



ELECTOR REPRESENTATION REVIEW

REPRESENTATION OPTIONS PAPER

(SECTION 12(4) OF THE LOCAL GOVERNMENT ACT 1999)



DISTRICT COUNCIL of TUMBY BAY

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1. INTRODUCTION

Section 12(3) of the *Local Government Act 1999* (the Act) indicates that the purpose of an “elector representation review” is 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 (by way of a notice published in the Government Gazette on the 9th July 2020) that Council is required to undertake and complete a review during the period October 2020 – October 2021.

This paper has been prepared in accordance with the requirements of Section 12(5) and (6) of the Act and examines the advantages and disadvantages of the various options that are available to Council in respect to its future composition and structure. It contains information pertaining to the review process; elector distribution and ratios; comparisons with other councils; demographic trends; population projections; residential development opportunities which may impact upon future elector numbers; and alternative ward structure options.

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

- the principal member of Council, more specifically whether it should be a mayor elected by the community or a chairperson selected by (and from amongst) the elected members;
- the composition of Council, including the number of elected members required to provide fair and adequate representation to the community and the need for area councillors in addition to ward councillors (where the council area is to be divided into wards);
- the division of the council area into wards or the retention of the existing “no ward” structure; and
- the levels of ward representation within, and the names of, any proposed future wards.

The review also needs to be mindful of the potential ramifications of The Statutes Amendment (Local Government Review) Bill 2020 (the Bill) which was introduced to state parliament in June 2020. This Bill seeks to amend the provisions of the Act, including matters relating to the composition of councils and the elector representation review process.

At the end of the review process, any proposed changes to Council’s composition and/or the ward structure (and/or the abolition thereof) should serve to uphold the democratic principle of “one person, one vote, one value”.

2. BACKGROUND

The area around Tumby Bay was originally settled in the 1840's and was under the jurisdiction of the District Councils of Port Lincoln and Franklin Harbour until 21st June 1906, at which time the District Council of Tumby Bay was proclaimed.

The council area covers approximately 2,671km² and had an estimated resident population of 2,702 as at the 30th June 2019. In August 2020 there were 1,991 eligible electors within the council area, this equating to an elector ratio (i.e. the average number of electors represented by a councillor) of 1:332.

Council conducted an elector representation review in 2013, at which time it resolved:

- the existing name of Council be retained;
- the principal member of Council continue to be a chairperson, with the title of Mayor, to be chosen by and from amongst the elected members;
- the council area not be divided into wards (i.e. the existing "no wards" structure be retained);
- Council comprise seven (7) area councillors; and
- in accordance with the provisions of Section 12(11a – d) of the Local Government Act 1999, a poll of electors be conducted at the 2014 Local Government elections on the question of whether Council should have a mayor elected by the community rather than a chairperson selected by Council members.

The aforementioned poll was conducted in August 2014; and the result favoured the introduction of a Mayor elected by the community. This being the case, in October 2017 Council resolved that the elected body comprise a Mayor (elected by the community) and six area councillors. This change came into effect at the Local Government elections in November 2018.

The council area has not divided into wards since early 1989. The current "no wards" structure can be retained, however, potential future ward structures should be considered so as to ensure that the current elector representation review is comprehensive and all viable options are considered. Any potential ward structure options should:

- provide an equitable balance of electors between the proposed wards;
- allow for likely fluctuations in elector numbers, primarily as a consequence of future population growth and residential development; and
- exhibit an elector ratio that is similar, by comparison, to that exhibited by other councils of a similar size and type (i.e. avoids over-representation).

Examples of potential ward structure options have been presented later in this paper (refer 8. Ward Structure Options, page 19).

3. 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.

3.1 Representation Options Paper

The review is commenced with the preparation of a "Representation Options Paper" 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 Options Paper" 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, including the number of required elected members and whether the division of the council area into wards should be retained or abolished.

3.2 First Public Consultation

Council is currently advising the community that the review is being undertaken and the "Representation Options Paper" is available for consideration. An invitation is being extended to any interested person to make a submission to Council by close of business on Monday 29th March 2021.

Section 12(7)(a)(ii) of the Act specifies that the consultation period shall be at least six (6) weeks in duration.

3.3 Representation Review Report

At the completion of the first of the prescribed public consultation stages Council will consider the available options in respect to its future composition and structure, as well as the submissions received from the community. Council will make "in principle" decisions regarding the elector representation arrangements it favours and desires to bring into effect at the next Local Government elections. Council will then prepare a "Representation Review Report" which will outline its proposal and the reasons for such, as well as provide details of the submissions that were received during the first public consultation period and its responses thereto.

3.4 Second Public Consultation

Council will initiate a second public consultation (by means of public notices) seeking written comments on the "Representation Review Report" and the preferred proposal.

Section 12(9)(b)(ii) of the Act specifies that the second consultation period shall be at least three (3) weeks in duration.

3.5 Final Decision

Council will consider the submissions received in response to the second public consultation; hear from the individual community members who may wish to address Council in support of their submission; finalise its decision; and prepare a report for presentation to the Electoral Commissioner.

3.6 Certification

The final stage of the review involves certification of the Council proposal by the Electoral Commissioner and gazettal of any amendments to Council's composition and/or ward structure.

