor for that local council (Principle 2). For example, a local council may have one three-councillor ward with 15,000 voters and two single-councillor wards each with 5,000 voters. In this case, the average number of voters per councillor would be 5,000.

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

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

- the VEC’s recommendation at the previous representation review and the reasons for that recommendation
- the longevity of the structure, with the aim of keeping voter numbers per councillor within the 10% tolerance for as long as possible (Principle 2)
- communities of interest, consisting of people who share a range of common concerns, such as geographic, economic or cultural associations (Principle 3)
- the number of candidates in previous elections, as large numbers of candidates can lead to an increase in the number of informal (invalid) votes
- geographic factors, such as size and topography
- clear ward boundaries.

East Gippsland Shire Council representation review

Profile of East Gippsland Shire Council

East Gippsland Shire Council is located in Victoria's far east, approximately 200 kilometres east of Melbourne. The north-eastern boundary of the Shire forms the border between Victoria and New South Wales. Covering an area of 20,931 square kilometres, East Gippsland Shire is Victoria's second largest local council area.

The Shire is predominantly rural, with a varied landscape ranging from the remote alpine High Country through to regions of coastal wilderness and the Gippsland Lakes. National and State reserves comprise approximately 75% of the Shire.⁵ At the 2016 Census, East Gippsland Shire had an estimated population of 45,040 people, largely concentrated in the south-western corner of the Shire. Bairnsdale is the largest town and administrative centre of the Shire with an estimated population of 14,728 (including the surrounding district).⁶ Additional population centres in the Shire include Lakes Entrance (4,810), Paynesville (3,480), Orbost (2,227) and Mallacoota (1,063).⁷ The remaining population is dispersed across many small rural towns and localities, some of which are geographically isolated.

Manufacturing, construction, agriculture, forestry and fishing are major sectors of the East Gippsland Shire economy.⁸ Fertile farmland in the region supports fruit and vegetable production and livestock grazing, and a number of major food producers are located in the Shire. Extensive coastal areas support a large fishing industry, with seafood from the Shire supplying markets in Sydney and Melbourne.⁹ Tourism is also an important part of the economy and is centred around the Shire's extensive network of rivers, lakes, coastal areas, and National and State Parks.

The median age in the municipality is 50 years, which is much higher than the average age of 42 years in regional Victoria. The median age in the major town of Bairnsdale is 44 years, which is lower than that of the council area overall, but still higher than the regional Victorian average. Like many other rural localities, the Shire has a higher proportion of older persons. Those in the post-retirement age (65+ years) comprise over 27% of the population compared to 19.6% for

⁵ Know Your Council, 'East Gippsland Shire', <http://knowyourcouncil.vic.gov.au/councils/east-gippsland>, accessed 20 May 2019.

⁶ Australian Bureau of Statistics, '2016 Census QuickStats - Bairnsdale (SUA)', https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/SSC20102?pendocument, accessed 20 May 2019.

⁷ Australian Bureau of Statistics, '2016 Census Quickstats', <https://www.abs.gov.au/websitedbs/D3310114.nsf/Home/2016%20QuickStats>, accessed 20 May 2019.

⁸ East Gippsland Shire Council, 'Let's Do Business', https://www.eastgippsland.vic.gov.au/Business/Let39s_Do_Business, accessed 20 May 2019.

⁹ East Gippsland Shire Council, 'Economic and Industry Profile', https://www.eastgippsland.vic.gov.au/Business/Let39s_Do_Business/Economic_and_Industry_Profile, accessed 20 May 2019.

regional Victoria. Conversely, there are smaller proportions of younger residents (44 years and under) compared to averages for these age groups across regional Victoria.¹⁰

East Gippsland Shire has an unemployment rate of 6.4%, which is slightly higher than the regional Victorian average of 6%. In the 2016 Census, the top five industries that employed East Gippsland Shire residents were: aged care residential services (4.8%), supermarket and grocery stores (3.2%), primary education (3.1%), accommodation (2.8%) and secondary education (2.5%). The Shire's population has a smaller median household weekly income (\$935) and smaller median personal weekly income (\$506) compared to the Victorian median incomes of \$1,419 (household) and \$644 (personal) respectively. Median weekly incomes in the Shire are also less than the regional Victorian averages of \$1,124 (household) and \$576 (personal).¹¹

The majority of people in East Gippsland Shire were born in Australia (79.1%) and speak only English at home (87.9%). A smaller proportion of the Shire's residents speak a language other than English. Of the residents born overseas, the largest groups are from England (3.8%), New Zealand (1%), Netherlands (0.7%), Germany (0.7%) and Scotland (0.5%).¹²

The proportion of the Shire's population identifying as Aboriginal and Torres Strait Islander (2.9%) is much higher than the average of 1.6% across regional Victoria.¹³ The recognised traditional custodians of the area include the Gunaikurnai People.¹⁴

There are an estimated 43,123 registered voters in East Gippsland Shire, with a ratio of 4,791 voters per councillor. East Gippsland Shire's total population is forecast to increase steadily from 45,040 to 52,692 in 2031, with growth predominantly occurring in the south-west of the Shire.¹⁵

The major town of Bairnsdale is located in the south-west of the Shire at the junction of the Princes Highway and Great Alpine Road, and acts as a 'gateway' to the Shire's extensive coastal and alpine regions. National and State parks in the Shire include the Snowy River National Park, Errinundra National Park, Croajingolong National Park, The Lakes National Park, Cape Conran Coastal Park, and Coopracambra National Park.

¹⁰ Australian Bureau of Statistics, '2016 Census QuickStats: East Gippsland (S)', https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/LGA22110?opendocument, accessed 20 May 2019.

See also, Australian Bureau of Statistics (ABS), '2016 Census QuickStats: Rest of Vic', http://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/2RVIC?opendocument, accessed 20 May 2019.

¹¹ Australian Bureau of Statistics, '2016 Census QuickStats: East Gippsland (S)', loc. cit.

¹² Australian Bureau of Statistics, '2016 Census QuickStats: East Gippsland (S)', loc. cit.

¹³ Australian Bureau of Statistics, '2016 Census QuickStats: East Gippsland (S)', loc. cit.

¹⁴ Aboriginal Victoria, 'Welcome to Country and Acknowledgements Map', <https://achris.vic.gov.au/weave/wca.html>, accessed 20 May 2019.

¹⁵ id, 'East Gippsland Shire: Population and age structure map', <https://forecast.id.com.au/east-gippsland/population-age-structure-map>, accessed 20 May 2019.

Current electoral structure

East Gippsland Shire Council currently comprises nine councillors elected from an unsubdivided electoral structure. Prior to the last representation review in 2007, East Gippsland Shire Council was composed of eight councillors elected from two four-councillor wards.

