

### **12.3. REVIEW OF THE BASIS OF RATING CONSULTATION PAPER – COMMUNITY CONSULTATION REPORT**

#### **REPORT PURPOSE**

The purpose of this report is for Council to receive the Review of the Basis of Rating Consultation Paper - Community Consultation Report and to endorse the report as a summary of the consultation process, the submissions received, matters raised through the consultation process, and for the report to be published on Council's website.

Please note that the Review of the Basis of Rating Community Consultation Report will be circulated under separate cover.

#### **RECOMMENDATION**

**That Council:**

- 1. Having regard to the process undertaken, is satisfied the community consultation has met the requirements of Council's Public Consultation and Community Engagement Policy and the relevant provisions within the Local Government Act 1999;**
- 2. Endorse the Review of the Basis of Rating Consultation Paper - Community Consultation Report as a summary of the consultation process, the submissions received (including XXX submissions received at this Council meeting), matters raised through the consultation process, and that the report be published on Council's Website.**

### **12.4. DRAFT FEES & CHARGES 2024/25 FOR ADOPTION**

#### **REPORT PURPOSE**

The purpose of this report is to present the Draft Fees and Charges Schedule 2024/2025 for review and adoption by Council, effective 1 July 2023.

#### **RECOMMENDATION**

**That Council adopt the Draft Fees and Charges Schedule 2024/2025 as presented as an attachment to this report, effective 1 July 2024.**

### **12.5. ELECTOR REPRESENTATION REVIEW**

#### **REPORT PURPOSE**

The purpose of this report is for Council to consider the Representation Review Discussion Paper and determine (in principle) the future composition and structure which it believes should come into effect at the next Local Government elections in 2026.

#### **RECOMMENDATION**

**That Council:**

- 1. Receives and notes the Discussion Paper pertaining to the Representation Review (document number 31442 dated May 2024); and**

2. Having considered the Discussion Paper, Council resolves the following 'in principle' recommendations for the future composition and structure of Council that it believes should come into effect at the next Local Government elections in 2026, for the purposes of preparation of the Representation Review Report for public consultation:
  - a) The future elected body of Council comprise a total of [INSERT NUMBER] (#) area councillors (excluding the Mayor); and
  - b) the existing "no wards" structure should be retained.
3. Prepare a draft "Representation Report" presenting Council's 'in principle' recommendation for the preferred future elector representation arrangement; and
4. Present the draft "Representation Report", for consideration and endorsement, prior to the initiation of the public consultation process.

#### **12.6. CHANGE OF DATE OF JULY 2024 ORDINARY COUNCIL MEETING**

##### **REPORT PURPOSE**

The purpose of this report is for Council to consider changing the scheduled date of the 2024 July Ordinary Meeting of Council from the currently scheduled date of Monday 15 July 2024 to Monday 29 July 2024.

##### **RECOMMENDATION**

That Council resolves that the July 2024 Ordinary Meeting of Council will be held on Monday 29 July 2024, commencing at 6.30pm at the Council Chambers, Civic Centre, 60 Tasman Terrace, Port Lincoln.

#### **12.7. SA STATE ABORIGINAL FOOTBALL AND NETBALL CARNIVAL – FINANCIAL SUPPORT REQUEST**

##### **REPORT PURPOSE**

The purpose of this report is for Council to endorse providing financial support of \$5,000 to the Mallee Park Football Club, to host the SA State Aboriginal Football and Netball Carnival (Nunga Carnival) at the Ravendale Sporting Complex over the 2024 October Long Weekend.

##### **RECOMMENDATION**

1. That Council provides \$5,000.00 from the 2023/24 Sport and Recreation Grant Funding Program for the Mallee Park Football Club's application to host the SA State Aboriginal Football and Netball Carnival at the Ravendale Sporting Complex in October 2024.
2. That should the application be unsuccessful, that Mallee Park Football Club be required to return the funds.

**12.5 ELECTOR REPRESENTATION REVIEW**

| <b>REPORT INFORMATION</b>  |   |        |             |                          |        |   |          |        |
|--|---|--------|-------------|--------------------------|--------|---|----------|--------|
| <b>Report Title</b>  | Elector Representation Review   |        |             |                          |        |   |          |        |
| <b>Document ID</b>   | 32440   |        |             |                          |        |   |          |        |
| <b>Organisational Unit</b>   | Corporate & Community   |        |             |                          |        |   |          |        |
| <b>Responsible Officer</b>   | Manager Governance & Communications - Lynne Jolley  |        |             |                          |        |   |          |        |
| <b>Report Attachment/s</b>   | Yes<br>31442 – Representation Review Discussion Paper   |        |             |                          |        |   |          |        |
| <b>REPORT PURPOSE</b>  |   |        |             |                          |        |   |          |        |
| The purpose of this report is for Council to consider the Representation Review Discussion Paper and determine (in principle) the future composition and structure which it believes should come into effect at the next Local Government elections in 2026. |   |        |             |                          |        |   |          |        |
| <b>REPORT DECISION MAKING CONSIDERATIONS</b>   |   |        |             |                          |        |   |          |        |
| <b>Council Role</b>  | Advocate / Influence - Make representation on behalf of the Community; engage in public policy development in the interests of the community  |        |             |                          |        |   |          |        |
| <b>Strategic Alignment</b>   | SDP GOAL: Goal 3: Governance and Leadership<br>SDP ACTION: Not Applicable   |        |             |                          |        |   |          |        |
| <b>Annual Business Plan 2023/24</b>  | ABP INITIATIVE: Not Applicable<br>ABP PROJECT: Not Applicable   |        |             |                          |        |   |          |        |
| <b>Legislation</b>   | Local Government Act 1999   |        |             |                          |        |   |          |        |
| <b>Policy</b>  | Choose an item.   |        |             |                          |        |   |          |        |
| <b>Budget Implications</b>   | Not applicable for the 2023/24 budget but will need to be included in the 2024/25 budget  |        |             |                          |        |   |          |        |
|  | <table border="1"> <thead> <tr> <th>DESCRIPTION</th> <th>2024/25 BUDGET AMOUNT \$</th> <th>YTD \$</th> </tr> </thead> <tbody> <tr> <td>10164.702 - Elector Representation Review</td> <td>\$16,500</td> <td>\$0.00</td> </tr> </tbody> </table> |        | DESCRIPTION | 2024/25 BUDGET AMOUNT \$ | YTD \$ | 10164.702 - Elector Representation Review | \$16,500 | \$0.00 |
| DESCRIPTION  | 2024/25 BUDGET AMOUNT \$  | YTD \$ |             |                          |        |   |          |        |
| 10164.702 - Elector Representation Review  | \$16,500  | \$0.00 |             |                          |        |   |          |        |
|  | Budget assessment comments: This a mandatory legislative process and has included in the draft budget for 2024/2025   |        |             |                          |        |   |          |        |
| <b>Risk Implications</b>   | Low Risk  |        |             |                          |        |   |          |        |
| <b>Resource Implications</b>   | This is a planned resource allocation   |        |             |                          |        |   |          |        |
| <b>Public Consultation</b>   | Yes - Mandatory   |        |             |                          |        |   |          |        |
| <b>IAP2 Commitment</b>   | CONSULT - We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public feedback input has influenced the decision.   |        |             |                          |        |   |          |        |

**OFFICER'S RECOMMENDATION****That Council:**

- 1. Receives and notes the Discussion Paper pertaining to the Representation Review (document number 31442 dated May 2024); and**
- 2. Having considered the Discussion Paper, Council resolves the following 'in principle' recommendations for the future composition and structure of Council that it believes should come into effect at the next Local Government elections in 2026, for the purposes of preparation of the Representation Review Report for public consultation:**
  - a) The future elected body of Council comprise a total of [INSERT NUMBER] (#) area councillors (excluding the Mayor); and**
  - b) the existing "no wards" structure should be retained.**
- 3. Prepare a draft "Representation Report" presenting Council's 'in principle' recommendation for the preferred future elector representation arrangement; and**
- 4. Present the draft "Representation Report", for consideration and endorsement, prior to the initiation of the public consultation process.**

**REPORT DETAIL**

Section 12(3) of the *Local Government Act 1999* (the Act) indicates that Council must undertake a "representation review" to determine whether its community would benefit from an alteration to Council's composition or ward structure. This review is required to be undertaken and completed during the period April 2024 to April 2025.

Council last completed a review of its elector representation in February 2017, the outcome of which was the retention of the existing "no ward" structure and a change to the composition of Council to the Mayor and nine (9) area councillors (i.e. a reduction of one area councillor).