Any changes to Council's composition and/or ward structure as a consequence of the review will come into effect at the next Local Government election (scheduled for November 2022).



4. COMPOSITION OF COUNCIL

Section 51 of the Act indicates that a council may constitute a mayor or chairperson, with all other elected members being known as councillors, whether they represent the council area as a whole or a ward. The key issues relating to the future composition of Council are as follows.

4.1 Mayor/Chairperson

The principal member of Council has been a mayor (elected by the community as a representative of the council area as a whole) since the periodic Local Government elections in November 2018.

Currently, the only alternative is a Chairperson.

The roles and responsibilities of a Mayor and a Chairperson are identical in all respects, however, there are differences in their election/selection and their voting rights in chamber.

A Mayor is elected by all of the electors for a period of four years and, as such, provides stable community leadership. By contrast, a Chairperson is chosen by (and from amongst) the elected members of council for a term of one to four years (as determined by Council). The latter provides flexibility and the opportunity for a number of elected members to gain experience as the principal member over the term of a council.

In addition, an elected Mayor does not have a deliberative vote on a matter before council but has a casting vote, whereas a Chairperson has a deliberative vote at a council meeting but, in the event of a tied vote, does not have a casting vote.

Further, as an election (or supplementary election) for an elected Mayor must be conducted across the whole of the council area, a significant cost can be incurred by council on every occasion the position is contested. The selection of a Chairperson is not reliant upon an election and, as such, costs will only be incurred by council where the incumbent's position as a councillor is contested.

It should also be noted that:

- the Statutes Amendment (Local Government Review) Bill 2020 seeks to abolish the position of selected Chairperson;
- at present all of the metropolitan councils have an elected Mayor and only fifteen regional councils have a Chairperson, although all bear the title of Mayor (as currently allowed under Section 51(1)(b) of the Act);
- candidates for the office of Mayor cannot also stand for election as a councillor and as such, the experience and expertise of unsuccessful candidates will be lost to council; and
- any proposal to change the principal member from an elected Mayor back to a selected Chairperson at this time cannot proceed unless a poll of the community has been conducted in accordance with the requirements of Section 12 (11a-d) of the Act and the result thereof favours the proposed change.

4.2 Area Councillors (in addition to ward councillors)

Section 52 of the Act indicates that councillors can be elected as a representative of a ward, or alternatively, to represent the council area as a whole (whether or not the council area is divided into wards).

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 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 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.

4.3 Ward Councillors

Section 52(2)(b) of the Act indicates a councillor will, if the council area is divided into wards, be elected by the electors of a particular ward, as a representative of that ward.

As a person elected to Council, a ward councillor is required to represent the interests of residents and ratepayers; to provide community leadership and guidance; and to facilitate communication between the community and Council.



5. ELECTOR REPRESENTATION

Council must provide adequate and fair representation and generally adhere to the democratic principle of “one person, one vote, one value”.

Section 12(6) of the Act requires that, where a Council is constituted of more than twelve members, the elector representation review must examine the question of whether the number of elected members should be reduced. This provision will likely have no bearing upon the current review.

Sections 26(1) 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 two councils are identical in terms of their size (elector numbers and/or area), population, topography, communities of interest and/or predominant land uses. However, it can provide some guidance in regards to an appropriate elector ratio or level of representation (number of councillors).

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 the regional councils which are considered to be of a similar type and size (elector numbers) as the District Council of Tumby Bay. The data indicates that the District Council of Tumby Bay has the least number of elected members and the second highest elector ratio of the cited councils.

Table 1: Elector data and representation (Regional councils with similar elector numbers)

Council	Councillors	Electors	Elector Ratio
Streaky Bay (6,232 km ²)	8	1,558	1:195
Barunga West (1,582 km ²)	9	1,979	1:220
Kingston (3,338 km ²)	7	1,810	1:259
Ceduna (5,427 km ²)	8	2,071	1:259
Mount Remarkable (3,424 km ²)	7	2,115	1:302
Tumby Bay (2,616 km ²)	6	1,991	1:332
Goyder (6,719km ²)	7	3,023	1:432

Source: Electoral Commission SA (20 October 2020)

The difference in elector representation and elector ratios is more evident when the current elector representation arrangements of Council are compared to those of the regional councils which have slightly greater elector numbers (refer Table 2). This data indicates that, whilst the elector ratio exhibited by the District Council of Tumby Bay is low (by comparison), Council comprises the least number of elected members.

Table 2: Elector data and representation (Regional councils with slightly greater elector numbers)

Council	Councillors	Electors	Elector Ratio
Tumby Bay (2,616 km ²)	6	1,991	1:332
Northern Areas (3070 km ²)	9	3,374	1:375
Yankalilla (750.6 km ²)	9	3,457	1:384
Kangaroo Island (4,400 km ²)	9	3,510	1:390
Coorong (8,830 km ²)	9	3,757	1:417
Tatiara (6,476 km ²)	10	4,461	1:446
Wakefield (3,469 km ²)	10	4,788	1:479
Lower Eyre Peninsula (4,771 km ²)	7	3,737	1:532
Grant (1,904 km ²)	9	5,407	1:601

Source: Electoral Commission SA (20 October 2020))

When determining the appropriate future composition of Council, some consideration needs to be given to the role of the elected members, as the commitment and workloads of the elected members need to be taken into account. Section 59 of the Act specifies that the role of a member of Council is:

- to participate in the deliberation and activities of Council;
- to keep Council's objectives and policies under review to ensure that they are appropriate and effective; and
- to keep Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.