Visit the VEC website at vec.vic.gov.au to access a copy of the 2007 review final report.

Preliminary submissions

At the close of submissions on Wednesday 13 March 2019, the VEC had received 25 submissions for the representation review of East Gippsland Shire Council. A list of people who made a preliminary submission can be found in Appendix 1.

Submissions were received from a range of stakeholders including community and commercial organisations, individuals, and the East Gippsland Shire Council. The submissions were made available on the VEC website.

Number of councillors

Of the 25 preliminary submissions received, 16 indicated a preferred number of councillors. Of these, most supported keeping the number of councillors for East Gippsland Shire at nine. Four preliminary submissions indicated support for an increased number of councillors. One additional submission discussed an increased number of councillors but did not clearly support this increased number. Eight preliminary submissions did not indicate any preference regarding the number of councillors.

Electoral structure

Four submitters argued in favour of retaining the current unsubdivided electoral structure, while the majority of submissions expressed a desire to introduce a subdivided electoral structure. A wide range of proposals for ward representation were put forward, with some submitters supporting more than one proposed structure.

Five submissions supported models with three wards. Of these, four advocated for a modified version of the VEC's preferred option from its 2007 representation review preliminary report. This option comprised a four-councillor ward for Bairnsdale and the surrounding area, a three-councillor ward for Lakes Entrance and the surrounding area, and a two-councillor ward encompassing the remaining north and east areas of the Shire. The fifth submission proposed a model that was also similar to the 2007 preferred option but with significantly different ward boundaries.

Three submissions supported the concept of a nine single-councillor ward model, without describing specific ward boundaries. Submitters also proposed a four-ward model with wards that approximated local council boundaries prior to amalgamation, two six-ward models, and a

seven-ward electoral structure. Seven submissions advocated for a subdivided electoral structure in general, without describing a specific model. One additional submission explored a ten-councillor, six-ward electoral structure but ultimately did not support this model. This submission also called for de-amalgamation of the Shire, which is outside the scope for this review.

Two submissions did not clearly indicate a preferred electoral structure.

The majority of submissions supporting a move to a subdivided electoral structure argued that small communities outside Bairnsdale feel unrepresented by current councillors and that the needs and interests of these communities are overlooked. The submitters felt these communities would achieve better representation under a subdivided electoral structure. Submitters also argued that current and previous councillors have mostly been from larger towns in the Shire and are not best placed to represent rural areas, isolated communities or the far eastern region. One submitter also discussed the large field of 39 candidates at the 2016 general election for East Gippsland Shire Council, arguing that this number of candidates led to confusion for voters and was likely to have resulted in many informal and 'donkey' votes¹⁶ at that election.

Preliminary report

A preliminary report was released on Wednesday 10 April 2019. The VEC considered public submissions and research findings when formulating the options presented in the preliminary report.

Number of councillors

When considering the appropriate number of councillors for a local council, the VEC reviews population data and assesses other factors which may warrant an increase or decrease in the number of councillors, such as projected population growth or special circumstances relating to distinct communities of interest.

When compared to other Country Victorian local councils with similar numbers of voters, nine councillors is an appropriate number for East Gippsland Shire Council. When compared to local councils of similar geographic area, nine councillors is also found to be appropriate.

East Gippsland Shire Council is experiencing some population growth, particularly in the south-western part of the Shire. The Shire has a higher proportion of Aboriginal and Torres Strait Islander people than the regional Victorian average, but otherwise the Shire is largely socially and linguistically homogenous. Some parts of the local council area are experiencing higher than

¹⁶ An informal vote at an election is a ballot paper that cannot be counted as it does not comply with the requirements for a valid vote and/or the preferences marked on the ballot paper may not be expressed in a way that the voter's intent is clear. On the other hand, a 'donkey vote' is an expression most commonly used to refer to a ballot paper marked sequentially (i.e. numbered from top to bottom) with little or no regard for the effect of what is otherwise a valid vote.

average levels of socio-economic disadvantage. Although some special circumstances have been identified for East Gippsland Shire Council, these factors in isolation are not enough to support an increase in the number of councillors.

The VEC concentrated its modelling for this representation review on nine-councillor options for consultation, though it also recognised that developing a satisfactory subdivided electoral structure for East Gippsland Shire Council is challenging because of the size of the local council area and the uneven distribution of voters across that area. Because of this, the VEC also gave consideration to subdivided electoral structures with more than nine councillors, to explore whether an increased number of councillors would allow for ward boundaries and an electoral structure that improves representation for the voters of East Gippsland Shire.

Electoral structure

In its preliminary report, the VEC found that the distribution of voters and uneven rate of population growth in East Gippsland Shire Council, combined with the large size of the local council area and the rugged landscape, pose significant challenges for developing meaningful and sustainable ward boundaries. The VEC found that an unsubdivided electoral structure is a suitable model for the Shire because, among other features, it can effectively address the difficulties with placing ward boundaries. Unsubdivided electoral structures can also foster a 'whole-of-shire' approach to representation and enable voters to raise concerns and vote on matters they care about regardless of their location within the local council area. Unsubdivided electoral structures enable all voters to choose from the widest selection of candidates, reduce the risk of uncontested elections occurring in sparsely populated areas, and do not limit the number of councillors that can be elected for any particular area of the local council.

Unsubdivided electoral structures are also not impacted by uneven population growth across a local council area, at least in terms of the 'one vote, one value' principle. The VEC also found that in previous elections under the current unsubdivided structure, councillors have been elected from across the Shire without any area having excessive dominance. For this representation review, the VEC put forward an unsubdivided model, reflecting the existing structure of the local council, as its preferred option in the preliminary report.

However, the VEC recognised that subdivided models were more popular in preliminary submissions than the current unsubdivided structure. The VEC was also alert to the concern that there have been large fields of candidates and high rates of informal voting at general elections for East Gippsland Shire Council under the unsubdivided structure. Therefore, the VEC also considered subdivided electoral structures when preparing the preliminary report. Various subdivided electoral structures were proposed in preliminary submissions, but many of these were found to be unviable because of difficulties in balancing voter-to-councillor ratios across wards within the legislated plus-or-minus 10% tolerance, difficulties in determining meaningful

and sustainable ward boundaries, and increases to councillor numbers that were not sufficiently justified. However, the concepts and concerns raised in preliminary submissions were seriously considered and informed the development of the preliminary options.

