



REPRESENTATION REPORT

(SECTION 12(5) – 12(7) OF THE LOCAL GOVERNMENT ACT 1999)



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1. Introduction

Section 12(3) of the *Local Government Act 1999* (the Act) indicates that Council must undertake a “representation review” to determine whether the 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”.*

Representation reviews are generally undertaken every eight (8) years, and the Minister for Local Government has specified that the City of Port Lincoln (Council) is required to undertake and complete a review during the period April 2024 – April 2025.

This report has been prepared in accordance with the requirements of Sections 12(5) and 12(6) of the Act. It sets out the elector representation proposal that Council believes should be carried into effect at the next Local Government elections in November 2026; provides information pertaining to matters relevant to the composition and structure of Council; and presents an analysis of how Council’s proposal relates to the relevant provisions and principles prescribed under Section 26(1)(c) and Section 33 (2) of the Act.

The key issues that need to be addressed during the review include:

- the number of elected members of Council that are required to provide fair and adequate representation to the community;
- the division of the Council area into wards, or alternatively the retention of the existing “no ward” structure; and
- if applicable, the level of ward representation, the name of any proposed future wards, and the need for area councillors in addition to ward councillors (under a ward structure).

Whilst the proposal presented herein reflects the current position of the Council, no final decision will be made in respect to Council’s future composition and/or structure until consideration has been given to any and all public submissions which may be received during the current public consultation stage.

2. Background

The City of Port Lincoln covers only approximately 30.4 km²; and had an estimated resident population of 15,018 as at the 30th June 2023. According to Electoral Commission SA, there were 11,026 eligible electors within the Council area as at the 24th April 2024, this equating to an elector ratio (i.e. the average number of electors represented by a councillor) of 1:1,225.

The Council area is not divided into wards; and is represented by the Mayor and nine (9) area councillors.

The current arrangement was adopted by Council at the completion of the previous representation review which was undertaken in 2016/2017. This arrangement formally came into effect at the Local Government elections in November 2018.

Council commenced its current review on the 5th June 2024 with a briefing of the elected members; discussions regarding the various relevant review issues; and consideration of a detailed Discussion Paper, including potential ward structure options. Subsequently, at a meeting on the 17th June 2024, Council identified its preferred future composition and structure, and resolved to present this proposal to the community for consideration and comment.



3. Proposal

Having duly considered all relevant provisions of the Act and considerable information pertaining to the primary issues, Council proposes the following in respect to its future composition and structure.

- The principal member of Council continue to be a Mayor elected by the community (as per the requirements of Section 51 of the Act).
- The future elected body of Council comprise the Mayor and nine (9) area councillors.
- The Council area not be divided into wards (i.e. the “no ward” structure which was introduced in 2010 be retained).

The reasons for Council's “in principle” decisions, together with an analysis of compliance with the relevant provisions and requirements of the Act, are provided hereinafter.



4. Proposal Rationale

4.1 Composition

Section 51 of the Act stipulates 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. The Act no longer affords any alternative.

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.

4.2 Wards/No Wards

The Council area 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).

Council acknowledges that the advantages of a ward structure may 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);

- 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 various parts of the Council area, potentially resulting in a greater diversity in the skill sets, experience, expertise and opinions amongst the elected members.

Despite the aforementioned, the argument in favour of wards is seemingly weakened by the fact that ward councillors are not required to reside in the ward that they represent. As such, ward councillors may (potentially) have little or no relationship with the ward or constituents that they represent.

Other disadvantages include:

- 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.

Council believes that the current "no ward" structure exhibits considerable merit and is particularly well suited to the circumstances of the City of Port Lincoln.

The arguments in favour of the current "no ward" structure include the following.

- The City of Port Lincoln only covers a small area and, as such, the community is considered to comprise a single entity.
- The community will be afforded the opportunity to vote for all members of Council.
- The most favoured candidates from across the council area will likely be elected, rather than candidates who may be favoured by the peculiarities of a ward based system.
- The elected members should be free of parochial local/ward attitudes.

- The “no wards” structure is not affected by fluctuations in elector numbers, the on-going need to review elector distribution and/or ward boundaries, and/or the constraints of complying with quota tolerance limits.
- A council area which is not divided into wards can be perceived as a strong and united entity with a focus on the community as a whole.
- Existing “communities of interest” are not affected or divided by arbitrary ward boundaries.
- If an area councillor leaves Council, the casual vacancy can be carried by Council, thereby avoiding the need for, and cost of, a supplementary election (subject to Council having a relevant policy in place).
- The lines of communication between Council and its community should be enhanced, given that members of the community will be able to consult with any and/or all members of Council, rather than be obliged to consult with their specific ward councillors.
- The “no wards” structure still affords opportunities for the small communities to be directly represented on Council, provided they can muster sufficient support for a preferred candidate.
- The introduction of postal voting has facilitated the dissemination of campaign literature throughout the Council area, thereby reducing the difficulty and cost of contesting council-wide elections.

Council believes that the aforementioned are sound arguments in favour of the retention of the existing “no ward” structure.

4.3 Number of Councillors

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).