Section 59 also requires a person elected to the Council to represent the interests of residents and ratepayers; to provide community leadership and guidance; and to facilitate communication between the community and the Council.

If considering a reduction in the number of councillors, care must be taken to ensure that:

- sufficient elected members are available to manage the affairs of Council;
- the elected member's workloads do not become excessive;
- there is an appropriate level of elector representation;
- the potential for diversity in member's skill sets, experience and backgrounds is maintained; and
- adequate lines of communication will exist between a growing community and Council.

It should be noted that the District Council of Tumby Bay is one of five councils which have the lowest level of representation in the state (i.e. six councillors). As such, any further reduction in the number of elected member may compromise the quality of representation, management and decision-making by the elected members.

A reduction in the number of elected members will serve to increase the elector ratio from the current 1:332 to 1:398 (five councillors) or 1:498 (four councillors). These elector ratios are more consistent with the existing elector ratios exhibited by most of the cited larger regional councils in Table 2.

On the other hand, any increase in the number of elected members may serve to enhance:

- the lines of communication between Council and the community;
- the likelihood that the elected members will be more familiar with the experiences of, and issues confronting, the local community;
- the diversity in the skill sets, expertise, experience and opinions of the elected members; and
- discussions between the elected members.

Notwithstanding this, increasing the number of elected members to seven or eight will serve to reduce the elector ratio to 1:284 and 1:249 respectively. Either proposal will come at a cost; and would likely be difficult to justify, given the aforementioned provisions of Sections 26 and 33 of the Act which speak against over-representation when compared to other councils of a similar size and type.

Finally, there are no inherent disadvantages in having an even or odd number of councillors. An odd number of councillors may serve to reduce the incidence of a tied vote in the Council chamber; however, it may also require the development/implementation of a ward structure which exhibits a varying level of representation between wards. The latter can be perceived as an imbalance by the community.

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".

6.1 Wards/No Wards

6.1.1 No Wards

The advantages of the "no wards" structure (i.e. the abolition of wards) include:-

- "no wards" is the optimum democratic structure as the electors vote for all of the vacant positions on Council;
- the most supported candidates from across the Council area will likely be elected;
- the elected members should be free of ward-centric attitudes;
- the lines of communication between Council and the 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 feel obliged to consult with their specific ward councillors;
- the structure still affords opportunities for the small communities within the council area to be directly represented on Council, if they are able to muster sufficient support for a candidate;
- the structure automatically absorbs fluctuations and there is no requirement for compliance with specified quota tolerance;
- 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; and
- successful candidates generally have to attract no more votes than they would have received/required under a ward based election.

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 has 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 contesting council-wide elections.

6.1.2 Wards

The advantages of a ward structure include:

- wards guarantee some form and level of direct representation to all parts of the council area and existing communities of interest;
- ward councillors can focus on local issues as well as council-wide issues;
- ward councillors may be known to their ward constituents (and vice versa);
- ward councillors can have an affiliation with the local community and an understanding of the local issues and/or concerns;
- the task and expense of contesting a ward election may be less daunting to prospective candidates;
- Council only has to conduct elections and supplementary elections within the contested wards (potential cost saving); and
- ward based elections have the potential to deliver councillors from different parts of the Council area, potentially resulting in a greater diversity of 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 direct 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 attracted less votes than defeated 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 Ward Representation

6.2.1 Single Councillor Ward

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

6.2.2 Two Councillors per Ward

Two councillors representing a ward is traditional and/or common; allows for the sharing of duties and responsibilities between the ward councillors; can lessens the likelihood of ward-centric attitudes given that the ward is represented by two individuals; and affords continuous ward representation should one ward councillor be absent.

6.2.3 Multi-Councillor Ward

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 shared; there are greater perceived lines of communication between ward councillors and their constituents; and there is more flexibility in regards to ward quota (i.e. the larger wards can accommodate greater fluctuations in elector numbers); and there is a greater likelihood that communities of interest can be incorporate (in their entirety) in a ward.

6.2.4 Varying Ward Representation

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

6.3 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.

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:

- a) the desirability of reflecting communities of interest of an economic, social, regional or other kind;
- b) the population of the area, and of each ward affected or envisaged by the proposal;
- c) the topography of the area, and of each ward affected or envisaged by the proposal;
- d) the feasibility of communication between electors affected by the proposal and their elected representatives;
- e) the nature of substantial demographic changes that may occur in the foreseeable future; and
- f) 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 as follows.

7.1 Communities of Interest

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

In the past the then 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;
- “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; and
- the analysis of the demographic data and profile will provide socio-economic indicators relevant to “communities of interest”.

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

The obvious existing communities of interest within the council area include the townships of Tumby Bay, Port Neill, Lipson and Ungarra; and the localities of Brooker, Butler, Cockaleeche, Koppio, Moody, Yallunda Flat and Hicks (part only).

The retention of entire townships, districts and/or localities within a proposed ward should serve (in part) to maintain and protect a perceived existing "community of interest".

7.2 Population and Demographic Trends

When developing potential future ward structures, consideration was 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 respect to this matter.

