



## **ELECTOR REPRESENTATION REVIEW**

# **A REPORT TO THE ELECTORAL COMMISSIONER**

pursuant to the provisions of

SECTION 12(12) OF THE LOCAL GOVERNMENT ACT 1999

**OCTOBER 2021**



**DISTRICT COUNCIL of TUMBY BAY**

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## 1. INTRODUCTION

Pursuant to the provisions of Section 12 of the *Local Government Act 1999* (the Act), the District Council of Tumby Bay has undertaken a review of all aspects of its composition and structure so as to ensure the fair and adequate representation of the electors within the Council area. It is the intent of Council that the arrangement which it now proposes will come into effect at the next scheduled Local Government election in November 2022.

The key issues addressed during the course of the review included:

- whether the principal member of Council should be a Mayor elected by the community or a Chairperson selected by (and from amongst) the elected members;
- the division of the Council area into wards, or the retention of the existing "no ward" structure;
- the number of elected members required to provide fair and adequate representation;
- the need for area councillors in addition to ward councillors (under a ward structure);
- the level of ward representation (and elector ratio) under a ward structure; and
- the identification of any proposed future wards (under a ward structure).

This report is presented for consideration in accordance with the provisions of Section 12(12) of the Act. It provides details pertaining to the review process; the public consultation undertaken by Council (and all documents relevant thereto); the proposal which Council intends to carry into effect; and the rationale behind Council's decisions.

## 2. BACKGROUND

The District Council of Tumby Bay was proclaimed in June 1906.

The Council area covers approximately 2,671 km<sup>2</sup> and had an estimated resident population of 2,733 as at the 30<sup>th</sup> June 2020. In August 2021 there were 2,006 eligible electors within the Council area, this equating to an elector ratio of 1:334.

The Council area, which has not divided into wards since 1989, is currently represented by six (6) area councillors. The Mayor (elected by the community) is the seventh and principal member of Council.

Council formally commenced its review in August 2020 and conducted the review (including the preparation of a Representation Options Paper and a Representation Review Report, and the conduct of two public consultations) in accordance with the process specified under Section 12 of the Act.



Where and when practicable, the review took into account the provisions of Sections 26 and 33 of the Act, as they related to such issues as communities of interest; the population of the area; the topography of the area; communication between members and electors; demographic change; the total size and composition of the Council; and ward quota.

The review was concluded on the 10<sup>th</sup> August 2021 at which time Council resolved not to effect any changes to its current composition and/or existing "no wards" structure.

### 3. PROPOSAL

Having duly completed a review of its composition and ward structure, pursuant to the provisions of Section 12 of the Act, the District Council of Tumby Bay proposes the following remain in effect at the next Local Government election in November 2022.

- The principal member of Council be a Mayor who is elected by the community.
- The Council comprise the Mayor and six (6) area councillors.
- The Council area not be divided into wards (i.e. the existing "no wards" structure be retained).

### 4. REVIEW PROCESS

The following is a summary of the review process undertaken by Council, and associated occurrences, in chronological order.

Date	Event
22 June 2020	C L Rowe and Associates Pty Ltd were engaged to assist Council via the LGA procurement process
2 August 2020	C L Rowe and Associates Pty Ltd conducted an information workshop with the elected members via Zoom. (Information Paper - Appendix A).
12 January 2021	Council endorsed the Representation Options Paper for public consultation purposes; and resolved to initiate the first of the prescribed public consultation stages. (Representation Options Paper - Appendix B; Agenda item and Minutes – Appendix C).
8 February 2021	A public notice was published in the "Port Lincoln Times" newspaper advising that the review was being undertaken and seeking written submissions by Monday 29th March 2021. (Public Notices – Appendix D).

Date	Event
11 February 2021	A public notice was published in the SA Government Gazette advising that the review was being undertaken and seeking written submissions by Monday 29th March 2021. (Public Notices – Appendix E).
15 February 2021	A notice was placed on the Council website ("Latest News") advising that the review was being undertaken and seeking written submissions by Monday 29th March 2021. (Public Notice – Appendix F).
19 February 2021 & 15 March 2021	Notices were placed on Facebook and Instagram advising that the review was being undertaken and seeking written submissions by Monday 29th March 2021.
March 2021	A notice was placed in the Tumby Bay District and Community Newsletter (March 2021 edition) advising that the review was being undertaken and seeking written submissions by Monday 29th March 2021.
29 March 2021	At the close of the first public consultation stage no submissions had been received.
11 May 2021	Council considered a report regarding the initial public consultation and the alternatives available in regard to its future composition and structure; agreed "in principle" that: the principal member of Council continue to be a Mayor elected by the community; that the 'no wards' structure be retained; and that the Council continue to comprise six (6) area councillors and a Mayor; and that a draft Representation Review Report be prepared for consideration by Council. (Agenda item and Minutes – Appendix G; Submissions Report – Appendix H).
8 June 2021	Council considered the draft Representation Review Report and resolved to initiate the second of the prescribed public consultation stages for a period of twenty-one days. (Representation Review Report – Appendix I; Agenda item and Minutes – Appendix J)
17 June 2021	Public notices were published in the "Port Lincoln Times" newspaper and the SA Government Gazette advising of the existence of the Representation Review Report and the Council's proposal; and inviting written submissions by Friday 9th July 2021. (Public Notices – Appendix K).
9 July 2021	At the close of the second public consultation stage no submissions had been received.