In March 2024 C L Rowe and Associates Pty Ltd was engaged to assist Council with the review process. Council determined that the consultancy was an organisation which is qualified to address the representation and governance issues that may arise with respect to the matters under review (as per the requirements of Section 12(5) of the Act).

A briefing was conducted on 5 June 2024 to generally inform members of the matters relevant to the review and the review process. Members were also provided with a Discussion Paper which contained five ward structure options (as examples of how the Council area could be divided into wards), as well as information pertaining to the existing "no ward" structure. A copy of the Discussion Paper is attached.

Essentially, the task now before Council is to determine (in principle) the future composition and structure which it believes should come into effect at the next Local Government elections in 2026. More specifically, Council will need to:

- examine the question of whether the number of elected members should be retained, reduced or increased;
- determine whether the existing "no wards" structure should be retained or whether the Council area should be divided into wards; and
- if the preference is for the Council area is to be divided into wards, identify the preferred future ward structure, including the names/titles of the proposed wards and the level of representation in each ward, and determine whether there is a need for "area councillors" in addition to "ward councillors".



Recent changes to Section 51 of the *Local Government Act 1999* removed the option for Council's to be constituted on the basis that the principal member could be chosen by the members of the council from amongst their own number. This is no longer an option that Council needs to consider as part of the Elector Representation Review Process.

Council's preferred composition and structure will be presented to the community for consideration and comment in a "Representation Report" which will be the basis of a twenty-one day public consultation process.

DOC ID 31442

**DISCUSSION PAPER**

**REPRESENTATION REVIEW**  
(Section 12 of the Local Government Act 1999)

**CITY OF PORT LINCOLN**

**May 2024**

## 1. INTRODUCTION

Section 12(3) of the *Local Government Act 1999* (the Act) indicates that Council must undertake a "representation review" to determine whether its community would benefit from an alteration to Council's composition or ward structure.

Section 12(4) of the Act states: *"A review may relate to a specific aspect of the composition of the council, or of the wards of the council, or may relate to those matters generally – but a council must ensure that all aspects of the composition of the council, and the issue of the division, or potential division, of the area of the council into wards, are comprehensively reviewed under this section at least once in each relevant period that is prescribed by the regulations"*.

The Minister for Local Government has specified that Council is required to undertake and complete a review during the period April 2024 – April 2025.

Council last completed a review of its elector representation in February 2017, the outcome of which was the retention of the then existing "no wards" structure and a change to the composition of Council to the Mayor and nine (9) "area councillors" (i.e. a reduction of one (1) "area councillor").

Essentially the task now before Council is to determine (in principle) the future composition and structure which it believes should come into effect at the next Local Government elections in 2026. More specifically, Council will need to:

- examine the question of whether the number of elected members should be reduced or increased, taking into account the fact that the principal member of Council must now be a mayor who is to be elected by the community as a representative of the Council area as a whole;
- determine whether the existing "no wards" structure should be retained or whether the Council area should be divided into wards; and
- if the preference is for the Council area is to be divided into wards, identify the preferred future ward structure, including the names/titles of the proposed wards and the level of representation in each ward, and determine whether there is a need for "area councillors" in addition to "ward councillors".

This Discussion Paper provides relevant information and ward structure options to assist the elected members with the aforementioned task. The "in principle" decisions made by Council at this time will be presented to the community, along with all supporting information, in a "Representation Report" which will form the basis of the upcoming public consultation stage of the review process.

Ultimately, at the end of the review process, any proposed changes to Council's composition and/or the structure should serve to uphold the democratic principle of "one person, one vote, one value".

## 2. REVIEW PROCESS

Sections 12(5) - 12(12a) of the Act outline the process that Council must adhere to when undertaking its review. A brief summary of this process is as follows.

### 2.1 Representation Report

The review is commenced with the preparation of a "Representation Report" by a person who, in the opinion of Council, is qualified to address the representation and governance issues that may arise during the course of the review.

The "Representation Report" must:

- examine the advantages and disadvantages of the options available in respect to a range of issues relating to the composition and structure of Council;
- examine whether the number of elected members should be reduced; and/or whether the Council area should be divided into wards, or not;
- set out the proposal that Council considers should be carried into effect at the next Local Government election; and
- include an analysis of how the Council proposal relates to the relevant principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act.

### 2.2 Public Consultation

Section 12(7) of the Act requires Council undertake public consultation based on the "Representation Report". This process must be in accordance with Council's Public Consultation Policy, or alternatively incorporate the publication of a notice in a newspaper circulating within the area of the council, on the Council website and in the Government Gazette.

The notice must invite interested persons to make submissions in relation to the report within a specified period (at least 21 days).

### 2.3 Final Report

At the completion of the prescribed public consultation stage Council must either:

- finalise its report (including information pertaining to the outcome of the public consultation process) and refer the final report to the Electoral Commissioner; or
- reconsider and/or amend its proposal (perhaps in keeping with public submissions), alter the Representation Report accordingly, and undertake further public consultation.

## 2.4 Exemption Certificate (If required)

In the unlikely circumstance that Council proposes a composition which exceeds the “member cap” specified under Section 11A of the Act, it must seek an “exemption certificate” from the Electoral Commissioner prior to finalising its review.

Should the Electoral Commissioner determine that there are “exceptional circumstances” that justify a refusal to grant an “exemption certificate”, the matter will be referred back to Council with written reasons for the refusal. In response to this action Council will be required to amend its proposal so that it will comprise a number of elected members equal to or less than the “member cap”; amend its report; undertake further public consultation; and ultimately forward an amended final report to the Electoral Commissioner for further consideration.

## 2.5 Final Gazette Notice

Upon receipt of notification that the representation review has been completed to the satisfaction of the Electoral Commissioner, Council will be required to publish a notice in the Government Gazette, on or before a date to be specified by the Electoral Commissioner. The notice will outline Council’s proposed future composition and structure, and will give notice of the day that the proposal will come into effect (i.e. the day of the next Local Government election in November 2026).

### 3. LEGISLATIVE REQUIREMENTS

The most relevant provisions of the Act are the following.

**Section 11A** specifies that a council must not be comprised of more than thirteen (13) members (including the principal member) unless it has been granted an "exemption certificate" by the Electoral Commissioner under Section 12(11b) of the Act.

**Section 26(1)(c)** requires that, when considering a reform proposal, Council should have regard to a list of principles, the most relevant being the following.

- Proposed changes should, wherever practicable, benefit ratepayers.
- A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations.
- Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term).

**Section 33** requires that, in the formulation of a proposal that relates to the boundaries of a ward or wards, the review must also take into account, as far as practicable:

- the desirability of reflecting communities of interest of an economic, social, regional or other kind;
- the population of the area, and of each ward affected or envisaged by the proposal;
- the topography of the area, and of each ward affected or envisaged by the proposal;
- the feasibility of communication between electors affected by the proposal and their elected representatives;
- the nature of substantial demographic changes that may occur in the foreseeable future; and
- the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term).

**Section 33(2)** of the Act requires that a proposal which relates to the formation or alteration of wards of a council must observe the principle that the number of electors represented by a councillor must not, as at the relevant date (assuming that the proposal was in operation), vary from the ward quota by more than 10 per cent.

**Section 51** specifies that the principal member of council must be appointed (by the Governor under circumstances prescribed under Section 10 of the Act) or elected as a representative of the area as a whole; and is to be called mayor.

## 4. COMPOSITION OF COUNCIL

### 4.1 Principal Member

The principal member of Council must be appointed (by the Governor under circumstances prescribed under Section 10 of the Act) or elected as a representative of the area as a whole; and is to be called mayor. The Act no longer affords any alternative.

### 4.2 Councillors

Section 52(1) of the Act specifies that all members of Council, other than the principal member, shall have the title of councillor.

Section 52(2) states that a councillor will (depending on how the council is constituted):

- be elected by the electors for the area, as a representative of the area as a whole (whether or not the area is divided into wards); or
- if the area is divided into wards, be elected by the electors of a particular ward, as a representative of the ward.

Where the Council area is divided into wards, an "area councillor" adopts a similar role to that of the former office of Alderman and focuses on matters pertaining to the Council area as a whole rather than a ward.

Arguments in favour of "area councillors" (in addition to ward councillors) include:

- the area councillor should be free of parochial ward attitudes and responsibilities;
- the area councillor may be an experienced elected member who can share his/her knowledge and experience with the ward councillors;
- the area councillor is free to assist the principal member and ward councillors, if required; and
- the lines of communication between Council and the community are enhanced through the greater number of elected members.