7.2.1 Elector Numbers

According to data provided by Electoral Commission SA, the total number of electors eligible to vote within the council area decreased by 113 (5.39%) during the period July 2013 - June 2020.

7.2.2 Residential Development

Council is aware that the existing supply of residentially zoned land far exceeds the demand for such allotments and, as such, there are plenty of infill residential development opportunities within the existing townships and settlements, but cannot identify any specific properties capable of accommodating future residential development of a significant scale. Further, whilst the development of several ports within the Council area has been mooted (which may have short and long-term impacts upon population numbers), it is understood that no details regarding the location, scale and/or timing of such proposals is known at this time.

7.2.3 Population Projections

Population projections prepared by the Department of Planning, Transport and Infrastructure (2020) indicate that the population of the District Council of Tumby Bay is anticipated to increase by only 5 (0.18%) during the period 2016 – 2036 (i.e. 2,666 to 2,671).

Whilst these projections are useful because they provide some indication of the magnitude of the estimated future population increase within the council area, DPTI warns that the projections represent a possible future population outcome based on assumption of continued population growth and a spatial distribution that is a reflection of current and likely government policies. Further, the population projections are not forecasts for the future but are estimates of future population based on particular assumptions about future fertility, mortality and migration.

7.2.4 Census Data

Data provided by the Australian Bureau of Statistics (refer 3218.0 Regional Population Growth, Australia) indicates that the estimated population of the District Council of Tumby Bay increased by 96 (3.68%) during the period 2005 – 2019 (i.e. from 2,606 to 2,702).

In addition, the Australian Bureau of Statistics "Quick Stats" indicates that the estimated population of the council area increased by 157 (i.e. 2,453 to 2,610) or 6.4% during the period between 2001 and 2016.

7.2.5 Community Profile

The “Community Profile” for the District Council of Tumby Bay (as prepared by .id – the population experts) indicates that, based on the 2016 census data and a comparison with the data applicable to the average for the Eyre Peninsula region, the council area had a higher proportion of people in the younger age groups (under 15 years) and a higher proportion of people in the older age groups (65+ years). Overall, 16.6% of the population was aged between 0 and 15 years; and 27.2% were aged 65 years and older. This compared to 19.4% and 18.1% respectively for the Eyre Peninsula region.

The major areas of difference between the council area and the Eyre Peninsula region were:

- a smaller percentage of persons aged 25 to 29 years (3.8% compared to 5.8%);
- a larger percentage of persons aged 60 to 64 years (8.4% to 6.4%);
- a larger percentage of persons aged 65 to 69 years (7.8% compared to 5.7%); and
- a larger percentage of persons aged 70 to 74 years (7.4% compared to 4.6%).

The data also indicated that an estimated 410 persons (i.e. 15.7% of the local population) were in the age bracket 5 – 19 years. Four years on, a good percentage of these persons will have reached voting age; and this number will likely increase over the next eight years (i.e. prior to the next scheduled elector representation review). Whilst some consideration should be given to this potential future increase in electors, the impact may not be significant overall, given that any increase may be offset (to a degree) by migration away from the council area and/or the natural decline in the number of older electors in coming years. In regards to the latter, the 2016 data indicates that an estimated 1,147 persons (or 43.92% of the local population) were aged 55 years and older.

Again, any assumptions regarding potential future population/elector numbers based on 2016 census age profiles need to be moderate, given the uncertainties associated with issues such as mortality and resident migration.

7.3 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).”*

Given the aforementioned, any proposed 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.

Notwithstanding the above, Section 33(3) of the Act 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 election.



8. WARD STRUCTURE OPTIONS

Section 12(1)(b) of the Act enables the council area to be divided into wards.

Unfortunately, the variable distribution of electors throughout the council area makes the identification of rational ward structures an extremely difficult exercise. The council area covers approximately 2,671 km² and currently accommodates only 1,991 eligible electors. Of these, 1,307 (65.64%) reside in and/or about the township of Tumby Bay; with the remaining 684 electors residing in and about ten other townships/localities, including 159 (7.98%) at Port Neill and 138 (6.93%) at Lipson.

Three ward structure options have been provided to **demonstrate** how the District Council of Tumby Bay could be divided into wards, should the provision of wards be preferred over the existing "no wards" structure. These options are only **examples** of how the council area could be divided into wards under arrangements whereby Council comprises five or seven councillors. The presented ward structures exhibit reasonably equitable distributions of elector numbers between the wards; comply with the specified quota tolerance limits; and exhibit proposed ward boundaries which align with long established district/locality boundaries.

It should be noted that Council's considerations are not limited to the ward structure examples presented herein and, as such, any suggestions and/or alternative ward structures provided by the community will be welcomed and duly assessed.

The existing "no wards" structure has also been presented, given that it has been the preferred structure of Council for many years and is an identified option under the provisions of Section 12(1)(b) of the Act which allow for the abolition of wards.

8.1 Option 1 (No wards)

8.1.1 Description

The retention of the existing "no ward" structure which requires all members to be elected at council-wide or "at large" elections.

8.1.2 Comments

The council area has not been divided into wards since early 1989.