To reflect the call for subdivision expressed in preliminary submissions, with separate representation for the Bairnsdale area and for rural communities, the VEC put forward two subdivided electoral structures. Option B consisted of a four-councillor ward for Bairnsdale and the surrounding area, a three-councillor ward for Lakes Entrance and the surrounding area, and a two-councillor ward for the remaining areas in the north and east of the Shire. Option B was based on the preferred option from the VEC's 2007 representation review preliminary report, which was supported by a number of preliminary submissions. Option C consisted of a five-councillor ward for the south-west area of the Shire (encompassing Bairnsdale, Paynesville and all areas to the west), and a five-councillor ward for all areas to the north and east. Option C was based on the VEC's last representation review of the Shire in 2007, as well as comments made by preliminary submitters to this review and modelling in response to those submissions. Option C also featured a slight increase in the number of councillors, which was required for meaningful and sustainable ward boundaries. The VEC did not consider an increased number of councillors to be required for East Gippsland Shire Council but believed that the suitability of this particular electoral structure was a special consideration that justified further examination of this ten-councillor model. It was considered that Option B and Option C both enabled representation for major geographic regions of the local council, accommodated uneven population growth, and could help reduce informal voting rates.

Options

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

- Option A (preferred option)
East Gippsland Shire Council consist of nine councillors elected from an unsubdivided electoral structure.
- Option B (alternative option)
East Gippsland Shire Council consist of nine councillors elected from three wards (one four-councillor ward, one three-councillor ward and one two-councillor ward).
- Option C (alternative option)
East Gippsland Shire Council consist of ten councillors elected from two wards (two five-councillor wards).

Public response

Response submissions

The VEC accepted submissions responding to the preliminary report from Wednesday 10 April 2019 until 5.00 pm on Wednesday 8 May 2019. The VEC received 20 response submissions. A list of people who made a response submission can be found in Appendix 1. Table 1 indicates the level of support for each option.

Table 1: Preferences expressed in response submissions

Option A	Option B	Option C	Other
3	5*	2	10*

*Four submissions supporting another option ('Other') also indicated that, if no other option was put forward, they would prefer Option B over Option A or Option C. These submissions have not been included in the Option B total.

A range of arguments were put forward in favour of the three options. Arguments seen in response submissions were similar to those at the preliminary submission stage.

Support for an unsubdivided electoral structure (Option A)

Support for Option A came from submitters from Omeo and outside of the local council area, as well as East Gippsland Shire Council itself.

Those in support of Option A argued that the current structure works and enables a whole-of-shire approach to representation, which helps mitigate parochialism. Supporters believed that unsubdivided electoral structures provide the greatest freedom and choice for voters when selecting candidates and when approaching councillors to discuss concerns. It was also argued that proportional representation functions best under an unsubdivided electoral structure, as the highest percentage of voters would be represented by a person for whom they voted.

East Gippsland Shire Council's submission presented similar arguments in support of the unsubdivided electoral structure to those seen in preliminary submissions. The Council contended that, despite some community perceptions, it is not biased in favour of the south-west region of the Shire, and that council decisions demonstrate that it acts in the best interests of the whole East Gippsland community rather than favouring any geographic or non-geographic communities of interest. The Council also argued that it is not dominated by councillors that reside in the south-west of the Shire, citing as evidence the results of the 2016 general election where the majority of councillors were drawn from outside of the south-west. The Council also submitted that, while there may be real or perceived differences between the issues and concerns of residents in rural areas versus those in towns, the concerns that they share far

outweigh any differences. The Council also argued that, although there have been high rates of informal voting with the unsubdivided structure, the overall benefits of this electoral structure outweighed this downside. Regarding issues with councillor accessibility, the Council acknowledged that this is a challenge given the large geographic area of the Shire and outlined a number of initiatives (such as electronic communications) that have been implemented to facilitate improved access to councillors for residents across the Shire.

Support for a subdivided electoral structure

Most response submissions indicated support for a move to a subdivided electoral structure, expressing a belief that wards would deliver better representation for communities across the Shire.

Submitters stated that the less populated areas outside of Bairnsdale and the south-west region felt unrepresented under the current structure, and that it was more difficult for candidates from small communities to be elected compared to those from the more highly populated south-west region. Submitters indicated that residents in the more remote northern and eastern parts of the Shire were especially under-represented, arguing that their needs were misunderstood or overlooked and that there was a lack of consultation and engagement from the Council regarding decisions impacting their areas. In contrast to the submission from East Gippsland Shire Council, opponents to the current unsubdivided electoral structure felt that the Council does not take a whole-of-shire approach. These submitters argued that there is a disconnect between councillors and small communities, that different areas of the Shire have different challenges and needs, and that these areas need their own representatives. Submitters argued wards would be more likely to deliver councillors with local knowledge, enabling them to better understand the unique features and needs of their local area. It was also argued that ward councillors were not inherently parochial and were fully capable of advocating for communities within their ward while also working for the good of the Shire as a whole.

One submitter felt that the unsubdivided structure led to a corporate approach to governance at East Gippsland Shire Council, with councillors acting like a board of directors or representatives of the Council rather than representatives of their communities. Regarding issues with councillor accessibility, it was argued that although the Council may have initiatives for facilitating access to councillors across the Shire, communications with elected members were sometimes intercepted by council officers. Submitters also felt that it was more difficult to assess the performance of individual councillors and hold councillors to account under the current electoral structure, or to determine which councillor would be best to approach regarding a particular issue. Submitters felt that wards would make councillors easier to identify and more accessible, and that it would be easier for communities to assess the performance of individual councillors, resulting in greater accountability.

Concerns were also raised regarding the large fields of candidates seen at recent elections, with submitters arguing that this has led to high rates of informal voting and a situation where it is difficult for voters to have an adequate knowledge of or connection with candidates.

Those in support of subdivision believed that wards would assist candidates to campaign more effectively, which would in turn enable voters to be better informed about the abilities, interests and policies of candidates, and result in more informed voting. It was also argued that wards would be likely to result in higher voter participation, and that shorter ballot papers would help reduce informal and 'donkey' voting. There was also a view that a subdivided electoral structure could deliver higher quality candidates, as more candidates could be encouraged to nominate in the belief that there would be a greater chance of success.

Subdivided options

Option B

Supporters of Option B came from: Lakes Entrance (Lakes Entrance Action and Development Association), Mallacoota (3) and Metung (1). Of these five supporters, only one submission fully supported Option B. Two submissions expressed disappointment with the options available but reluctantly supported Option B, while another supported Option B but expressed a preference for 11 councillors. One submission suggested an amendment to the structure, splitting the Snowy Ward into two single-councillor wards. The VEC modelled this modification but found that this modification was not viable as it would arbitrarily split a number of towns and communities in order to balance voter-to-councillor ratios between the two wards, with projections indicating one of these wards may reach the plus-or-minus 10% tolerance before the next scheduled representation review.

The Lakes Entrance Action and Development Association (LEADA) felt that the Lakes Ward would provide good representation for the community in the Lakes Entrance area, and that the Mitchell and Snowy Wards contained reasonably grouped communities that had many common interests. LEADA acknowledged that the large Snowy Ward could be a challenge to represent but considered this to be a manageable task for two councillors. It was also argued that candidates from smaller communities would have a better chance of success under Option B.