The opposing view is that an "area councillor" (in addition to ward councillors) holds no greater status than a ward councillor; has no greater responsibilities than a ward councillor; and need not comply with any extraordinary or additional eligibility requirements. In addition, it should be noted that:

- additional elected members ("area councillors") will create additional expense;
- any contested election for area councillors must be conducted across the whole of the council area at considerable cost;
- area councillors are considered to be an unnecessary tier of representation and therefore are not a popular option amongst councils (i.e. only the City of Adelaide has "area councillors" in addition to councillors);

- ward councillors do not have to reside in the ward which they represent and, as such, the traditional role and/or basis for the ward councillor has changed to a council-wide perspective;
- ward councillors generally consider themselves to represent not only their ward, but the Council area as a whole (like an area councillor), and it is suggested that their role and actions within the council chamber, and the functions they perform on behalf of council, generally reflect this attitude and circumstance; and
- the task and expense of contesting council-wide elections for an area councillor can be prohibitive, and may deter appropriate/quality candidates.



## 5. ELECTOR REPRESENTATION

Council must provide adequate and fair representation and generally adhere to the democratic principle of “one person, one vote, one value”. In addition, there needs to be sufficient elected members to:

- manage and guide the affairs of Council;
- lead and form the core of the Council committees;
- share the demands placed upon them by their constituents;
- provide adequate lines of communication between the community and Council;
- achieve the desired diversity in member's skill sets, experience and backgrounds; and
- ensure a range of viewpoints that spurs innovation and creativity in Council planning and decision-making.

Council has comprised the Mayor and nine (9) area councillors since the Local Government election in 2018

Section 11A of the Act specifies that a **council must not be comprised of more than thirteen (13) members** (including the principal member) unless it has been granted an “exemption certificate” by the Electoral Commissioner under Section 12(11b) of the Act.

In addition, Sections 26(1)(c) and 33(1) of the Act express the need to ensure adequate and fair representation while at the same time **avoiding over-representation in comparison to other councils of a similar size and type** (at least in the longer term).

The comparison of councils is not a straightforward exercise, given that no councils are identical in terms of their size (elector numbers and/or area), population, character, topography and/or communities of interest. However, it can provide some guidance in regard to an appropriate elector ratio or level of representation (i.e. number of councillors).

Table 1 presents information pertaining to the composition, size and elector ratio of a number of councils which are generally similar in size (in terms of elector numbers) and type to City of Port Lincoln. Whilst the City of Port Lincoln is clearly the smallest of the cited councils (in area), the data indicates that it has the equal lowest number of elected members; and is generally similar to the other cited councils in regard to elector numbers and elector ratio.

Of the regional councils, eighteen (18) comprise nine councillors; ten (10) comprise eight councillors; nine (9) comprise seven (7) councillors; and five (5) comprise six councillors.

Table 1: Representation comparisons with councils of a similar size and type

| Council                                   | Councillors | Electors      | Elector Ratio  |
|---|-------------|---------------|----------------|
| Yorke Peninsula (5,834 km <sup>2</sup> )  | 11          | 9,290         | 1:845          |
| Port Augusta (1,153 km <sup>2</sup> )     | 9           | 9,888         | 1:1,097        |
| Light Regional (1,278 km <sup>2</sup> )   | 10          | 11,815        | 1:1,182        |
| <b>Port Lincoln (30.4 km<sup>2</sup>)</b> | <b>9</b>    | <b>11,026</b> | <b>1:1,225</b> |
| Copper Coast (773 km <sup>2</sup> )       | 10          | 12,549        | 1:1,255        |
| Port Pirie (1,761 km <sup>2</sup> )       | 9           | 13,133        | 1:1,459        |
| Victor Harbor (386.5 km <sup>2</sup> )    | 9           | 13,601        | 1:1,511        |

Source: Electoral Commission SA (24<sup>th</sup> April 2024)

A reduction in the number of councillors will result in elector ratios of **1:1,378 (eight councillors)** or **1:1,575 (seven councillors)**, and a minimum cost saving of \$10,955 per annum (i.e. the annual allowance for a councillor).

Further, it could be reasonably concluded that it will likely be difficult to mount a sustainable argument to increase the number of elector members at this time, despite the likelihood of some further population growth in the foreseeable future.

There are no inherent disadvantages in having an even or odd number of councillors. An odd number may overcome the requirement for the Mayor to cast a deciding vote but may require the development/implementation of a ward structure that exhibits a varying level of representation between wards. The latter can be perceived as an imbalance.

## 6. WARD STRUCTURE

Section 12(1)(b) of the Act indicates that Council can "divide, or redivide, the area of the council into wards, alter the division of the area of the council into wards, or abolish the division of the area of a council into wards".

The City of Port Lincoln has not been divided into wards since the Local Government elections in 2003.

Currently thirty-five (35) of the forty-nine (49) regional councils have no wards, as do two (2) of the nineteen (19) metropolitan councils (i.e. the Towns of Gawler and Walkerville).

### 6.1 Wards

The advantages of introducing a ward structure include:

- wards guarantee some form and level of direct representation to all parts of the Council area and/or existing communities of interest;
- ward councillors can focus on local issues as well as council-wide issues;
- ward councillors are more likely to be known to their ward constituents (and vice versa);
- ward councillors can have more of an affiliation with the local community and more understanding of the local issues and/or concerns;
- the task and expense of contesting a ward election may be less daunting to prospective candidates, whereas the task and expense of contesting council-wide elections (under the "no wards" alternative) could be prohibitive, and therefore may deter appropriate/quality candidates;
- Council only has to conduct elections and supplementary elections within contested wards (potential cost saving), whereas under the no ward" alternative Council has to conduct elections and supplementary elections across the whole of the Council area (at a significant expense);
- the concern that a single interest group could gain considerable representation on Council under the alternative "no wards" structure;
- under the "no wards" alternative the more popular or known councillors may receive more enquiries from the public (i.e. inequitable workloads);
- existing ward councillors already deliberate and make decisions on the basis of achieving the best outcome for the whole of the Council area (as would be the role of an area councillor under the "no ward" alternative) and
- ward based elections have the potential to deliver councillors from different parts of the Council area, potentially resulting in a greater diversity in the skill sets, experience, expertise and opinions amongst the elected members.

The disadvantages of a ward structure include:

- ward councillors do not have to reside within the ward that they represent and, as such, may have no affiliation with the local community and/or empathy for the local issues and/or concerns;
- electors can only vote for councillors/candidates within their ward;
- candidates can be favoured by the peculiarities of the ward based electoral system (e.g. candidates elected unopposed or having been unsuccessful despite attracting more votes than elected candidates in other wards);
- ward councillors may develop ward-centric attitudes and be less focused on the bigger council-wide issues;
- ward boundaries are lines which are based solely on elector distribution and may serve to divide the community rather than foster civic unity;
- despite comparable ward elector ratios, inequitable levels of representation between wards and/or the physical sizes of wards can create a perception of imbalance in voting power within Council; and
- ward councillors generally consider themselves to represent not only their ward but the Council area as a whole and, as such, the need for wards is questionable.

## 6.2 No Wards

The advantages of retaining the existing “no wards” structure include:

- “no wards” is the optimum democratic structure as it enables the electors to vote for all of the vacant positions on Council;
- the most supported candidates from across the Council area will likely be elected, rather than candidates who may be favoured by the peculiarities of the ward based electoral system (e.g. candidates being elected unopposed or unsuccessful candidates who attracted more votes than successful candidates in other wards);
- the elected members should be free of parochial ward attitudes;
- the lines of communication between Council and the community should be enhanced, given that members of the community should be able to consult with any and/or all members of Council, rather than feel obliged to consult with their specific ward councillors;
- as ward councillors do not have to reside within the ward that they represent, a ward structure does not guarantee that a ward councillor will have empathy for, or an affiliation with, the ward;
- small communities within the Council area can still be directly represented on Council, provided they muster sufficient support for a local candidate;
- the structure automatically absorbs fluctuations in elector numbers and there is no requirement for compliance with specified quota tolerance limits;

- ward councillors generally consider themselves to represent not only their ward but the Council area as a whole;
- the introduction of postal voting has facilitated the dissemination of campaign literature throughout the Council area, thereby reducing the difficulty and cost of contesting a council-wide election campaign;
- successful candidates generally have to attract no more votes than what they would have received/required under a ward election;
- candidates for election to Council will require the genuine desire, ability and means to succeed and serve on Council, given the perceived difficulties and expense associated with contesting "at large" elections;
- a supplementary election does not have to be held to fill a casual vacancy on Council (Section 6(2)(b) of the Local Government (Elections) Act 1999); and
- the retention of the existing "no wards" structure could be perceived by the community as a sign of stability within Local Government.

