

**SUBMISSIONS REPORT**

**REPRESENTATION REVIEW**

**Public Consultation Submissions Report**

A Report to the

**CITY OF PORT LINCOLN**

**September 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 the community would benefit from an alteration to Council’s composition or ward structure (if applicable).

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 the City of Port Lincoln (Council) is required to undertake and complete a review during the period April 2024 – April 2025.

At its meeting on the 17<sup>th</sup> June 2024 Council agreed (in principle) that its preferred future composition and structure be as follows.

- The future elected body of Council comprise a mayor (as per the provisions of Section 51 of the Act) 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 principal member of Council will be the Mayor, elected by the community

A Representation Report was subsequently prepared and, at a meeting on the 29<sup>th</sup> July 2024, Council endorsed the report and resolved that public consultation be initiated.

Council has completed the required public consultation and must now consider the community response, and formally determine whether to finalise its representation review and forward the necessary documentation to the Electoral Commissioner, or reconsider its preferred future representation arrangements.

This report provides details pertaining to the public consultation undertaken and the submission received during the public consultation process.

## 2. PUBLIC CONSULTATION

The public consultation stage of the review process was conducted during the period Thursday 1<sup>st</sup> August 2024 to 10.00am on Monday 26<sup>th</sup> August 2024. The consultation period and consultation process were in accordance with the provisions of Section 12(7) of the Act and Council's Public Consultation and Community Engagement Policy (2.63.1, Version 2) which was approved on the 29<sup>th</sup> July 2024.

The public consultation process incorporated the following.

- A media release (Wednesday 31<sup>st</sup> July 2024).
- A notice in the Government Gazette (Thursday 1<sup>st</sup> August 2024).
- Facebook posts (Thursday 1<sup>st</sup> August 2024, Thursday 8<sup>th</sup> August 2024, Wednesday 14<sup>th</sup> August 2024 and Thursday 22<sup>nd</sup> August 2024).
- Radio scripts (Thursday 1<sup>st</sup> August 2024 to Sunday 25<sup>th</sup> August 2024).
- A public notice in the Port Lincoln Times newspaper (Thursday 1<sup>st</sup> August 2024).
- Council's Engagement Hub (through the website) went live on Thursday 1<sup>st</sup> August 2024 to Monday 26<sup>th</sup> August 2024
- Relevant information was uploaded to Extranet on Wednesday 31<sup>st</sup> July 2024 for viewing by the elected members.
- Your Say Banners were placed at entrance of the city from Tuesday 13<sup>th</sup> August 2024 to Monday 26<sup>th</sup> August 2024, and placed on the foreshore banner from Monday 19<sup>th</sup> August 2024 to Monday 26<sup>th</sup> August 2024.
- Relevant information was provided on the Council website (Thursday 1<sup>st</sup> August 2024 to Monday 26<sup>th</sup> August 2024).
- Copies of the Representation Report and a poster were placed at the library and at Council reception from Thursday 1<sup>st</sup> August 2024 to Monday 26<sup>th</sup> August 2024.
- Promotional material included posters, website hero banner, e-signature, spotlight which links to My Local Services App, and E-newsletter.

At the expiration of the public consultation period on Monday 26<sup>th</sup> August 2024, Council had received only one (1) submission, this being via the on-line form provided on the Council website (<https://yoursay.portlincoln.sa.gov.au>). The submission supported the election of a mayor; a reduction to seven (7) councillors; and the retention of the existing "no ward" structure. It was also suggested that the Act should be amended to provide the mayor with a deliberative vote on every motion. A copy of the submission is provided in Attachment A.

### 3. REVIEW PROCESS

Having completed the prescribed public consultation, Council is required to consider the submissions received from the community and either amend its proposal or *“finalise its report (including in its report recommendations with respect to such related or ancillary matters as it thinks fit)”*, pursuant to the provisions of Section 12(11) of the Act.

Should Council now prefer an alternative proposal, it will need to prepare another Representation Report and initiate another public consultation for a minimum period of twenty-one (21) days. This course of action will obviously take additional time (perhaps 4 – 6 weeks).

On the other hand, if Council resolves to proceed with the proposal presented to the community in the Representation Report, it will simply have to formalise its decisions in respect to its desired future composition and structure; and proceed to prepare a detailed report outlining its proposal, the rationale behind its decisions and the review process undertaken. The report must then be forwarded to the Electoral Commissioner who will determine whether the requirements of the Act have been satisfied and whether certification is warranted (refer Sections 12(12), 12(12a) and 12(13) of the Act).

Upon receipt of certification from the Electoral Commissioner, Council will be required to publish an appropriate notice in the Government Gazette (on a date specified by the Electoral Commissioner) which will effectively provide for the implementation of the proposed (certified) future composition and structure of Council at the November 2026 Local Government elections.

## 4. FUTURE COMPOSITION AND STRUCTURE

Council is now at the stage in the review process where it must either confirm (by formal resolution) its proposed future composition and/or structure, as presented in the Representation Report, or amend its proposal and initiate another public consultation for a minimum period of three (3) weeks.