The "no wards" structure can accommodate any number of "area" councillors (i.e. councillors elected to represent the whole council area), as determined appropriate by Council. Further, the "no wards" structure automatically absorbs any fluctuations in elector numbers and there is no requirement for compliance with the specified quota tolerance limits which are applicable to wards.

The arguments for and against the "no ward" option have been previously presented (refer 6.1 Wards/No Wards).

Primarily, the "no wards" structure will:

- overcome the division of the local community into wards based solely on the distribution of elector numbers (which can be perceived as being inequitable given the concentration of electors in and about the main townships/districts of Tumby Bay, Port Neill and Lipson);
- prevent ward-centric attitudes; and
- enable the electors within the community to vote for all members of Council, with the most favoured candidates being elected to represent (and act in the best interests of) the whole of the council area, despite the geographical location of their place of residence.

At present, thirty-five councils within the state have abolished wards. All bar one of these are outer-metropolitan or regional councils.

8.2 Option 2 (Two wards, five councillors and Mayor)

8.2.1 Description

The division of the council area into two wards, with one of the proposed wards being represented by four councillors; and the remaining proposed ward being represented by one councillor.

Proposed ward 1 incorporates the districts/localities of Brooker, Butler, Cockaleeche, Hincks, Moody, Port Neill and Ungarra.

Proposed ward 2 incorporates the districts/localities of Koppio, Lipson, Tumby Bay and Yallunda Flat.

8.2.2 Ward Representation

WARD	COUNCILLORS	ELECTORS	RATIO	% VARIANCE
Ward 1	1	430	1:430	+ 7.98
Ward 2	4	1,561	1:390	- 2.00

8.2.3 Comments

A simple two ward structure, with proposed ward 1 guaranteeing representation of the communities in the north of the council area; and proposed ward 2 providing representation to the remainder of the council area, including the main township communities of Tumby Bay and Lipson.

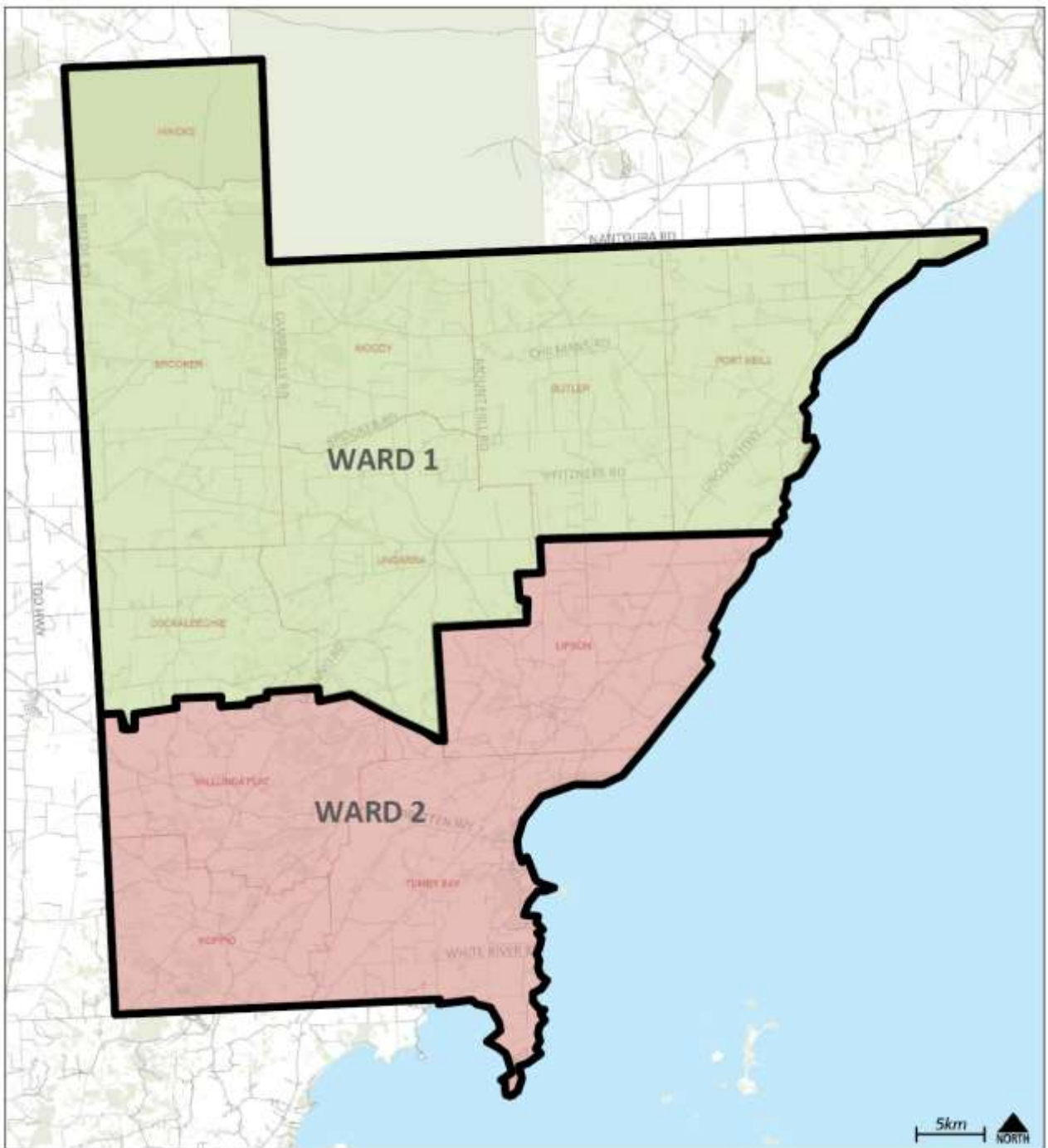
This proposed ward structure is based on a total of five councillors (plus the Mayor). The reduction in the number of elected members should have some financial benefits to Council and the local community, but may come at a cost in regards the workloads of the elected members and the lines of communication between Council and the community. In addition, the variation in the level of representation afforded the proposed wards may be perceived as an unacceptable imbalance which provides a part of the council area (i.e. proposed ward 2) with greater say on Council (even though the elector ratios within the proposed wards are relatively similar).