The disadvantages of a "no wards" structure include:-

- the elected members could come from the more heavily populated parts of the Council area rather than from across the whole of the Council area;
- a single interest group could gain considerable representation on Council;
- concern council-wide elections will not guarantee that elected members will have any empathy for, or affiliation with, all communities across the whole Council area;
- Council will have to conduct elections and supplementary elections across the whole of the Council area (at a significant expense);
- the more popular or known councillors may receive more enquiries from the public (i.e. inequitable workloads); and
- potential candidates for election to Council may be deterred by the perceived difficulties and expense associated with council-wide elections.

### 6.3 Ward Representation

Wards represented by **a single councillor** are generally small in area and therefore afford the ward councillor the opportunity to be more accessible to his/her constituents and able to concentrate on issues of local importance. Due to the smaller size of the wards it is generally difficult to identify suitable ward boundaries; maintain entire communities of interest; sustain significant fluctuations in elector numbers; and comply with the specified quota tolerance limit. The work load of the ward councillor can also be demanding, and absenteeism by the elected member (for whatever purpose and/or period) will leave the ward without direct representation.

Three (3) regional councils have a ward structure which includes single-councillor wards.

Wards represented by **two councillors** are common throughout the State; allow for the sharing of duties and responsibilities between the ward councillors; lessen the likelihood of ward parochialism; and afford continuous ward representation should one ward councillor be absent.

**Multi-councillor wards** are generally larger in area and therefore the overall ward structure can be relatively simple. Councillor absenteeism can be easily covered; the work load of the ward councillors can be reduced; there are greater perceived lines of communication between ward councillors and their constituents; and there is more flexibility in regard to ward quota, allowances for fluctuations in elector numbers, and the preservation of communities of interest.

Six (6) metropolitan councils and thirteen (13) regional councils have ward structures which have three (3) or more councillors representing a ward.

There are no inherent disadvantages associated with **varying levels** of representation between wards, provided the elector ratios within the wards are relatively consistent. However, such structures can be seen to lack balance and/or equity, with the larger wards (in elector and councillor numbers) being perceived as having a greater, more influential voice on Council.

Four (4) metropolitan councils and ten (10) regional councils have ward structures which exhibit varying levels of representation between wards.

#### 6.4 Ward Boundaries

A ward structure should have a logical basis and, where possible, exhibit boundaries which are easily identified and readily accepted by the community. Accordingly, every effort should be made to align proposed possible future ward boundaries with existing, long established district boundaries, main roads, or prominent geographical and/or man-made features.

#### 6.5 Ward Identification

The means of ward identification are limited.

The allocation of alphabetical letters, numbers and/or compass points (e.g. north, south, central etc) are all considered to be acceptable, but lack imagination and fail to reflect the character and/or history of the Council area. The same cannot be said for the allocation of names of local heritage/cultural significance.

The allocation of certain district or town names can be confusing and fail to reflect the existence of all of the other districts and/or towns within the Council area. Whilst this is not a major issue, the review affords the opportunity for the community and Council to consider appropriate alternatives.

## 7. WARD STRUCTURE ASSESSMENT CRITERIA

Section 33(1) of the Act requires that the following matters be taken into account, as far as practicable, in the formulation of a proposal that relates to the boundaries of a ward or wards:

- the desirability of reflecting communities of interest of an economic, social, regional or other kind;
- the population of the area, and of each ward affected or envisaged by the proposal;
- the topography of the area, and of each ward affected or envisaged by the proposal;
- the feasibility of communication between electors affected by the proposal and their elected representatives;
- the nature of substantial demographic changes that may occur in the foreseeable future; and
- the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term).

Relevant information pertaining to the above matters is provided hereinafter.

### 7.1 Communities of Interest

The issue of “communities of interest” can be complex and, as such, local knowledge will be particularly valuable.

In the past the Local Government Boundary Reform Board indicated that:

- “communities of interest” for the purpose of structural reform proposals, are defined as aspects of the physical, economic and social systems which are central to the interactions of communities in their living environment; and
- “communities of interest” are identified by considering factors relevant to the physical, economic and social environment, including neighbourhood communities; history and heritage communities; sporting facilities; community support services; recreation and leisure communities; retail and shopping centres; work communities; industrial and economic development clusters; and environmental and geographic interests.

In addition, Sections 26 and 33 of the Act make reference to “communities of interest” of an economic, social, regional or other kind.

The Council area only covers approximately 30.4 km<sup>2</sup> and incorporates most of the township of Port Lincoln. As such, the Council area is considered to comprise a single entity or “community of interest”. In addition, the current distribution pattern of electors throughout the Council area, and in particular within the township, makes it particularly difficult to divide the Council area into wards on a rational and/or equitable basis without dissecting some of the smaller existing communities.

## 7.2 Population and Demographic Trends

When developing potential future ward structures, consideration should be given to demographic trends, as allowances have to be made to accommodate any identified or likely future fluctuations in elector numbers.

The following information should be of assistance in regard to this matter.

Data sourced from **Electoral Commission SA** indicates that the number of eligible electors enrolled to vote in a Council election has fluctuated over the period 2010 to 2024, with the overall number of electors increasing by 1,227 or 12.52% over the stated period (i.e. 9,799 – 11,026).

Interestingly, since the Local Government election in 2018, elector numbers have increased by 704 or 6.82% (as at 24<sup>th</sup> April 2024).

**Population projections** prepared by the Department of Planning, Transport and Infrastructure (Local Area (SA2 and LGA), Population Projections for South Australia, 2021 – 2041, published March 2024) indicate that the population of Port Lincoln is anticipated to increase by 2,226 or 15.0% (i.e. 14,879 – 17,105) over the period 2021 – 2041.

Data provided by the **Australian Bureau of Statistics (refer 3218.0 Regional Population Growth, Australia)** indicates that the estimated population of the City of Port Lincoln increased by 681 or 4.92% over the period 2001 – 20016; and then increased by a further 495 or 3.41% during the period 2016 – 2023. This equates to a total increase of 1,176 or 8.5% over the period 2001 - 2023.

Australian Bureau of Statistics "**Quick Stats**" indicate that the estimated population of the Council area increased by 1,205 people or 9.13% during the period 2001 - 2021 (i.e. 13,199 – 14,404).

Initial investigations identified potential future residential growth opportunities which may impact upon future population/elector numbers in the foreseeable future. The "**Planning Review, Eyre and Western Regional Plan**" (Future Urban, May 2023) identified past and current land division proposals throughout the Council area., including (but not limited to) locations in and about the township/Council area such as Barley Road, Breton Place, Marine Avenue, Milton Avenue, Mitton Avenue, New West Road, Nootina Road, Oscar Drive and Roslyn Street.

## 7.3 Quota (Elector Ratio)

Section 33(2) of the Act requires that any proposal which relates to the formation or alteration of wards of a Council must observe the principle that the number of electors represented by a councillor must not vary from the ward quota by more than 10%.



Ward quota is the number of electors within a ward divided by the number of ward councillors, whereas the "elector ratio" for the Council area is the total number of electors divided by the number of councillors (i.e. the Mayor is excluded).

Given the aforementioned, any potential future ward structure must incorporate wards wherein the distribution of electors is equitable, either in terms of numbers (if the wards have equal representation) or elector ratio. Under the latter circumstance, the elector ratio within each ward must be within 10% of the average elector ratio for the Council area. The Act only allows for the 10% quota tolerance limit to be exceeded in the short term if demographic changes predicted by a Federal or State government agency indicate that the ward quota will not be exceeded at the time of the next periodic Local Government election.

It should also be noted that the provisions of Section 12(24) of the Act specify that where a Council area is divided into wards and the elector ratio of a ward varies from the quota by more than 20%, the council will have to undertake another review within a period specified by the Electoral Commissioner.

## 8. WARD STRUCTURE OPTIONS

As indicated earlier, the Act states that:

- a review may relate to a specific aspect of the composition of the council, or of the wards of the council, or may relate to those matters generally – but a council must ensure that all aspects of its composition, and the issue of the division, or potential division, of the area of the council into wards, are comprehensively reviewed; and
- Council can "divide, or redivide, the area of the council into wards, alter the division of the area of the council into wards, or abolish the division of the area of a council into wards".