Date	Event
10 August 2021	Council considered a "Submissions Report" pertaining to the second consultation process; affirmed its decision that: the principal member of Council continue to be a Mayor elected by the community; the "no wards" structure be retained; the future elected body of Council comprise the Mayor and six (6) area councillors; and resolved to finalize its report and refer the document to the Electoral Commissioner pursuant to Section 12(12) of the Act. (Submissions Report – Appendix L), Council Minutes – Appendix M)

## 5. PUBLIC CONSULTATION

### 5.1 First Public Consultation

The first of the prescribed public consultation stages commenced on Monday 8th February 2021 with the publishing of a public notice in the "Port Lincoln Times" newspaper; and this was followed by the publishing of a similar public notice in the Government Gazette on Thursday 11<sup>th</sup> February 2021. Notices were also placed on Facebook and Instagram on the 19<sup>th</sup> February 2021 and 15<sup>th</sup> March 2021; the Council website ("Latest News") on the 15<sup>th</sup> February 2021; and in the Tumby Bay District and Community Newsletter (March 2021 edition).

In addition, a hard copy of the Representation Options Paper was made available at the Council office during the public consultation period.

At the expiration of the public consultation period (i.e. close of business on Monday 29<sup>th</sup> March 2021) Council had received no submissions.

### 5.2 Second Public Consultation

The second public consultation commenced on Thursday 17<sup>th</sup> June 2021 with the publishing of a public notice in the "Port Lincoln Times" newspaper and the Government Gazette. Notices were also placed on Facebook and the Council website. In addition, a hard copy of the Representation Review Report was made available at the Council office during the public consultation period.

At the expiration of the public consultation period (i.e. close of business on Friday 9<sup>th</sup> July 2021) Council had received no submissions.

## 6. PROPOSAL RATIONALE

### 6.1 Composition of Council

#### 6.1.1 Mayor/Chairperson

The principal member of Council has been a Mayor (elected by the community) since the periodic Local Government elections in November 2018.

Council believes that:

- a Mayor elected by the community is in accord with a fundamental principle of democracy – choice;
- the election of a Mayor affords all eligible members of the community the opportunity to express faith in a candidate, should they choose to do so, and provides Council with an identifiable principal member who is directly accountable to the community;
- the office of Mayor has served Council since it was introduced in November 2018;
- the retention of an elected Mayor brings stability and continuity to the Council, given the four-year term of office;
- little practical benefit will likely be achieved by changing to a Chairperson at this time; and
- the retention of an elected Mayor as the principal member is consistent with the structure of most councils within the state.

Further, Council was aware that:

- the provisions of the recent Statutes Amendment (Local Government Review) Act 2021 abolish the option of a Chairperson, although these legislative provisions will likely not come into effect until after the Local Government election in November 2022; and
- there was no call from the local community during the review for to change back to a Chairperson.

Given the above, Council is confident that the community desires and supports an elected Mayor as the principal member of Council.

#### 6.1.2 Wards/No Wards

The District Council of Tumby Bay has not been divided into wards since 1989.

Council accepts that wards provide for direct representation of all areas and communities within a council area; ensure local interests and/or issues are not overlooked in favour of the bigger “council-wide” picture; and provide recognizable lines of communication with Council through the ward councillors. It is also acknowledged that ward councillors can have some empathy for, and an affiliation with, all of the communities within their ward.

Notwithstanding the above, Council believes that the argument in favour of wards is seemingly weakened by the fact that ward councillors do not have to reside within the ward which they represent. As such, ward councillors may (potentially) have little or no relationship with the ward or their ward constituents.

Council considers the current "no wards" structure to exhibit considerable merit and to be particularly well suited to the circumstances of the District Council of Tumby Bay.

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

- 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 (e.g. elected unopposed or having attracted fewer votes than defeated candidates in another ward).
- 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.
- 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.