In addition, whilst the single councillor representing proposed ward 1 guarantees representation of the 430 electors within the proposed ward, the role and responsibilities of a single ward councillor can be demanding; and the ward will have no direct representation under circumstances whereby the ward councillor is absent for any length of time.

Whilst the elector ratios within each of the proposed wards (i.e. the average number of electors represented by a ward councillor) lay within the specified quota tolerance limits (refer 7.3 Quota), the elector ratio within proposed ward 1 is a little high.

The variation in the ward elector ratios may improve over time, especially if any future population growth occurs within proposed ward 2 (which is likely given the attraction of Tumby Bay).

Finally, the proposed ward boundary aligns with existing district boundaries, thereby ensuring that all perceived existing community of interest (i.e. districts) will be maintained in their entirety within one ward.



8.3 Option 3 (Two wards, six councilors and Mayor)

8.3.1 Description

The division of the council area into two wards, with one of the proposed wards being represented by four councillors; and the remaining proposed ward being represented by two councillors

Proposed ward 1 incorporates the districts/localities of Brooker, Butler, Cockaleeche, Hincks, Koppio, Lipson, Moody, Port Neill, Ungarra and Yallunda Flat.

Proposed ward 2 incorporates the district/locality of Tumby Bay.

8.3.2 Ward Representation

WARD	COUNCILLORS	ELECTORS	RATIO	% VARIANCE
Ward 1	2	684	1:342	+ 3.06
Ward 2	4	1,307	1:327	- 1.54

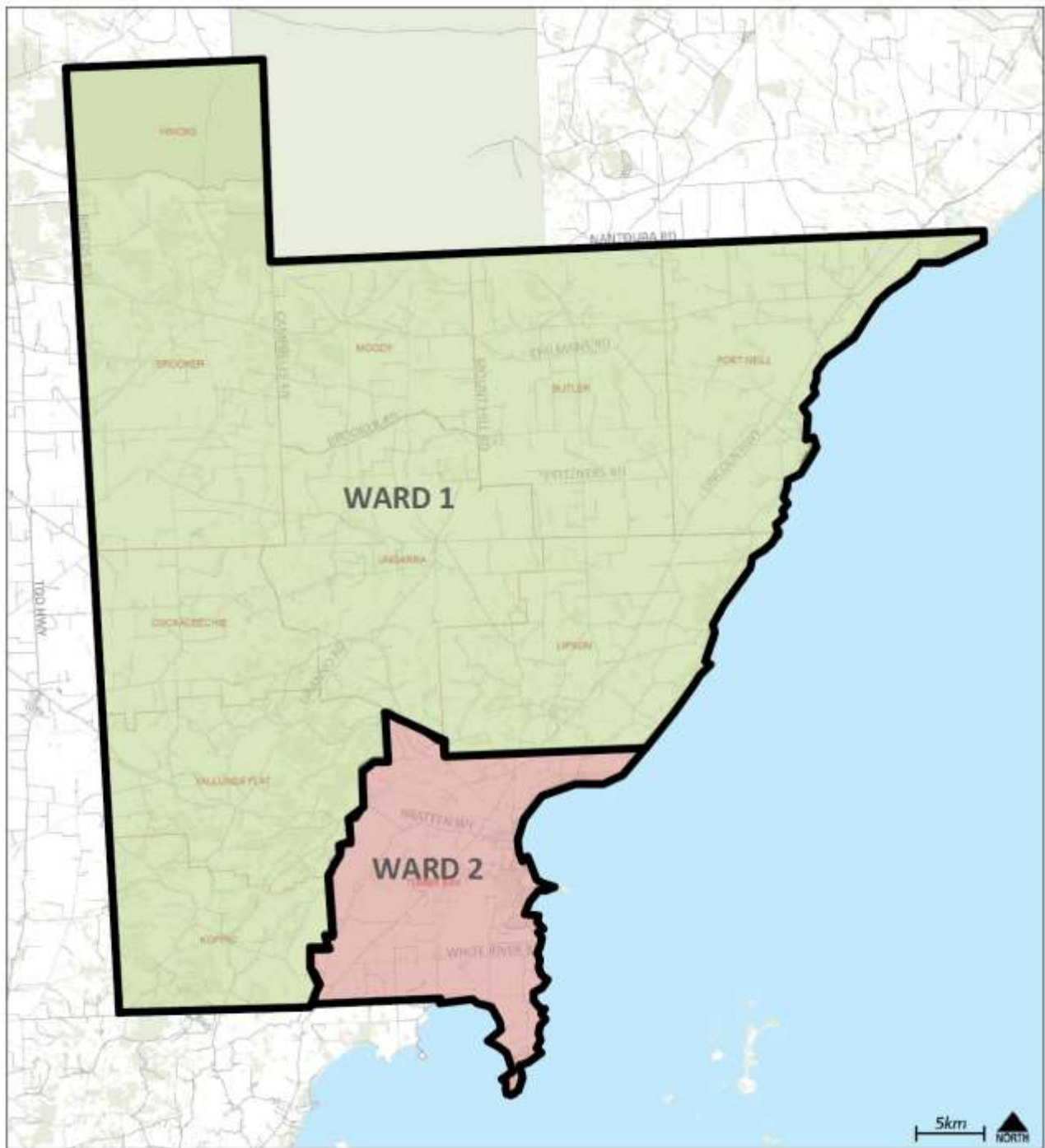
8.3.3 Comments

Another simple two ward structure which is based on six councillors (i.e. the current level of representation) and guarantees direct representation (two councillors) to the part of the council area outside of the district of Tumby Bay.

The elector ratios in the proposed wards lay well within the specified quota tolerance limits; the ward boundary aligns with long established district boundaries; and no existing community is divided between the proposed wards.

Further, the greater the level of ward representation, the greater the capability of the proposed ward to sustain significant fluctuations in elector numbers. This being the case, under the worst case scenario whereby all future population growth occurs solely within proposed ward 2, proposed ward 2 could potentially accommodate a minimum of 300 additional electors before the elector ratio in proposed ward 1 would breach the -10% tolerance limit. Given that elector numbers actually decreased by 113 since 2013, this ward structure should easily accommodate any fluctuation in elector numbers over the next eight years (i.e. the next scheduled elector representation review).

Again there could be the perception amongst the community that proposed ward 2 (i.e. the district/community of Tumby Bay) may have a greater say and influence on Council (even though the ward elector ratios are similar).



8.4 Option 4 (Two wards, seven councillors and mayor)

8.3.1 Description

The division of the council area into two wards, with one of the proposed wards being represented by two councillors; and the remaining proposed wards being represented by five councillors

Proposed ward 1 incorporates the districts/localities of Brooker, Butler, Cockaleeche, Hincks, Lipson, Moody, Port Neill and Ungarra.

Proposed ward 2 incorporates the districts/localities of Koppio, Tumby Bay and Yallunda Flat.