Five (5) ward structure options have been provided to **demonstrate** how the Council area can potentially be divided into wards. These options are only **examples** of how the Council area can be divided into wards under various composition scenarios, ranging from seven (7) to nine (9) ward councillors.

The presented ward structures have been developed to:

- ensure that all of the proposed wards exhibit a similar character;
- reflect some logical basis and an equitable distribution of elector numbers;
- exhibit a consistent level of representation between the proposed wards (where possible);
- accommodate anticipated future fluctuations in elector numbers;
- maintain existing communities of interest, where possible; and
- incorporate proposed ward boundaries which, where possible, align with district or locality boundaries, main roads and/or prominent features.

The existing "no wards" structure has also been presented as an option, given the provisions of Section 12(1)(b) of the Act which allow for the abolition of wards, and the fact that this structure has been in place since 2003.

## 8.1 Option 1 – No wards

### 8.1.1 Description

The retention of the existing "no wards" structure.

### 8.1.2 Comments

The Council area has not been divided into wards for over twenty years; and the "no ward" structure can accommodate any number of "area councillors", as determined appropriate by Council.

The arguments for and against the "no wards" option have been previously presented (refer 7.2 No Wards, pages 11 and 12).



## 8.2 Option 2 - Nine Councillors/Three Wards

### 8.2.1 Description

The division of the Council area into three (3) wards, with all of the proposed wards being represented by three (3) councillors.

Ward 1: Bounded by Lewis Street, New West Road, Rodda Avenue, Gulf Avenue, Duncan Avenue, Hilltop Drive and Flinders Highway.

Ward 2: Bounded by Lewis Street, New West Road, Rodda Avenue, Gulf Avenue, Duncan Avenue, Hilltop Drive and Flinders Highway; and Proper Bay Road, Verran Terrace, Luke Street, Dublin Street and Porter Street to the coast.

Ward 3: Bounded by Proper Bay Road, Verran Terrace, Luke Street, Dublin Street and Porter Street to the coast.

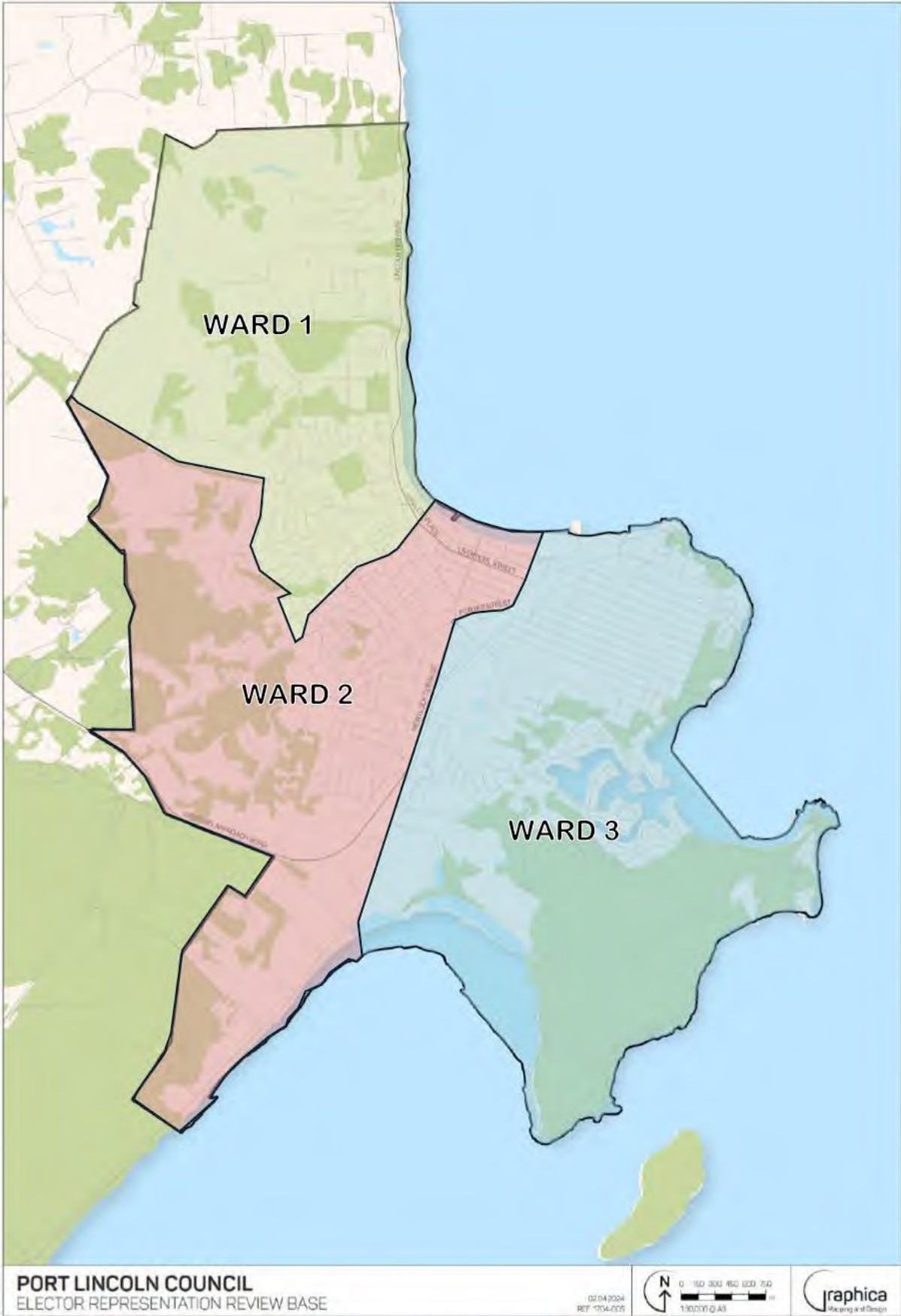
### 8.2.2 Ward Representation

| Ward           | Councillors | Electors | Ratio   | % Variance |
|----------------|-------------|----------|---------|------------|
| Ward 1         | 3           | 3,652    | 1:1,217 | + 0.30     |
| Ward 2         | 3           | 3,481    | 1:1,160 | - 4.39     |
| Ward 3         | 3           | 3,790    | 1:1,263 | + 4.09     |
| <b>Total</b>   | 9           | 10,923   |         |            |
| <b>Average</b> |             |          | 1:1,214 |            |

Source: Electoral Commission SA , House of Assembly Roll (March 2024)  
Council Voters Roll (March 2024)

### 8.2.3 Comments

- This option demonstrates the difficulty of identifying a ward structure which has a rational basis and, at the same time, maintains “communities of interest” or like land uses within a ward; proposes an equitable distribution of electors between the wards; allows for any anticipated population growth; and exhibits logical and/or clearly identifiable boundaries.
- The proposed ward structure is awkward in its configuration.
- The level of representation in the proposed wards is consistent (i.e. three councillors per ward); and the ward elector ratios lay within the specified quota tolerance limits.
- In places the proposed ward boundaries have had to be aligned with minor roads in order to achieve a reasonably equitable distribution of electors between the proposed wards. This situation is not ideal as it could serve to divide existing communities of interest or existing similar land uses.





## 8.3 Option 3 – Nine Councillors/Three Wards

### 8.3.1 Description

The division of the Council area into three (3) wards, with one of the proposed wards being represented by four (4) councillors; one of the proposed wards being represented by three (3) councillors; and the remaining proposed ward being represented by two (2) councillors.

Ward 1: Bounded by New West Road, Oxford Terrace, Sleaford Terrace and Porter Street to the coast.

Ward 2: Bounded by New West Road, Oxford Terrace, Sleaford Terrace and Porter Street to the coast; and Bligh Street, Mortlock Terrace and Pine Freezers Road (extended and to the coast).

Ward 3: Bounded by Bligh Street, Mortlock Terrace and Pine Freezers Road (extended to the coast).