The Council's submission argued against Option B, stating that this structure would not resolve the issues expressed by submitters from remote and sparsely populated areas, and would entrench a structure with more councillors representing the south-west of the Shire. The Council argued that Option B would not provide equal and fair representation and that councillor accessibility issues would persist within the large Snowy Ward under this model.

Option C

Support for Option C came from Mallacoota (two submissions). Supporters of Option C felt that this model was more advantageous because it included five councillors for the large Snowy Ward, and that this may provide remote communities with improved access to councillors. Supporters also argued that although the Snowy Ward is large, it would provide small communities with their own, separate representation away from the more highly populated south-west region.

The Council's submission argued against Option C stating that like Option B, this structure would not resolve the issues expressed by submitters from remote and sparsely populated areas, and would not provide equal and fair representation for the Shire. The Council also strongly argued against having an even number of councillors, with the belief that this was not conducive to good governance or decision-making, and that it would increase the incidences of tied votes during council decision-making where the Mayor would be required to use a casting vote to resolve the deadlock. The Council also argued that the two-ward structure of Option C could reinforce perceived divisions between the highly populated Bairnsdale area and the more sparsely populated areas to the north and east.

Other options

While most response submissions indicated support for a subdivided electoral structure, the majority were also critical of the options put forward by the VEC in its preliminary report. Criticisms were also aimed at the VEC's review process, including the need to adhere to the legislated equality requirement as well as the VEC's general State-wide approach to informing the appropriate number of councillors for a local council. A number of submitters felt that the VEC had not adequately considered the possible electoral structures suggested in preliminary submissions and believed the number of councillors should be increased to enable the creation of wards that were more representative of geographic communities.

Nine response submissions indicated a preference for the VEC to develop new models or to offer models put forward by preliminary submitters as options for the public to comment on. These submissions came from Bonang (1), Paynesville (1), Mallacoota (5), Newlands Arm (Newlands Arm Residents and Ratepayers Association), as well as from outside the local council area. Several submitters called for the 11-councillor models proposed in the preliminary submissions from Hal Colebatch and George Neophytou to be put forward as options. These models had been examined by the VEC during the preparation of the preliminary report but were found to be unsuitable, and many submitters felt that these models had been unfairly dismissed by the VEC. One submission also indicated support for the structure modelled by Peter Giddings, although Mr Giddings noted the shortfalls of this model in his preliminary submission. Another submission advocated a subdivided electoral structure with nine single-councillor wards. Again, both of these

proposals had been examined by the VEC during the preparation of the preliminary report and were found to be unsuitable.

One response submission did not clearly indicate a preferred option although indicated support for a move to a subdivided electoral structure.

Public hearing

The VEC conducted a public hearing for those wishing to speak about their response submission at 7.00 pm on Wednesday 15 May 2019 in the Council Chambers, Bairnsdale Corporate Centre, 273 Main Street, Bairnsdale. Six speakers attended the hearing and one additional speaker spoke via telephone link. A list of people who spoke at the hearing can be found in Appendix 1.

The first speaker (Peter Giddings) expressed an understanding of the limitations of the representation review and the need to balance voter-to-councillor ratios across wards, but felt that other considerations were also important when developing fair and representative ward boundaries and determining the appropriate number of councillors for a local council.

Mr Giddings argued that the large area of East Gippsland Shire should have greater weighting when determining ward boundaries and believed that not placing greater emphasis on geographic issues left people disenfranchised. Mr Giddings felt that voters in rural and remote regions of the Shire (such as the far east) were particularly disadvantaged due to distance from the more heavily populated south-west, were less able to participate in council matters and were rarely visited by councillors. Mr Giddings expressed a desire for creative solutions to the issues faced by voters in remote areas when attempting to obtain fair and equitable representation.

Mr Giddings indicated that he would support the model proposed by George Neophytou if it were put forward as an option. Mr Giddings felt that the preliminary report options were mediocre but, of those options, he indicated a preference for Option B as it provided the fairest representation out of the three. Mr Giddings expressed concern at the large area that the Snowy Ward would cover in Options B and C, and at Option C having an even number of councillors and the possibility of tied council votes.

Dr Hal Colebatch was critical of the conduct of the representation review, the VEC's adherence to the legislated equality requirement, and its practice of taking a State-wide approach to inform the appropriate number of councillors for a local council. Dr Colebatch felt that the 11-councillor models put forward in preliminary submissions from George Neophytou and himself should both be offered as options, believing that these models provided superior representation than the options in the VEC's preliminary report. Dr Colebatch was also critical of the Council's performance under the current unsubdivided electoral structure, arguing that council staff play an increasing role in local governance instead of councillors, but that council staff do not necessarily understand the needs and interests of residents. Dr Colebatch felt that the role of a councillor

was to engage with citizens in local areas, but that local government in general has become less local and there was a need to improve engagement and representation. Dr Colebatch discussed the high informal vote rate and low participation rate at recent East Gippsland Shire Council elections, arguing that this was the only way that voters could demonstrate discontent with the system without being fined for not voting.

Like Dr Colebatch, Dr Deb Foskey was also critical of the VEC's review process, and felt that the particular challenges of East Gippsland Shire were not adequately considered in the development of the subdivided options put forward in the VEC's preliminary report. Dr Foskey felt that a move to a subdivided electoral structure was needed as the unsubdivided electoral structure disenfranchised voters in the far east and north areas of the Shire. Dr Foskey argued that these areas experienced poor representation by current councillors, and that councillors rarely visited the central north of the local council area. Overall, Dr Foskey believed that the geography of the Shire required greater consideration when developing wards and highlighted the major geographic features of the Shire (rivers, mountains and transport routes) as important considerations. Dr Foskey did not support the model proposed by George Neophytou, pointing out issues regarding ward boundaries and representation of geographic communities.

Although unhappy with the options put forward in the preliminary report, Dr Foskey indicated that of these options, Option C presented the best chance for gaining councillors from the far eastern Mallacoota/Cann River area. However, she stated that an even number of councillors was unfavourable, and that the number of councillors in Option C should be increased to 11. Dr Foskey also felt that council administrative arrangements would need to change and communication and engagement with communities improved. Possible solutions to the large number of candidates and high rates of informal voting at elections were also discussed, with a subdivided electoral structure indicated as one possible solution.

George Neophytou discussed the 11-councillor model put forward in his preliminary submission to this review, arguing that this model provided better representation for East Gippsland Shire than Option B or Option C in the VEC's preliminary report. Mr Neophytou argued that the current unsubdivided electoral structure was not working for the community and that increasing the number of councillors to 11 would enable a structure with better local representation and increased accountability from councillors, and decrease the size of the far east ward so that it was of a more manageable size.