In addition, Council is aware that:

- there are thirty-two (32) other regional councils and two (2) metropolitan councils which seemingly operate successfully without wards;
- advances in information technology have served to assist elected members in respect to their day to day tasks and communication with both Council and the community within a large area;

- no submissions calling for a change to any aspect of the current elector representation arrangements were received during the course of the review; and
- it has successfully operated without wards for many years with no apparent disadvantage to the community and/or the elected members.

Council is of the opinion that the aforementioned collectively present sound arguments in favour of retaining the existing "no wards" structure.

### 6.1.3 Councillors

Council is aware that:

- the provisions of Sections 26 and 33 of the Act stipulate 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 provisions of Section 12(6) of the Act also require a Council that is constituted of more than twelve members to examine the question of whether the number of elected members should be reduced; and
- the Statutes Amendment (Local Government Review) Act 2021 sets the maximum number of elected members in a council at thirteen (13), unless the council is granted an "exemption certificate" for more members by ECSA.

Obviously, the proposed future composition of Council meets the aforementioned requirements of Section 12(6) of the Act and the Statutes Amendment (Local Government Review) Act 2021.

In respect to the issue of over-representation, it was noted that the District Council of Tumby Bay is one of only five (5) councils which currently have the lowest level of elector representation in the State (i.e. six (6) councillors). As such, any further reduction in the number of elected members may compromise the quality of representation, management and decision-making by the elected members.

Table 1 presents, for comparison purposes only, information pertaining to the composition, size and elector ratio of a number of regional councils which are similar in size (i.e. elector numbers) and type (i.e. regional councils) to the District Council of Tumby Bay. This data indicates that the District Council of Tumby Bay covers a significant area; has the least number of elected members; and exhibits the second highest elector ratio of the cited councils.

Table 1: Elector data/representation (Regional councils of a similar size in elector numbers)

Council	Councillors	Electors	Elector Ratio
Streaky Bay (6,232 km <sup>2</sup> )	8	1,581	1:198
Barunga West (1,582 km <sup>2</sup> )	9	1,956	1:217
Kingston (3,338 km <sup>2</sup> )	7	1,803	1:258
Ceduna (5,427 km <sup>2</sup> )	8	2,077	1:260
Mount Remarkable (3,424 km <sup>2</sup> )	7	2,068	1:295
Tumby Bay (2,616 km <sup>2</sup> )	6	2,006	1:334
Goyder (6,719km <sup>2</sup> )	7	2,989	1:427

Source: Electoral Commission SA (31 August 2021)

When reaching a final decision relating to its future composition, Council was mindful of the need to ensure that:

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

In addition, Council took into account the needs of the community; economic factors; implications in regard to the elected member's roles and responsibilities; the internal workings and structures of Council; and the fact that no public submissions were received during the course of the review calling for a change to the current composition of Council.

Council ultimately resolved to retain six (6) area councillors, primarily because it was considered important to maintain the quality and level of representation that has long been experienced and expected by the local community.

#### 6.1.4 Area Councillors (in addition to Ward Councillors)

Given the Council is proposing to retain the existing "no wards" structure, the issue of area councilors in addition to ward councillors is no longer pertinent.

#### 6.1.5 Ward Names

Given that Council proposes to retain the existing "no wards" structure, there is obviously no need to identify ward names.

## 6.2 Local Government Act 1999

Throughout the course of the review, specific attention was paid to the provisions of Sections 26 and 33 of the Act. Brief comments pertaining to Council's findings and opinions in respect to the key issues are provided hereinafter.

### 6.2.1 Quota

Having duly considered a number of ward structure options, Council resolved to retain the existing "no wards" structure. In reaching this decision Council was aware that fluctuations in elector numbers are of no consequence under a structure where the Council area is not divided into wards (i.e. no quota tolerance limits apply).

### 6.2.2 Communities of Interest

Section 33 of the Act requires, in part, that Council, when forming a proposal which relates to boundaries of a ward, take into account (as far as practical) the desirability of reflecting communities of interest of an economic, social, regional or other kind.

The Council area covers approximately 2615.9km<sup>2</sup> and includes the townships of Tumby Bay, Port Neill, Lipson and Ungarra, as well as the smaller communities and/or settlements of Brooker, Butler, Butler Tanks, Carrow, Cockaleeche, Dixon, Hutchison, Koppio, Lipson Cove, Louth, Moody, Moreenia, Mount Hill, Nicholls, Redcliffs, Stokes, Thuruna, Trinity Haven, Uranno, Waratta Vale, Yallunda Flat and Yaranyacka. The distribution of electors throughout the Council area, and in particular the concentration of elector numbers within the major townships, makes it particularly difficult to divide the Council area into wards on a rational and equitable basis without dissecting some of these existing communities.