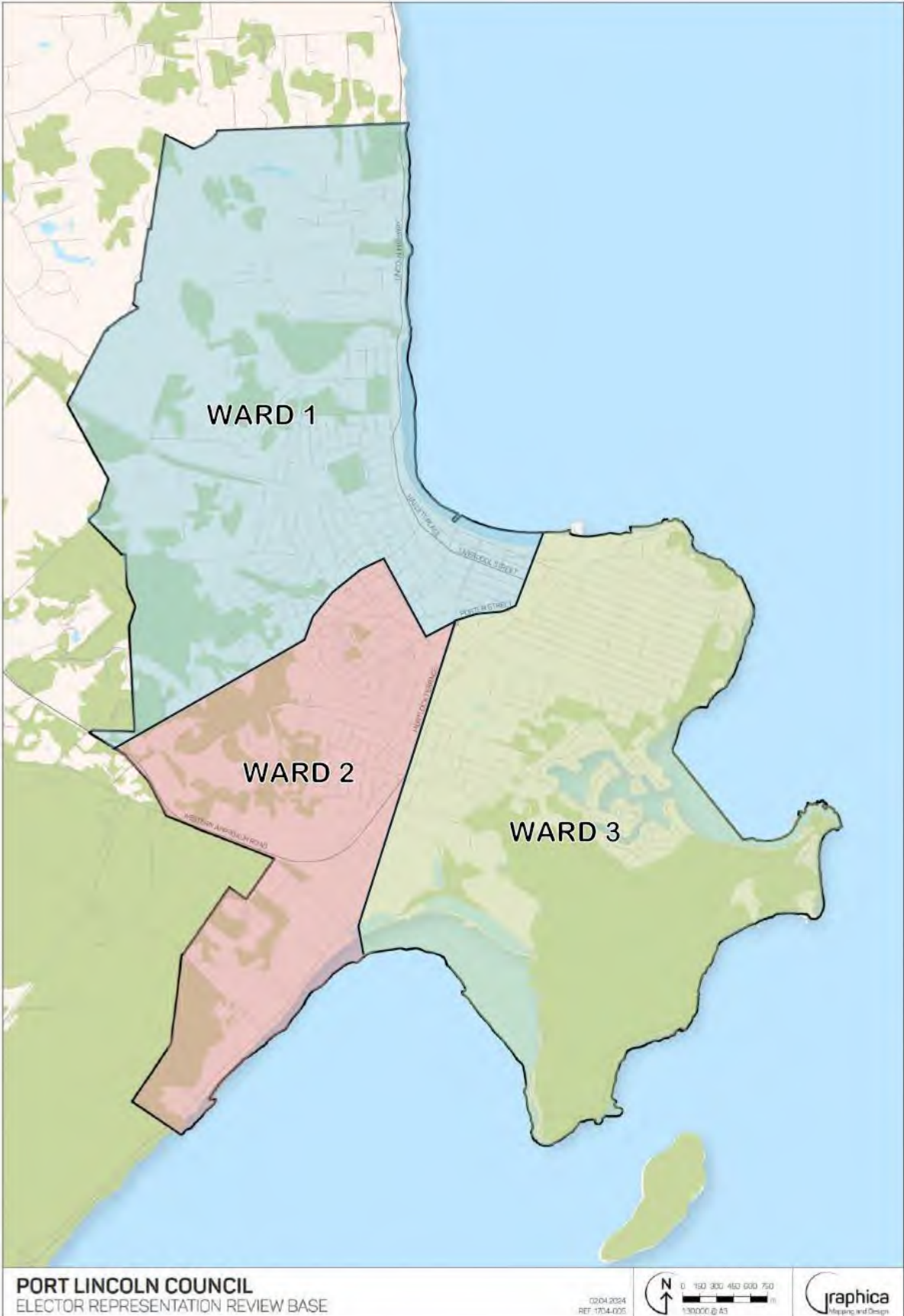
### 8.3.2 Ward Representation

| Ward           | Councillors | Electors | Ratio   | % Variance |
|----------------|-------------|----------|---------|------------|
| Ward 1         | 4           | 4,606    | 1:1,152 | - 5.12     |
| Ward 2         | 2           | 2,493    | 1:1,247 | + 2.71     |
| Ward 3         | 3           | 3,824    | 1:1,275 | + 5.03     |
| <b>Total</b>   | 9           | 10,923   |         |            |
| <b>Average</b> |             |          | 1:1,214 |            |

Source: Electoral Commission SA , House of Assembly Roll (March 2024)  
Council Voters Roll (March 2024)

### 8.3.3 Comments

- A relatively simple three ward structure which incorporates wards of a similar size/area.
- The proposed ward elector ratios lay within the specified quota tolerance limits and, as such, should sustain reasonable fluctuations in elector numbers.
- The proposed ward boundaries align with some minor roads.
- The disparity in the levels of ward representation could be perceived to favour the communities within the wards with the greater number of elected members.
- There is little rationale for the proposed ward structure other than to divide the township/Council area into wards based on the distribution of elector numbers.



## 8.4 Option 4 - Nine Councillors/Three Wards

### 8.4.1 Description

The division of the Council area into three (3) wards, with one of the proposed wards being represented by four (4) councillors; one of the proposed wards being represented by three (3) councillors; and the remaining proposed ward being represented by two (2) councillors.

Ward 1: Bounded by Porter Street, Sleaford Terrace, Oxford Terrace and Flinders Highway.

Ward 2: Bounded by Porter Street, Mortlock Terrace, Windsor Avenue, Stamford Terrace, Marina Drive, Biana Close and St Andrews Drive to the coast.

Ward 3: Bounded by Flinders Highway, Oxford Terrace, Sleaford Terrace, Mortlock Terrace, Windsor Avenue, Stamford Terrace, Marina Drive, Biana Close and St Andrews Drive to the coast.

### 8.4.2 Ward Representation

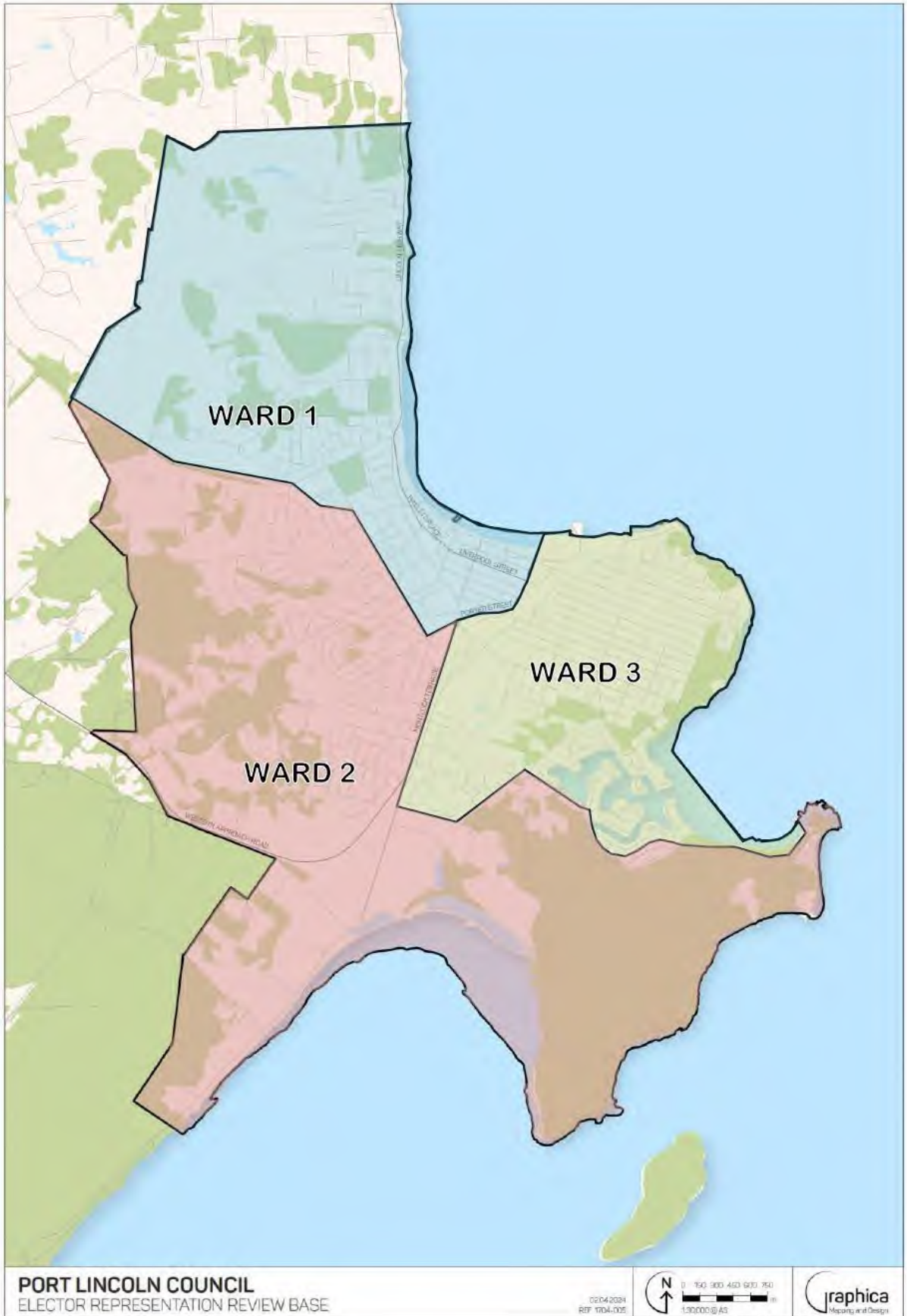
| Ward           | Councillors | Electors | Ratio   | % Variance |
|----------------|-------------|----------|---------|------------|
| Ward 1         | 2           | 2,476    | 1:1,238 | + 2.00     |
| Ward 2         | 4           | 4,831    | 1:1,208 | - 0.49     |
| Ward 3         | 3           | 3,616    | 1:1,205 | - 0.69     |
| <b>Total</b>   | 9           | 10,923   |         |            |
| <b>Average</b> |             |          | 1:1,214 |            |