Table1 provides (for comparison purposes) the elector data, elector ratios (i.e. the average number of electors represented by a councillor), and the size/area of councils that are considered to be of a similar in size (elector numbers) and type (regional) as the City of Port Lincoln. The data indicates that the City of Port Lincoln is the smallest (in area) of the cited councils; 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.

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

Council	Councillors	Electors	Elector Ratio
Yorke Peninsula (5,834 km ²)	11	9,290	1:845
Port Augusta (1,153 km ²)	9	9,888	1:1,097
Light Regional (1,278 km ²)	10	11,815	1:1,182
Port Lincoln (30.4 km²)	9	11,026	1:1,225
Copper Coast (773 km ²)	10	12,549	1:1,255
Port Pirie (1,761 km ²)	9	13,133	1:1,459
Victor Harbor (386.5 km ²)	9	13,601	1:1,511

Source: Electoral Commission SA (24th April 2024)

Council is also aware that, 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. This being the case, Council's existing and proposed composition is not considered to be extraordinary when compared to composition of other regional councils.

In addition, Council believes that, in order to provide fair and adequate elector representation across the whole of the Council area, a total of nine (9) councillors is necessary and appropriate at this time. Whilst a reduction in the number of councillors would obviously result in some financial benefit to Council and the community, Council desires to maintain the level and quality of representation that has been experienced and expected by the local community over past years.

Further, when determining the appropriate number of councillors required to provide fair and adequate representation, Council was mindful that:

- whilst the council area covers only approximately 30.4km², it contains over 15,000 residents (including more than 11,000 eligible electors), many of whom have needs of, and demands for, assistance and representation by/from the elected members;
- sufficient elected members must be available to manage the affairs of Council;
- the elected member's workloads should not become excessive;
- there is an appropriate level of elector representation;
- the potential for diversity in member's skill sets, experience, expertise, opinions and backgrounds should be maintained to ensure robust discussion amongst the elected members; and
- adequate lines of communication must exist between the community and Council.

Given the aforementioned, Council has formed the opinion that a change in the number of councillors is not warranted at this time.

5. Legislative Requirements

The provisions of Sections 26(1)(c) and 33(1) of the Act require Council consider, as far as practicable, the following when developing a proposal that relates to its composition and structure.

5.1 Quota

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

According to Section 33(2a)(b) of the Act, ward quota is determined to be: *"the number of electors for the area (as at the relevant date) divided by the number of councillors for the area who represent wards (assuming that the proposal were in operation and ignoring any fractions resulting from the division)."*

As Council is proposing to retain its "no ward" structure, Section 33(2) of the Act is not applicable.

5.2 Communities of Interest and Population

The Act speaks of the desirability of reflecting communities of interest of an economic, social, regional or other kind.

"Communities of interest" have previously been defined "as aspects of the physical, economic and social systems which are central to the interactions of communities in their living environment", and are generally identified by considering factors relevant thereto, 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.

The council area only covers approximately 30.4 km² 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.

Council believes that the retention of the "no ward" structure avoids potential impacts upon, and the division of, the existing communities of interest within the council area and, as such, should serve to continue to foster a sense of unity within the local community.

5.3 Topography

The City of Port Lincoln is small in area (30.4 km²); surrounds Boston and Porter Bays; and incorporates the township of Port Lincoln and its immediate open rural environs. The landscape is mainly low and gently undulating terrain (i.e. below 150 metres in height).

Council believes that:

- there are no natural features which will physically prevent elected members from interacting with the local community; and
- under the existing/proposed "no ward" structure the size and topography of the Council area should have little impact upon the elected members' ability to attend to the requirements and/or demands of the community, given that all ten elected members (the mayor included) will be readily available and responsible to the whole community.

In addition, Council's proposal to retain the existing "no ward" structure avoids the need to identify appropriate ward boundaries and the associated difficult tasks distributing an equitable number of electors between the proposed wards whilst taking into account the general topography and the physical features within the council area.

5.4 Feasibility of Communication

Council believes that the proposed level of representation (i.e. a Mayor and nine (9) area councillors) will continue to provide adequate lines of communication between the elected members of Council and the community, considering the ever improving communication and information technology; and the fact that Council has operated effectively over the past six (6) years with the same level of representation.

5.5 Demographic Trends

Council is aware that there is the potential for an increase in elector numbers throughout the council area in the foreseeable future, primarily as a consequence of new and/or on-going residential development. However, the extent and timing of such is difficult to determine with any certainty.

During the review process (and associated deliberations), Council has taken into account the following information.

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 24th 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).

Investigations also 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.

Given that Council proposes to retain the existing "no ward" structure, any future fluctuations in population and/or elector numbers will have little or no impact in regard to the representation to be afforded to the electors across the council area.

5.6 Adequate and Fair Representation

For the reasons espoused earlier, Council is confident that its proposed future composition of the Mayor and nine (9) area councillors will be sufficient to continue to adequately manage the affairs of Council; provide an appropriate level of elector representation; maintain an appropriate diversity in the skill set, experience and expertise amongst the elected members; and present adequate lines of communication between the community and Council.