The retention of the "no wards" structure avoids the need for the lines of division within the Council area (and potential impact upon existing communities of interest); and may serve to reinforce the community spirit and focus of the Council area.

### 6.2.3 Population and Demographic Trends

Council is aware that fluctuations in elector numbers are of little consequence under a structure where the Council area is not divided into wards, given that the specified quota tolerance limits do not apply. Notwithstanding this, the following information was considered during the course of the review and suggests that there is a likelihood that the population (and therefore the elector numbers) within the Council area will increase (albeit only marginally) in the foreseeable future.

- According to data provided by Electoral Commission SA, the total number of electors eligible to vote within the Council area decreased by 92 (4.38%) during the period July 2013 - July 2021.
- The existing supply of residentially zoned land within the Council area far exceeds the demand for such allotments and, as such, there are plenty of infill residential development opportunities within the existing townships and settlements.



- Whilst development of several ports within the Council area has been mooted (which may have short and long-term impacts upon population numbers), no details regarding final timing of such proposals is known at this time.
- Population projections prepared by the PlanSA (then the Department of Planning, Transport and Infrastructure) in 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).
- 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).
- 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.
- 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; and an estimated 1,147 persons (or 43.92% of the local population) were aged 55 years and older.

#### 6.2.4 Topography

The District Council of Tumby Bay is 2,616 km<sup>2</sup> in area; and Council acknowledges that the local topography and travel distances can at times have some effect upon the elected member's ability to attend to the requirements and/or demands of the community.

However, the retention of the existing “no wards” structure ensures a council-wide focus by all of the elected members; and affords the opportunity for the elected members to broaden their roles and share the responsibilities of addressing the issues, concerns and demands of the entire community across the whole of the Council area. Whilst the potential effects of the topography will likely remain (to some degree), it is considered that the impacts thereof should be minimal given the continued united approach and efforts of the elected members.

#### 6.2.5 Communication

Council believes that the proposed level of representation (i.e. six 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 for several years with the same level of representation.


## 7. CONCLUSION

The District Council of Tumby Bay has completed a review of its size, composition and ward structure, as required by the provisions of Section 12 of the Act. The review, which was conducted in accordance with the specified process and addressed the matters detailed under Sections 26 and 33 of the Act, culminated in Council resolving that:

- the principal member of Council continue to be a Mayor who is elected by the community;
- the Council continue to comprise the Mayor and six (6) area councillors and
- the Council area not be divided into wards (i.e. the existing “no wards” structure be retained).

This report is referred to the Electoral Commissioner in accordance with the provisions of Section 12(12) of the Act, and certification is hereby sought so as to enable Council’s proposal, as detailed herein, to be in effect at the Local Government elections in November 2022.

Should you require any additional information or wish to discuss the review, please contact the undersigned on telephone (08) 8688 2101 or email [dctumby@tumbybay.sa.gov.au](mailto:dctumby@tumbybay.sa.gov.au).



Rebecca Hayes  
Chief Executive Officer

# **APPENDICES**

# **APPENDIX A**

Information Paper  
2 August 2020

# INFORMATION PAPER

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

### **DISTRICT COUNCIL OF TUMBY BAY**

August 2020

## 1. CURRENT LEGISLATIVE ARRANGEMENTS

- a) Section 12(4) of the Local Government Act 1999 (the Act) requires Council comprehensively review all aspects of its composition and the division/potential division of the council area into wards, at least once in each relevant period, as prescribed by the Minister from time to time (approximately every eight years).
- b) The latest schedule (published in the Government Gazette on the 9<sup>th</sup> July 2020) indicates that Council is required to undertake a review during the period October 2020 – October 2021.
- c) The review should address the issues of:
  - the principal member of Council (i.e. elected Mayor or selected Chairperson);
  - the composition of Council;
  - the number of elected members required to adequately represent the community and perform the roles and responsibilities of Council;
  - the division (or not) of the council area into wards;
  - the number of wards;
  - the level of representation and elector ratio within each ward;
  - ward names; and
  - the Council name (if required).
- d) Council last completed a review of its elector representation in September 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.
- e) The poll conducted in August 2014 favoured the introduction of a Mayor elected by the community. This change came into effect at the Local Government elections in November 2018.
- f) A limited elector representation review was undertaken in 2017, resulting in the composition of Council being amended to the Mayor (elected by the community) and six (6) area councillors. This change also came into effect at the periodic election in 2018,

## 2. STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL 2020

- a) The Statutes Amendment (Local Government Review) Bill 2020, which was introduced into Parliament on 17 June 2020, proposes reforms to the local government legislation, including the provisions which relate to elector representation reviews.
- b) In brief, the proposed legislative amendments (as they relate to elector representation reviews) seek to:
  - abolish the appointment of a principal member by the elected members of Council;
  - cap the number of elected members (including the Mayor) at twelve (12); and
  - introduce a new abridged process which incorporates the preparation/provision of only one report (for public consultation purposes) and only one public consultation stage.
- c) If the Statutes Amendment (Local Government Review) Bill 2020 is enacted after the Council initiates its review, Council will likely be able to proceed with the current review process, but will have to address the provisions/requirements of the new Act.