When making its final decisions Council must be mindful that the primary purpose of the review is to determine whether the electors/community will benefit from an alteration to the current composition and/or structure of Council.

To finalise its review and initiate preparation of a comprehensive report to the Electoral Commissioner, Council must now make final decisions regarding the following.

- Whether the Council area should be divided into wards or whether the existing “no wards” structure should be retained.
- If the Council area is to be divided into wards, which ward structure is favoured; whether there is a need for area councillors (and the required number thereof) in addition to ward councillors; the level of representation in each of the proposed wards; and the name of each of the proposed wards.
- The number of councillors (ward, area and/or both) that are required to provide fair and adequate representation of the electors within the Council area.

Information and advice pertaining to the aforementioned matters has previously been presented to Council in the Discussion Paper (May 2024) and the Representation Report (June 2024).

The following information is provided to assist the elected members with their final deliberations in respect to the key issues.

### 4.1 Wards/No Wards

The Council area has not been divided into wards for many years; and the one submission received during the public consultation stage of the review process supported the retention of the existing “no ward” structure.

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).

#### 4.1.1 Wards

The principal advantages of 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 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;
- Council only has to conduct elections and supplementary elections within contested wards (potential cost saving);
- existing ward councillors already deliberate and make decisions on the basis of achieving the best outcome for the community in their ward, as well as the communities spread throughout the rest of the Council area; 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 arguments in favour of wards are 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:

- the current distribution pattern of electors makes it particularly difficult to divide the Council area into wards on a rational and equitable basis without some impact upon of the existing "communities of interest";
- electors can only vote for 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; and
- ward boundaries are lines which are based solely on elector distribution and may serve to divide the community rather than foster civic unity.

#### 4.1.2 No Wards

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

- electors are 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 ward” 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 ward” structure still affords opportunities for the small communities to be directly represented on Council, provided they can muster sufficient support for a preferred candidate; and
- postal voting has facilitated the dissemination of campaign literature throughout the Council area, thereby reducing the difficulty and cost of contesting council-wide elections.

The disadvantages of a “no ward” 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.

#### **4.2 Number of Councillors**

It is noted that the submission received proposed a reduction in the number of councillors to seven (7).

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.

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). In addition, Section 12(6)(a)(i) specifically requires Council to examine the question of whether the number of members should be reduced.

Table 1 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 same number of elected members as five (5) of the cited councils; 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 <sup>2</sup> )	11	9,288	1:844
Port Augusta (1,153 km <sup>2</sup> )	9	9,808	1:1,090
<b>Port Lincoln (30.4 km<sup>2</sup>)</b>	<b>9</b>	<b>10,993</b>	<b>1:1,221</b>
Light Regional (1,278 km <sup>2</sup> )	9	11,796	1:1,311
Copper Coast (773 km <sup>2</sup> )	9	12,521	1:1,391
Port Pirie (1,761 km <sup>2</sup> )	9	13,092	1:1,455
Victor Harbor (386.5 km <sup>2</sup> )	9	13,639	1:1,515

Source: Electoral Commission SA (28<sup>th</sup> June 2024)

A reduction in the number of councillors will result in elector ratios of 1:1,374 (eight councillors) or 1:1,570 (seven councillors), and a minimum cost saving of \$10,955 per annum per councillor (i.e. the annual allowance for a councillor). Neither of these alternatives would be inconsistent with the elector ratios of the other councils cited in Table 1.

It is noted that, of the regional councils, three (3) comprise eleven councillors; three (3) comprise ten councillors; eighteen (18) comprise nine councillors; ten (10) comprise eight councillors; nine (9) comprise seven (7) councillors; and five (5) comprise six councillors.

## 5. RECOMMENDATIONS

It is recommended that the City of Port Lincoln consider the following.

1. Council resolve to receive and note the submission which was received from the community during the public consultation stage of the review process.
2. Council acknowledge that the principal member of Council will be a mayor elected by the community (as per Section 51 of the Act).
3. Council give further consideration to its future composition and structure, and either confirm its support for the future elector representation arrangements proposed in the Representation Report; or identify a preferred alternative option (i.e. number of councillors and/or a ward structure, including ward names) which will have to be the subject of further public consultation.
4. Should it be determined that the current composition and structure of Council be retained, Council authorise the Chief Executive Officer to prepare and forward the necessary report and documents to the Electoral Commissioner, pursuant to the provisions of Sections 12(12) of the Act.

## ATTACHMENT A – SUBMISSION

### *ADMINISTRATOR NOTIFICATION – CONTACT FORM*

A new contact form has been submitted from your portal (<https://yoursay.portlincoln.sa.gov.au>).

Name : [REDACTED]

Email : [REDACTED]

Phone : [REDACTED]

Message: 1. Mayor to be elected by the community. 2. 7 Councillors is more than enough for Port Lincoln. 3. Maintain 'no ward' structure. 4. Lobby SA government to change the rules so that the mayor can also vote on every motion, not just if there is a tie which will rarely happen and so is unfair.

Attachment :