Bruce Hurley (on behalf of LEADA) argued that the Lakes Entrance community did not receive adequate representation under the current unsubdivided electoral structure, and that Option B (or an 11-councillor variation of this option) would improve representation for this region. Mr Hurley stated that LEADA also opposed Option C, largely due to the even number of councillors and risk of tied council votes, and the belief that this two-ward structure could

entrench a division between the east and west regions of the Shire. Mr Hurley spoke against arguments that wards would necessarily lead to parochialism. Mr Hurley argued that local issues are at the heart of local government, that wards enabled councillors to have local knowledge about these issues, and that councillors need to address local issues as well as issues that impact the whole of the Shire.

Speaking on behalf of East Gippsland Shire Council, the Council's Governance and Compliance Coordinator, Steven Columbus stated that while all options put forward have pros and cons, the unsubdivided electoral structure provided the best balance for East Gippsland Shire as a whole. Mr Columbus discussed the potential for wards to promote parochial interests, acknowledging that councillors representing wards can make decisions for the good of their ward as well as for the whole Shire, but that a councillor representing a ward would naturally feel torn when those interests diverge, and that personal political motivations may lead to local interests taking precedence. Mr Columbus stated that this is not an issue under an unsubdivided electoral structure.

While acknowledging that many submitters to the review felt unrepresented under the current electoral structure, Mr Columbus stated that the Council genuinely believes the current structure has benefited the Shire as a whole. Mr Columbus argued that the unsubdivided electoral structure has enabled councillors to take a unified, non-partisan approach to decision-making across the whole Shire, which the Council feels has been a strong positive of the current structure. While recognising that this representation may not be as visible or feel as tangible to voters compared with the physical presence of a locally-based representative, Mr Columbus argued that the representation exists nonetheless. Mr Columbus also acknowledged that councillor accessibility is a real issue for the Shire, and that although the Council has implemented initiatives to improve the accessibility and visibility of councillors, it may need to do more to address this issue.

While recognising that fair and equitable representation was a difficult issue to resolve for small and remote communities, Mr Columbus contended that a move to a subdivided electoral structure would not necessarily resolve many of the issues experienced in small communities, nor guarantee representation for residents in the far east (Mallacoota). Also, that a move to wards would result in a situation where the majority of councillors represent the more densely populated areas, with fewer councillors for remote communities.

The final speaker, Dr Joan Kimm, spoke of the difficulties that the size of the Shire poses for fair and equitable representation, and the particular issues faced by residents in the remote areas of East Gippsland Shire. Dr Kimm argued that residents in the far east felt ignored and disadvantaged by the Council, and that Council favoured towns in the south-west of the Shire. Dr Kimm raised concerns about representation from current councillors, a lack of consultation and

engagement from the Council regarding decisions impacting upon the Mallacoota community, and a lack of council services in the town. When questioned about a preferred subdivided electoral structure, Dr Kimm indicated support for the model proposed by Dr Colebatch. Of the options put forward by the VEC, Dr Kimm supported Option B, believing that it could provide some representation for the broad communities of interest in the Shire.

During the public hearing, the VEC received supplementary documentation from two speakers (Dr Foskey and Dr Kimm). This information was not considered in the VEC's final recommendation as the period for receiving written submissions and evidence had closed. The documentation tabled by Dr Kimm included a copy of a petition that was presented to the Electoral Commissioner in 2015 and called for a review of East Gippsland Shire Council's electoral structure. The VEC was familiar with this petition and had, at the time, responded formally and noted this current scheduled review would be conducted before the Council's next general election.

Findings and recommendation

Throughout this review, the VEC has noted several misconceptions voiced in submissions and at the public hearing regarding the role and powers of the VEC during a representation review, as well as the scope and purpose of the review. Before discussing the VEC's findings, it is necessary to address these matters.

The purpose and scope of this representation review is to determine:

1. the number of councillors for East Gippsland Shire Council, and
2. whether East Gippsland Shire Council should remain unsubdivided or be subdivided into wards; and if it is to be subdivided into wards, the number of wards, the ward boundaries, and the number of councillors for each ward.

The VEC has noted in its summary of submissions to this review that the de-amalgamation of East Gippsland Shire Council was discussed in several submissions as well as at the public hearing. It is important to recognise that local council amalgamation, de-amalgamation, or any other changes to the external boundaries of a local council are matters for the Minister for Local Government outside the scope of this representation review.

As outlined in the submission guide for this review, the VEC is committed to the principle of 'one vote, one value', which is a mandatory requirement for subdivided electoral structures set by the *Local Government Act 1989*. This means that every person's vote counts equally. When undertaking a representation review, the VEC must adhere to the Act's legislated equality requirement so that the number of voters represented by each councillor must be within plus-or-minus 10% of the average number of voters per councillor across the local council. Several submissions called for the VEC to make exceptions to the legislated equality requirement for East Gippsland Shire Council. The equality requirement exists to support fair and equitable representation for all voters within a local council area, which is the core purpose of these reviews. All wards under any subdivided electoral structure recommended by these reviews must be within, or projected to be within, the legislated tolerance in time for the next election. The VEC cannot make exceptions to legislated requirements.

Several submissions felt that the VEC, through this representation review, should or could influence State government policy or the administrative arrangements within local councils. It is beyond the VEC's function or authority to regulate the internal governance procedures of a local council or make policy suggestions to the government of the day. The VEC is not able to require a local council to operate local community boards, which is a feature that some submitters to this review observed exist in other jurisdictions.

Several submitters also raised the potential impact of the Local Government Bill 2018 on future representation reviews. This Bill was introduced to the Victorian Parliament in May 2018 and lapsed at the dissolution of the Parliament for the 2018 State election. The *Local Government Act 1989* continues to form the legal framework for the constitution, role and governance of Victorian local councils, as well as the responsibilities of the VEC for these reviews.

The VEC's findings

Number of councillors

The VEC considers that nine is the most appropriate number of councillors for East Gippsland Shire Council.

Several response submitters and speakers at the public hearing were critical of the VEC's comparison of East Gippsland with other Victorian local councils, and the conclusion that nine councillors remains an appropriate number for the Shire. These submissions argued that the geography of East Gippsland Shire renders it unique among Victorian local councils, and it should therefore be given special consideration and an increased number of councillors.

The VEC takes a consistent, State-wide approach when determining the total number of councillors for a local council, to support fair and equitable representation for all voters across the State. While the VEC recognises that no two local councils are exactly alike, there are similarities between councils that the VEC uses to inform its decision-making and ensure a consistent, impartial approach when determining councillor numbers. The VEC therefore stands by the preliminary report comparison of East Gippsland with other local councils that share similar features.