Source: Electoral Commission SA , House of Assembly Roll (March 2024)  
Council Voters Roll (March 2024)

### 8.4.3 Comments

- Another three ward structure which exhibits wards with varying levels of representation.
- The ward elector ratios lay well within the specified quota tolerance limits and, as such, should be capable of sustaining reasonable fluctuations in elector numbers.
- Again, there is little rationale for the proposed ward structure other than to divide the township/Council area into wards based on the distribution of elector numbers.





## 8.5 Option 5 – Eight Councillors/Three Wards

### 8.5.1 Description

The division of the Council area into three (3) wards, with two of the proposed wards each being represented by three (3) councillors, and the remaining proposed ward being represented by two (2) councillors.

Ward 1: Bounded by Lewis Street and New West Road.

Ward 2: Bounded by Lewis Street and New West Road; and Porter Street, Mortlock Terrace, Proper Bay Road and the extension thereof to the coast.

Ward 3: Bounded by Porter Street, Mortlock Terrace, Proper Bay Road and the extension thereof to the coast.

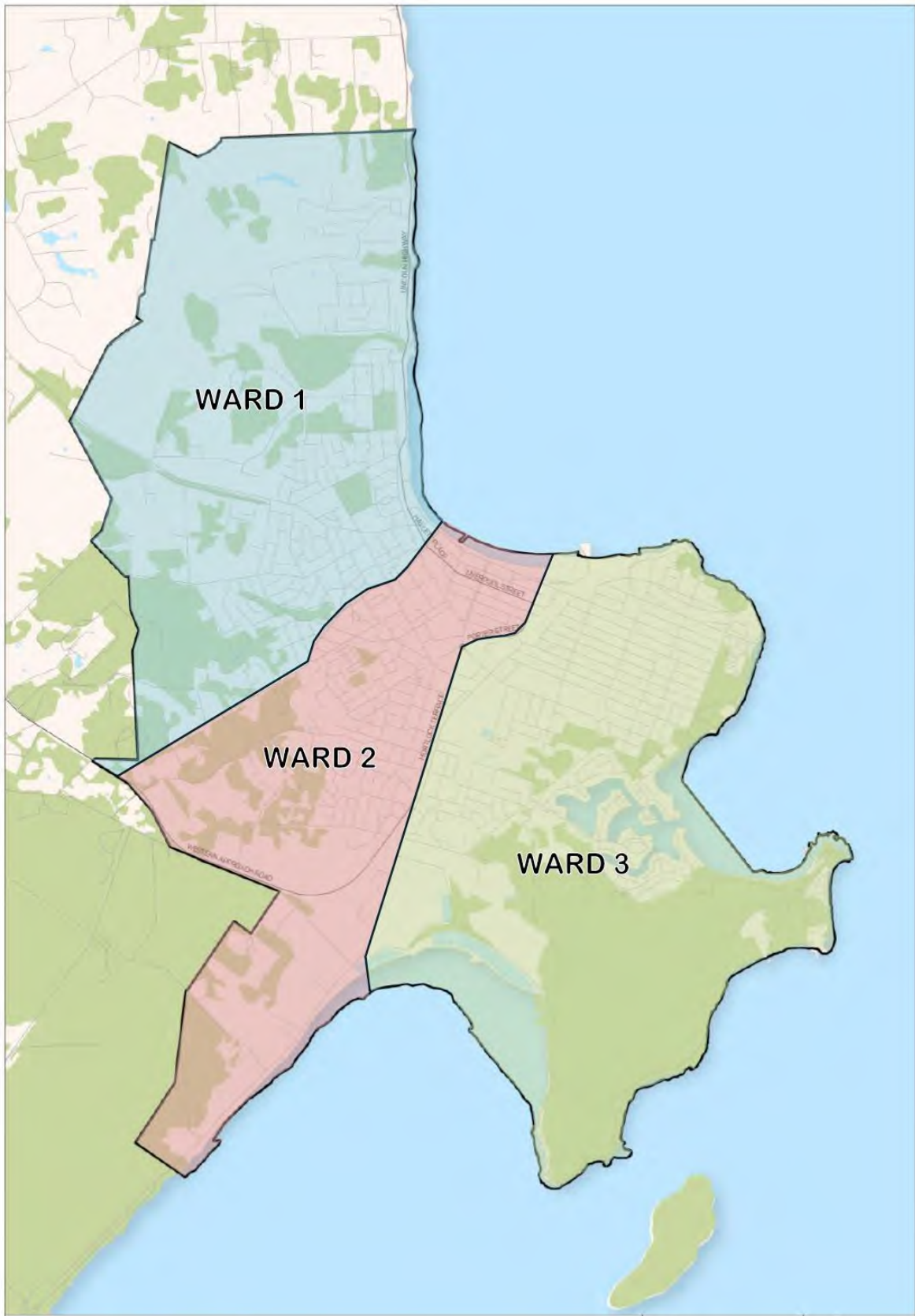
### 8.5.2 Ward Representation

| Ward           | Councillors | Electors | Ratio   | %<br>Variance |
|----------------|-------------|----------|---------|---------------|
| Ward 1         | 3           | 4,395    | 1:1,465 | + 7.30        |
| Ward 2         | 2           | 2,704    | 1:1,352 | = 0.98        |
| Ward 3         | 3           | 3,824    | 1:1,275 | = 6.64        |
| <b>Total</b>   | 8           | 10,923   |         |               |
| <b>Average</b> |             |          | 1:1,365 |               |

Source: Electoral Commission SA, House of Assembly Roll (March 2024)  
Council Voters Roll (March 2024)

### 8.5.3 Comments

- Another relatively simple three ward structure (but with one less councillor).
- The proposed boundaries which generally align with prominent roads.
- One less elected member will result in some cost savings (including a member's allowance of \$15,381 pa) but also results in one less line of communication between the community and Council.
- The ward elector ratios lay within the specified quota tolerance limits but are nearing the limits in proposed Wards 1 and 3. For example, proposed Ward 1 could sustain a minimum of approximately 200 additional electors, however, this situation will be improved if growth in elector numbers occurs in the other proposed wards.



## 8.6 Option 6 – Seven Councillors/Three Wards

### 8.6.1 Description

The division of the Council area into three (3) wards, with one of the proposed wards being represented by three (3) councillors; and the remaining two (2) proposed wards each being represented by two (2) councillors.

Ward 1: Bounded by Bligh Street, Mortlock Terrace, Sleaford Terrace, Oxford Terrace and New West Road.

Ward 2: Bounded by Bligh Street, Mortlock Terrace, Sleaford Terrace, Oxford Terrace and New West Road; and Stevenson Street, Ravendale Road, Stamford Terrace, Windsor Avenue, Proper Bay Road and an extension thereof to the coast.

Ward 3: Bounded by Stevenson Street, Ravendale Road, Stamford Terrace, Windsor Avenue, Proper Bay Road and an extension thereof to the coast.