8.3.2 Ward Representation

WARD	COUNCILLORS	ELECTORS	RATIO	% VARIANCE
Ward 1	2	568	1:284	- 0.16
Ward 2	5	1,423	1:285	+ 0.06

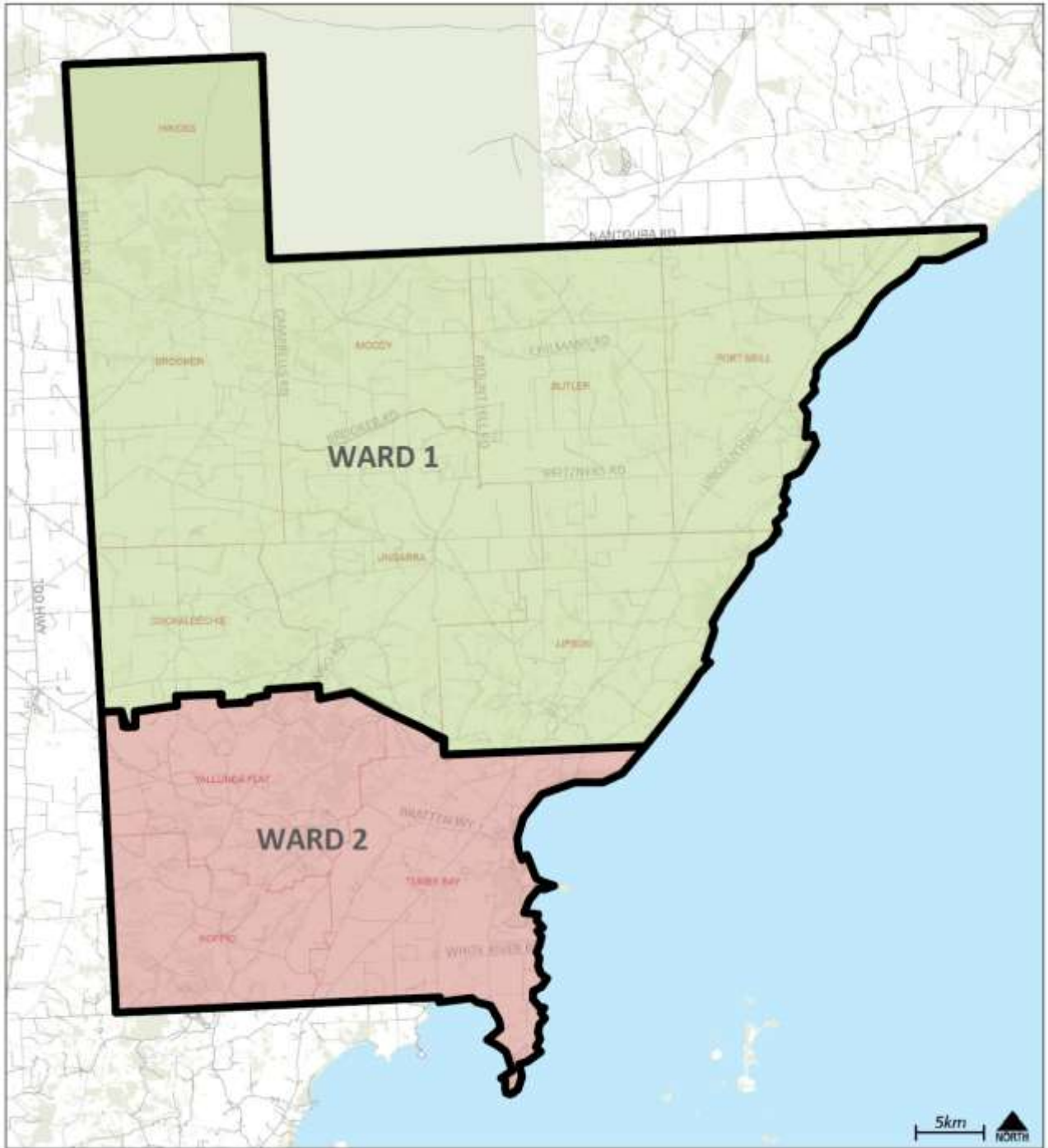
8.3.3 Comments

This two ward structure is based on seven councillors (i.e. an increase of one councillor).

The elector ratios in the proposed wards are basically identical and lay well within the specified quota tolerance limits; the ward boundary aligns with long established district boundaries; and no existing community is divided between the proposed wards.

The additional elected member will come at a cost (e.g. the specified minimum elected member allowance is \$6,500 per annum).

Given that Council only amended its composition from seven to six councillors at the Local Government elections in November 2018, it may be difficult to justify a return to the previous level of representation, given the lack of population growth and the provisions of the Act which speak against over-representation in comparison to councils of a similar size and type.



9. SUMMARY

The representation review being undertaken by the District Council of Tumby Bay 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 current composition and structure, with the view to achieving fair and adequate representation of all of the electors across the council area.

This early stage of the review process entails the dissemination of relevant information pertaining to the review process and the key issues; and affords the community the opportunity to participate over a six week public consultation period. At the next 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), taking into account the practical knowledge and experience of the individual elected members and the submissions made by the community.

The principal member of Council is the **Mayor** who is elected by the community to lead the Council for a term of four years. This arrangement only came into effect in November 2018. The only alternative is a **Chairperson** who is selected by and from amongst the ward councillors for a determined period of time. Fundamentally the roles and responsibilities of the mayor and chairperson are the same, with the only difference being in respect to the voting rights in chamber. At present only fifteen regional councils have a Chairperson as the principal member, and all of these bear the title of mayor.

The provisions of the Statutes Amendment (Local Government Review) Bill 2020 seek to abolish the position of selected Chairperson.

All elected members other than the principal member 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. The legislation allows for area councillors, in addition to ward councillors, where the council area is divided into wards.