East Gippsland Shire covers an area of 20,931 square kilometres and currently has 43,123 voters represented by nine councillors. Country Victorian local councils with a similar number of voters generally also have nine councillors, and no other local councils in this grouping have greater than nine councillors. Bass Coast and Wellington Shire Councils, while geographically smaller than East Gippsland, have greater numbers of voters and each also has nine councillors. When East Gippsland Shire Council is compared to local councils of similar geographic area, nine councillors is also found to be appropriate. Mildura Rural City Council has the largest geographic area of any Victorian local council and, with slightly fewer voters than East Gippsland Shire, also has nine councillors. Like East Gippsland Shire, Mildura Rural City also has geographic features that divide parts of the local council area, a significant amount of sparsely populated area, and a substantial population concentration near to the local council boundary. Representation reviews for these three other local councils were last conducted prior to the 2016 local council elections, and for each review, the VEC concluded that nine councillors was appropriate.

It should also be acknowledged that, as an outcome of the 2007 representation review of East Gippsland Shire Council, the number of councillors was increased from eight to nine.

In some cases, special circumstances may exist in a local council area that support a recommendation for fewer or more councillors. While the VEC did not identify any special circumstances that were new to East Gippsland Shire Council since the last representation review in 2007, the VEC also recognised that developing a satisfactory subdivided electoral structure for East Gippsland Shire Council remains challenging due to the size and geographic features of the local council area and the uneven distribution of voters across that area. Because of this, the VEC also gave consideration to subdivided electoral structures with greater than nine councillors as a way of exploring whether an increase in the number of councillors would allow for ward boundaries and an electoral structure that improved representation for the East Gippsland Shire community. As a result, the VEC put forward one option with an increased number of 10 councillors: Option C.

Electoral structure

Current unsubdivided electoral structure

In 2007, the VEC recommended that East Gippsland Shire Council change to an unsubdivided electoral structure. Unsubdivided electoral structures can be beneficial for some local councils, as they can:

- allow communities of interest to exist undivided
- encourage councillors to take a whole-of-Shire approach to representation
- enable voters to select from the widest pool of candidates to support any issue or community of their choice
- enable multiple councillors to be equally from any part of a local council
- enable councillors to more equally share responsibilities and workloads
- allow for uneven population growth across a local council area.

Given these potential benefits of an unsubdivided electoral structure, and the difficulties of developing meaningful and sustainable ward boundaries for East Gippsland Shire Council, the VEC concluded in 2007 that an unsubdivided electoral structure had the greatest potential for providing fair and equitable representation for the entire local council area.

The unsubdivided electoral structure has now been in place for three of the Council's general elections (held in 2008, 2012 and 2016). Observations from these three elections have been mixed on whether the unsubdivided electoral structure is providing fair representation for the voters in East Gippsland Shire.

There has been a fairly good spread of candidates from across the local council area at all three general elections, with a particularly wide spread at the most recent election in 2016. The 2008 election resulted in five councillors from Bairnsdale and surrounds, one councillor from Lakes Entrance, and three councillors from rural and remote areas. The 2012 election resulted in four councillors from Bairnsdale and surrounds, one councillor from Lakes Entrance, and four councillors from rural and remote areas. The 2016 election resulted in three councillors from areas close to Bairnsdale, one councillor from the Lakes Entrance region, and five councillors from rural and remote areas. The results of these last three general elections indicate that, even though there is a substantial population concentration in the south-west of the Shire, there is sufficient support for rural and remote candidates to be successfully elected. Nonetheless, under the current electoral structure, no councillors have been elected from the remote far eastern area of the Shire.

However, the VEC considers the rates of informal voting observed at the last three elections to be concerningly high, and an issue facilitated – at least in part – by the current unsubdivided electoral structure.

At the Council's last election in 2016, 39 candidates nominated for election and 16.79% of votes could not be counted as they were informal. This was the highest number of candidates for an unsubdivided local council at this election, and an extremely high proportion of informal votes. In fact, this was the highest informal rate for any local council seen at the 2016 election.¹⁷ The informal rates from the Council's 2012 and 2008 general elections were lower than the 2016 numbers, at 9.58% (with 29 candidates) and 6.90% (17 candidates), respectively, but still well above the state-wide average informal voting rate. At the 2016 general election, the state-wide average for informal voting was 6.29%¹⁸, while in 2008 and 2012 the averages were 4.99% and 5.51% respectively.¹⁹

While it is not certain what caused this high level of informal voting, the VEC has generally observed that informal voting rates increase as more candidates are listed on the ballot paper²⁰, and recent elections for East Gippsland Shire fit this pattern. One of the drawbacks of unsubdivided electoral structures is that they can result in larger fields of candidates at elections and lengthier ballot papers. Longer ballot papers can be confusing for voters and more difficult to fill out correctly, leading to higher levels of informal voting through voter error. These voters may

¹⁷ This was the highest overall rate for a whole local council at the 2016 election. If taking into account rates within individual wards, a slightly higher rate was recorded in one ward at the 2016 Wyndham City Council general election: Harrison Ward (16.82%).

¹⁸ Victorian Electoral Commission, *2016 Local Government Elections Report*, 2017, Figure 9, pp. 26, <https://www.vec.vic.gov.au/files/Report%20on%20the%20conduct%20of%20the%202016%20Local%20Government%20Elections.pdf>

¹⁹ Victorian Electoral Commission, *Report on Conduct of the 2012 Local Government Elections*, 2013, Figure 5, pp. 39, <https://www.vec.vic.gov.au/files/LG-2012-Election-Report.pdf>

²⁰ Victorian Electoral Commission, *2016 Local Government Elections Report*, loc. cit.

have attempted to vote, but their vote was not able to be counted. Subdivided electoral structures generally have lower levels of informal voting as candidates are divided across wards, resulting in a shorter ballot paper per ward.

At the time of the 2007 representation review the VEC acknowledged that there may be high informal vote rates under an unsubdivided electoral structure, though the extent of this risk was uncertain. The VEC has now observed an ongoing pattern of high informal voting, with little indication this is likely to alter under the current unsubdivided electoral structure. The VEC considers that a change to a subdivided electoral structure as the most appropriate action to address the serious issue of consistently high levels of informal voting under the current structure.

A move to a subdivided electoral structure would also respond to the dissatisfaction and support for change expressed by the East Gippsland Shire community through the review process.

The majority of submissions and speakers at the public hearing raised concerns about the quality of representation under the current unsubdivided electoral structure. Many submitters and speakers from across the Shire expressed concern that towns and localities outside Bairnsdale and/or the south-west area are not being adequately represented, with those from remote communities in the central north and far east of the Shire indicating dissatisfaction and frustration with their long-term experiences of representation. Although some acknowledged that a ward structure could not deliver local councillors for every community in the remote areas of the Shire, it was believed that wards would provide some improvement on current representation by providing greater clarity around councillor responsibilities. It was argued that wards would enable voters to more easily identify their councillors and be certain of who would be receptive to hearing their concerns, support improved community engagement, and provide increased accountability from councillors.