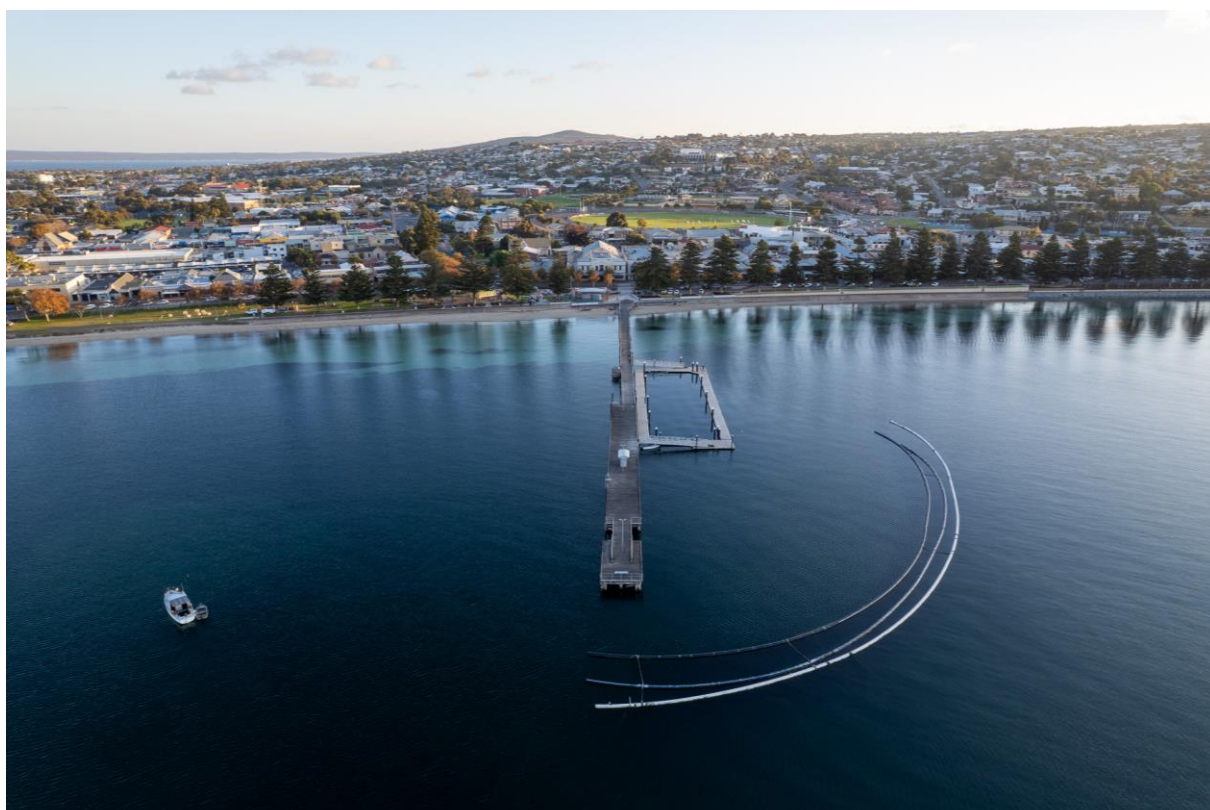
5.7 Section 26, Local Government Act 1999

Section 26(1) of the Act requires that a number of broader Principles also be taken into account during the review process. These are similar in nature to those presented under Section 33 of the Act and include:

- the desirability of avoiding significant divisions within the community;
- proposed changes should, wherever practicable, benefit ratepayers;
- a Council having a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
- 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; and
- 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).

The composition and structure being proposed by Council is considered to comply with the cited legislative provisions, in that it will:

- avoid the potential division of the community through the introduction of lines of division (i.e. ward boundaries) which are primarily based on the distribution of elector numbers;
- incorporate sufficient elected members to undertake the various roles and responsibilities of Council;
- have little if any detrimental impact upon the ratepayers and/or existing communities of interest;
- continue to provide adequate and fair representation to all electors; and
- compare favourably with the composition and elector ratios of other regional councils that are of a similar size (in terms of elector numbers) and type.



6. Current Public Consultation

In accordance with Section 12(7) of the Act, interested persons are invited to make a written submission to Council in respect to this report, and more specifically the composition and structure that Council proposes to retain at (and beyond) the date of the next Local Government elections in November 2026.

Interested members of the community are invited to make a submission expressing their views on the future composition and structure of Council. Submissions can be made as follows, and will be accepted until 10.00am on Monday 26th August 2024.

- Via Council's Online Engagement Hub (yoursay.portlincoln.sa.gov.au).
- Written submission addressed to the Chief Executive Officer, PO Box 1787, Port Lincoln 5606 or in person, Level One, Civic Centre, 60 Tasman Terrace, Port Lincoln.
- Emailed to yoursay@plcc.sa.gov.au.

Further information regarding the elector representation review can be obtained on Council's website or by contacting Tamara Charman, Manager Governance, Risk and Communication, on telephone 8621 2300 or email plcc@plcc.sa.gov.au.