Whilst there is no formula that can be utilised to determine the appropriate **number of elected members**, the provisions of the Local Government Act 1999 give some guidance as they specifically require Council to avoid over-representation in comparison to other councils of a similar size and type (at least in the longer term); and, where a Council is constituted of more than twelve members, examine the question of whether the number of elected members should be reduced. In addition, consideration should be given to the Statutes Amendment (Local Government Review) Bill 2020 which seeks to restrict the maximum number of elected members in a council to twelve (including the principal member).

The District Council of Tumby Bay currently comprises only six councillors; and has an elector ratio of 1:332. This level of elector representation is the equal lowest of all councils in the state.

The existing elector ratio is relatively consistent with the elector ratios exhibited by other councils of a similar size and type, but there is little possibility of enhancing this given the low number of existing elected members. In short, a further reduction in the number of elected members may not be feasible.

When considering a reduction in the number of elected members, 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 the community; provide potential for a diverse range of skill sets, expertise, experience and opinions; and manage the workloads of the elected members.

The council area has not been divided into wards for many years.

The retention of the existing **“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.

Alternatively, the **division of the council area into wards** guarantees the 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.

Three ward structure options have been presented herein to demonstrate how the council area can be divided into wards under circumstances whereby the Council comprises five to seven councillors. These ward structures are all relatively well balanced (in regards to elector numbers); comply with the quota tolerance limits; allow for future fluctuations in elector numbers; and exhibit proposed boundaries which generally align with existing district/locality boundaries.

As for the issue of **ward identification**, further consideration will have to be given to this matter later in the review process (should the introduction of a ward structure be supported).

Interested members of the community are invited to make a **written submission** expressing their views on the future composition and structure of Council.

Submissions can be made as follows; and will be accepted until 5.00pm on Monday 29th March 2021.

- Via Council's website (www.tumbybay.sa.gov.au).
- Written submission addressed to the Chief Executive Officer,
PO Box 61, Tumby Bay 5605
- Emailed to dctumby@tumbybay.sa.gov.au

Further information regarding the elector representation review can be obtained on Council's website or by contacting the Chief Executive Officer on telephone 8688 2101 or email dctumby@tumbybay.sa.gov.au