Subdivided electoral structures

Developing viable ward boundaries

East Gippsland Shire is the second largest local council area in Victoria, with a varied and rugged landscape comprising mountain ranges, coastal wilderness areas, and an extensive network of rivers and lakes. The population within the Shire is concentrated in its south-west corner, with the greatest population growth also projected to occur in this area. The population is sparsely distributed across much of the remainder of the local council area, with some residents living in geographically isolated locations. These areas outside of the south-west are generally experiencing lower rates of growth, and in some cases, declining populations. During both the current representation review and the last review in 2007, the VEC found that these characteristics of the East Gippsland Shire pose significant challenges for developing ward

boundaries that adequately represent geographic communities of interest within the Shire while also adhering to legislated requirements for balanced voter-to-councillor ratios across wards.

Because of these constraints, the possible arrangements for viable and satisfactory subdivided electoral structures for East Gippsland Shire Council are limited. Specifically, any subdivided electoral structure for the Shire will result in small wards with many councillors in the south-west region of the Shire, and very large wards with fewer councillors in the sparsely populated north and east regions. As a consequence of the same constraints existing at the time of the 2007 representation review, the options presented in the current review were similar to those of the 2007 review.

The majority of response submissions and speakers at the public hearing supported a move to a subdivided electoral structure, though many were also critical of the options put forward in the preliminary report. In the preliminary report, the VEC outlined the reasons why Dr Colebatch's and Mr Neophytou's models were not put forward as options, however due to the dissatisfaction expressed in response submissions the VEC considers it necessary to further clarify the reasons for excluding these models.

The submission from Mr Neophytou proposed an 11-councillor, seven-ward structure containing a combination of single- and multi-councillor wards. This model consisted of a three-councillor ward for the Bairnsdale area, a two-councillor ward for the Lakes Entrance area, a two-councillor ward for the Paynesville/Fernbank area, and four single-councillor wards (Sarsfield/Merrijig area, Johnsonville/Metung area, Omeo/Buchan/Goongerah/Marlo area, Orbost/Cann River/Mallacoota area). The VEC modelled this proposed structure during preparation of the preliminary report, with two modifications to correct issues with the model. Firstly, the submitter included the Delegate River locality in the same ward as Mallacoota. The VEC assumed this was an error by the submitter and instead placed Delegate River within the same ward as the adjacent localities of Bendoc and Bonang. Secondly, the Banksia Peninsula locality was omitted by the submitter, so the VEC included Banksia Peninsula within the same ward as nearby Paynesville and Newlands Arm. The VEC reviewed the model as a result of the response submission from Mr Neophytou, however no further modifications were needed as the errors noted in Mr Neophytou's response submission had been corrected during preliminary modelling.

While the voter-to-councillor ratios were well balanced across wards based on current enrolment, this model was not viable because of:

- Projected population change: VEC research into population change within East Gippsland Shire indicates that two wards in this model would exceed the legislated +/-10% voter-to-councillor ratio by the time of the next local council general elections in 2020. Minor boundary modifications would not solve this issue. This is the predominant reason that this model was considered to not be viable

- Ward boundaries and shapes: Wards are very oddly shaped, are not compact, and do not follow best practice for ward construction. Many ward boundaries do not align with geographic features and are not strong or easily identifiable boundaries. Some ward boundaries dip up and down, dissecting the landscape oddly. Some communities are divided, such as the geographic community of interest around Orbost. The VEC does not consider that these wards provide logical representation of geographic communities.

The second preliminary submission from Dr Colebatch proposed an 11-councillor model containing a combination of single- and multi-councillor wards. This model consisted of a four-councillor ward for the Bairnsdale area, a two-councillor ward for the Lakes Entrance area, three single-councillor wards (Johnsonville/Swan Reach, Fernbank/Forge Creek/Merrijig, and Sarsfield/Omeo/Benamبرا) and a large two-councillor ward for the remaining eastern part of the Shire. The VEC made some small modifications to the ward boundaries suggested by Dr Colebatch in order to balance projected voter-to-councillor ratios across wards and increase the potential viability of the model. While the current and projected voter-to-councillor ratios were balanced, this model was found to not be viable because:

- Ward boundaries and shapes: there were a number of issues with ward boundaries that could not be resolved without unbalancing voter-to-councillor ratios across wards. These issues include: an oddly-shaped Omeo Ward, dipping far down to the east of Bairnsdale; boundaries splitting a number of towns and geographic communities, including Sarsfield, Bruthen and Lake Tyers Beach; a boundary cutting close to the north and west of Bairnsdale splitting part of Wy Yung, excluding new housing developments on the outskirts of Bairnsdale, and splitting the strong connections and common interests that link Bairnsdale with its surrounding area
- Large eastern ward: the issue for any subdivided structure for East Gippsland Shire is how to improve representation for areas in the far east. Despite having an increased number of councillors, this model does not resolve the issue of two councillors representing a large eastern ward covering more than half the area of the Shire
- Representation of communities: while this model did provide some representation for some geographic communities, this was not necessarily an improvement on the representation provided by Option B or Option C. Therefore, the VEC did not consider the increased number of 11 councillors to be sufficiently justified.

For these reasons, the VEC considers that neither model is a suitable electoral structure for East Gippsland Shire Council.

Preliminary report options

While many response submitters were disappointed at the choice of subdivided options available in the preliminary report, the majority stated partial or full support for Option B.

Option B shows clearly defined boundaries and provides representation for the broad geographic communities within the Shire: the Bairnsdale regional centre and areas located to its south and west; river and lakeside communities in the region surrounding Metung and Lakes Entrance; and the sparsely populated rural and remote communities in the northern and eastern regions of the Shire. Option B balances voter-to-councillor ratios well, while also allowing for future growth in the south-west of the local council area. Multi-councillor wards enable proportional representation at elections, providing an opportunity for a range of communities of interest to gain representation. Importantly, Option B also responds to the trend of rising levels of informal voting linked with larger fields of candidates at recent elections.

The main drawback of Option B is the large Snowy Ward that covers the majority of the local council area. This ward has a highly varied landscape and contains many small, remote communities. Snowy Ward is represented by two councillors, whereas at the 2016 general election, five councillors were elected from the area covered by this ward. Also, there is no guarantee councillors will be elected from the far east of the Shire. This may lead to a perception that this ward is under-represented compared to the other wards in Option B. However, the VEC considers that this perception may be offset by the potential for increased accountability of councillors under this electoral structure. Many submitters and speakers at the public hearing raised this issue of accountability, indicating that a lack of consultation on issues concerning their communities led to a feeling of disenfranchisement. These commenters felt that wards would enable voters to better identify and support candidates who would best represent them, and would promote greater transparency and accountability around the performance of individual councillors while fostering improved connections between councillors and the communities they represent.