### 8.6.2 Ward Representation

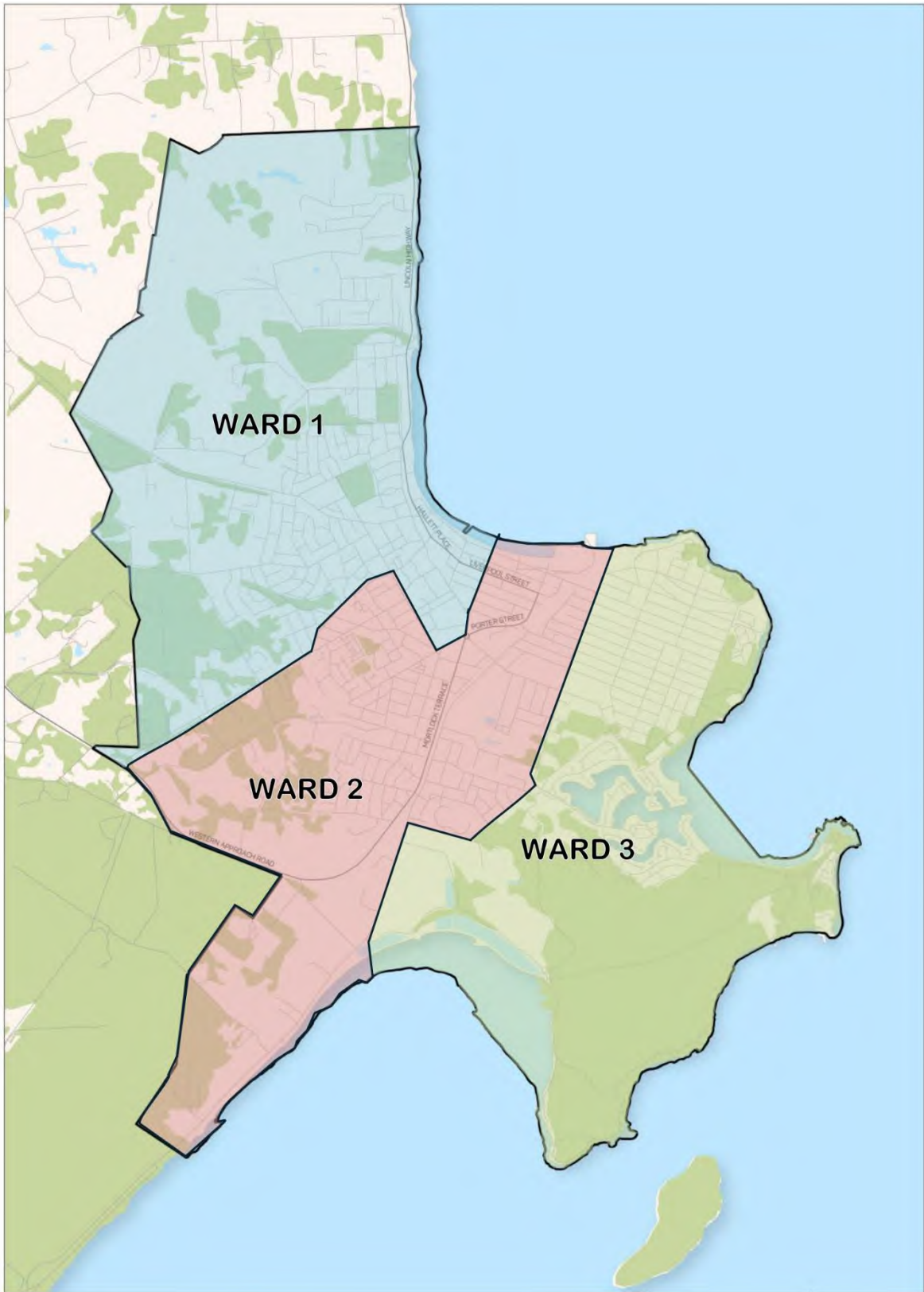
| Ward           | Councillors | Electors | Ratio   | % Variance |
|----------------|-------------|----------|---------|------------|
| Ward 1         | 3           | 4,521    | 1:1,507 | - 3.42     |
| Ward 2         | 2           | 3,256    | 1:1,628 | + 4.33     |
| Ward 3         | 2           | 3,146    | 1:1,573 | + 0.81     |
| <b>Total</b>   | 7           | 10,923   |         |            |
| <b>Average</b> |             |          | 1:1,560 |            |

Source: Electoral Commission SA , House of Assembly Roll (March 2024)  
Council Voters Roll (March 2024)

### 8.6.3 Comments

- The reduction by two (2) councillors will afford some cost saving (i.e. the costs and allowances associated with two councillors).
- The elector ratios of the proposed wards lay well within the specified quota tolerance limits.
- The proposed ward structure is acceptable but the proposed ward boundaries are a little ungainly and lack a logical basis.
- The imbalance in the level of representation in the proposed wards could be perceived as favouring the communities within proposed Ward 1.





## 9. SUMMARY

The representation review being undertaken by the City of Port Lincoln must be comprehensive; open to scrutiny by, and input from, the local community; and, where possible, seek to improve elector representation. Further, Council must examine and, where necessary, identify amendments to its present composition and ward structure, with the view to achieving fair and adequate representation of all of the electors across the Council area.

At this early stage of the review process Council will have to make some “in principle” decisions in respect to its future composition, and the future division of the Council area into wards (if required). The proposal that Council desires to bring into effect at the next Local Government elections (November 2026) will need to be presented to the local community, for consideration and comment, in the prescribed “Representation Report”.

The key issues of the review are the future composition and size of Council, and whether the Council area should be divided into wards, or alternatively whether the existing “no wards” structure should be retained.

The principal member of Council will be a **Mayor** elected by the community, as per the requirement of Section 51 of the Act. All elected members other than the principal member have to bear the title of councillor.

**Area councillors** represent the whole of the Council area and are generally associated with those Councils which have abolished wards. The alternative is a **ward councillor** who is specifically elected to represent a particular ward area. However, ward structures can also include area councillors (in addition to ward councillors) and this arrangement is unique to one council in South Australia (i.e. the City of Adelaide). It is considered that this office/form of elected member provides an unnecessary second tier of representation; affords few advantages; and comes at a financial cost. Further, ward councillors are generally quick to point out that they represent the Council area as a whole, and participate equally in determining matters of council-wide importance that are presented before Council. It should also be noted that any contested elections (and/or supplementary elections) for the position(s) of area councillor have to be conducted across the Council area at a considerable cost to Council.

Whilst there is no formula that can be utilised to determine the appropriate **number of elected members**, Sections 11A, 26(1)(c) and 33 of the Act provide some guidance as they establish a ‘member cap’ of thirteen (including the Mayor); and specifically require Council to avoid over-representation in comparison to other councils of a similar size and type (at least in the longer term). Such a comparison has revealed that the City of Port Lincoln is small in area; has the equal lowest number of elected members; and is generally similar to the other cited councils in regard to elector numbers and elector ratio.

A reduction in the number of elected members warrants some consideration. However, care must also be taken to ensure that any future Council will comprise sufficient elected members to adequately represent the community; meet its obligations in respect to its roles and responsibilities; afford sufficient lines of communication with a growing community; provide for a diverse range of skill sets, expertise, experience and opinions; and manage the workloads of the elected members.

Any proposal to increase the number of elected members must identify the benefits to the community and justify the additional commitment of resources. This could prove to be a difficult exercise given the aforementioned provisions/requirements of Sections 26(1)(c) and 33 of the Act.

The Council area is **not divided into wards**, and this structure has been in place since the 2003 Local Government elections.

The "no wards" structure enables an elector to vote for all of the vacant positions on Council; ensures that the most supported candidates from across the Council area will be elected; and overcomes parochial ward attitudes. Wards can also be seen as an unnecessary division of the community, an assertion that has some basis given that ward councillors do not have to reside within the ward that they represent.

On the other hand, the **division of the Council area into wards** guarantees some level of direct representation of all parts of the Council area; enables ward councillors to focus on local as well as council-wide issues; prevents a single interest group from gaining considerable representation on Council; enables and attracts candidates to contest ward elections; reduces the cost and effort required to campaign at an election; and potentially provides cost savings to Council in regards the conduct of elections and supplementary elections.

Five (5) **ward structure options** have been presented as examples to demonstrate how the Council area can be divided into wards under circumstances whereby Council comprises seven to nine councillors. These ward structures are all relatively well balanced (in regard to elector numbers) and exhibit ward elector ratios which lay within the specified quota tolerance limits. However, it could be argued that they lack a logical basis as they primarily serve to create wards based on the equitable distribution of electors, rather than reflecting communities of interest; the character of individual localities; the topography; and/or land uses of a similar type.

As for the issue of **ward identification**, further consideration will have to be given to this matter once it is known whether Council will be seeking to introduce wards or retain the existing "no wards" structure. Regardless, there are several conventional options in respect to ward identification, however, the allocation of names of local geographical and/or heritage significance may be the most appropriate.

The next step of the review process will be the preparation of a "Representation Report" which will present Council's preferred future composition and structure to the local community, for consideration and comment, as part of the prescribed public consultation stage of the review process.