Option C received the least support from the East Gippsland Shire community. This option was supported by two submissions, and partial support for a variation of this option was also expressed by one speaker at the public hearing. The main advantage of Option C over Option B was the greater number of councillors for the eastern Snowy Ward, which could potentially provide more representation for the remote northern and eastern regions than Option B. However, many submitters and speakers at the public hearing considered the even number of councillors (10) to be a significant drawback of this model due to potential impacts on council decision-making. An additional concern with Option C is that the two-ward structure could reinforce perceived divisions between the highly populated Bairnsdale region and the more sparsely populated areas to the north and east. Another potential drawback is that the Lakes

Entrance area is included in the south-west corner of the Snowy Ward in this model. Many submitters and speakers from sparsely populated areas cite the population concentration in the south-west of the Shire as one of the issues under the current unsubdivided electoral structure, believing that it is difficult for candidates from remote areas to compete against candidates from the larger towns in the south-east. Option C does not resolve this concern.

Taking into account information gathered via research, public submissions and the public hearing, the VEC does not consider that Option C provides significantly more favourable representation than Option B. There have also not been any special circumstances that have arisen within the local council area since the 2007 representation review that would strongly support an increase in councillors. Therefore, of the two subdivided options put forward in the preliminary report, the VEC recommends Option B.

The VEC recognises that the unique features of East Gippsland Shire pose many challenges for fair and equitable representation. There are valid arguments both in favour of and against the various unsubdivided and subdivided electoral structures examined in this review, as each have their own benefits and drawbacks. While it is not possible for an electoral structure to address all the issues at play in the local council, the VEC considers that, on balance, Option B is the best model for promoting fair and equitable representation for voters in East Gippsland Shire Council.

The VEC's recommendation

The Victorian Electoral Commission recommends that East Gippsland Shire Council consist of nine councillors elected from three wards (one four-councillor ward, one three-councillor ward and one two-councillor ward).

This recommendation is submitted to the Minister for Local Government as required by the *Local Government Act 1989*. The model was designated as Option B in the VEC's preliminary report for this review.

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

Appendix 1: Public involvement

Preliminary submissions

Preliminary submissions were received from:

Bryant, Peter	Luhrs, Ronald
Buckley, Sonia	Martin, Helen
Colebatch, Hal	Martin, Kieran and Rosemary
Colebatch, Hal (second submission)	Meade, Anthony
East Gippsland Shire Council	Meehan, Colleen
Foskey, Deb	Newlands Arm Residents and Ratepayers Association Inc.
Friends of Mallacoota	Proportional Representation Society of Australia (Victoria-Tasmania) Inc.
Gamble, Bill	Rose, Lionel
George Neophytou Law Pty Ltd	Rothe, Gilbert
Giddings, Peter	Saunders, Ernie
Holl, Doug	Seymour, Roslyn
Kimm, Joan	Wagner, Jeanette
Lakes Entrance Action and Development Association	

Response submissions

Response submissions were received from:

Ashby, Don	Mainard, Leonard
Colebatch, Hal	Mallacoota Progress Association
East Gippsland Shire Council	Martin, Kieran
Fisher, Bob and Dale	McCormack, Shayne
Foskey, Deb	McNamee, Jackie
Friends of Mallacoota	Neophytou, George
Giddings, Peter	Newlands Arm Residents and Ratepayers Association Inc.
Kimm, Joan	O'Connell, Rodney
Kimm, Mervyn	Proportional Representation Society of Australia (Victoria-Tasmania) Inc.
Lakes Entrance Action and Development Association	
Mallacoota District Business and Tourism Association	

Public hearing

The following individuals spoke at the public hearing:

Colebatch, Hal

Columbus, Steven (on behalf of East Gippsland Shire Council)

Foskey, Deb

Giddings, Peter

Hurley, Bruce (on behalf of Lakes Entrance Action and Development Association)

Kimm, Joan

Neophytou, George

East Gippsland Shire Council

Map of Recommended Option
 Nine Councillors, Three Wards

Inset Map



Map acquired by: Victorian Electoral Commission VEC
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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>	Thursday 17 January 2019	Wednesday 20 March 2019
<i>Bairnsdale Advertiser</i>	Friday 8 February 2019	Friday 5 April 2019
<i>Lakes Entrance Lakes Post</i>	Wednesday 6 February 2019	Wednesday 10 April 2019
<i>Mallacoota Mouth</i>	Thursday 7 February 2019	Thursday 4 April 2019
<i>Orbost Snowy River Mail</i>	Wednesday 6 February 2019	Wednesday 10 April 2019

Media releases

A media release was prepared and distributed to local media to promote the commencement of the review on Wednesday 13 February 2019. A further release was distributed with the publication of the preliminary report on Wednesday 10 April 2019. A final media advisory 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:

- Wednesday 13 February 2019 in the Council Chambers, Bairnsdale Corporate Centre, 273 Main Street, Bairnsdale²¹
- Thursday 14 February 2019 at the Orbost Service Centre, 1 Ruskin Street, Orbost.

Submission guide

A submission guide was developed and made available on the VEC website, or in hardcopy on request, throughout the review timeline. The submission guide provided information about the review, the review timeline and how to make submissions to the review.

Online submission tool

An online submission tool was developed and made available during the submission periods of the review. The tool allowed people to make a submission from the VEC website. During the preliminary submission stage, users also had the opportunity to map out their preferred subdivisions through the online submission tool using Boundary Builder. Boundary Builder

²¹ The Bairnsdale information session was also broadcast through East Gippsland Shire Council's Facebook account for remote viewers.

included real elector numbers so that users could see if their preferred structures and numbers of councillors met the plus-or-minus 10% rule.

VEC website

The VEC website delivered up-to-date information to provide transparency and facilitate public participation during the review process. All public submissions were published on the website.

Email and social media engagement

The VEC delivered an information email campaign targeted at known community groups and communities of interest in the local council area. This included a reminder email at each milestone of the representation review process.

The VEC also published sponsored social media advertising that was geo-targeted to users within the local council area. This included advertising at both the preliminary submission and response submission stages. The total reach of these posts was 6,232 during the preliminary submission stage and 5,034 during the response submission stage.

Council communication resources

The VEC provided the Council with a communication pack that included information on the review in various formats. While the council is encouraged to distribute this information and raise awareness about the review, the VEC is an independent reviewer and all communications resources include reference and links to the VEC website and core materials.

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