## 3. REVIEW PROCESS

- a) Section 12(5) of the Act requires a "Representation Options Paper" be prepared by a person qualified to address the representation and governance issues; and this document must examine the advantages and disadvantages of the options available in respect to the range of issues outlined in 1(c).
- b) The first public consultation stage (minimum of six weeks) involves the publishing of notices in the Government Gazette and local newspapers, as well as on Council's website, informing the community of the review; advising of the existence of the "Representation Options Paper"; and calling for submissions. The "Representation Options Paper" will simply provide relevant information to the community, including ward structure options; and will not lead the reader to any particular conclusion.
- c) Council will consider all options available (including the information provided in the "Representation Options Paper"), as well as the submissions received, and make "in principle" decisions regarding the constitutional arrangements it believes should be effected.
- d) Council must then undertake a second consultation with the community (minimum of three weeks), including the preparation and exhibition of a "Representation Review Report" which outlines Council's proposal and the reasons for such; and provides details pertaining to the results of the initial public consultation and the responses thereto.
- e) Council must then consider all of the submissions received; hear submissions (if deemed necessary); make final decisions and prepare a report to the Electoral Commissioner.
- f) The final stage involves certification by the Electoral Commissioner and gazettal of any amendments.
- g) The review process could take 30 – 38 weeks and could be concluded in May 2021.
- h) An indicative project schedule is as follows.

August – October 2020	<ul style="list-style-type: none"> <li>Provision of an <b>Information Paper</b> to elected members and staff.</li> <li>Conduct the <b>initial workshop</b> with elected members to discuss the review process and the key issues, including any potential impacts of the Local Government Review Bill 2020.</li> <li><b>Collect and analyse elector data.</b></li> <li>Prepare/present a <b>draft "Representation Options Paper"</b> relating to the composition of Council and ward structure alternatives; discuss contents with the elected members (at a meeting/workshop, if required) and make final amendments.</li> </ul>
October – December 2020	<ul style="list-style-type: none"> <li>Undertake the initial prescribed <b>public consultation (6 weeks)</b>, including the preparation of the public notice; provision of a public questionnaire document (if required); and preparation of a brief summary paper for the public (if required).</li> <li>Undertake a public meeting (if required) to outline the review objective and process; discuss the key issues; and respond to enquiries.</li> <li><b>Examine all public submissions</b> and <b>prepare a "Submissions Report"</b> for consideration by Council.</li> </ul>
December 2020 – February 2021	<ul style="list-style-type: none"> <li>Council to consider the "Submissions Report" at a <b>workshop/meeting</b>, and make <b>"in principle" decisions re its preferred future composition and structure.</b></li> <li>Prepare a <b>"Representation Review Report"</b> pursuant to Sections 12(7) &amp; (8) of the Local Government Act and <b>undertake the second prescribed public consultation (3 weeks).</b></li> </ul>
February – April 2021	<ul style="list-style-type: none"> <li><b>Examine all public submissions</b> and <b>prepare a second "Submissions Report"</b> for consideration by Council.</li> <li>Council to hear submissions and make <b>final decisions.</b></li> </ul>
April – May 2021	<ul style="list-style-type: none"> <li><b>Prepare and present the final report</b> to the Electoral Commissioner.</li> <li><b>Consult with Electoral Commission SA</b> during the certification process.</li> </ul>

i) The Statutes Amendment (Local Government Review) Bill 2020 requires only one public consultation stage which includes the presentation of a Representation Report to the community. The report will be a comprehensive document which will:

- examine the advantages and disadvantages of all various representation and structure options (in particular the issues of the number of elected members and whether the council area should be divided into wards);
- set out the proposal that Council considers should be carried into effect; and
- include analysis of how the proposal relates to the principles under Section 26(1)(c) and the matters referred to in Section 33 (as they may be relevant).



## 4. PRIMARY ISSUES

### 4.1 Composition

#### 4.1.1 Principal Member

- a) Since the periodic election in late 2018 the principal member of Council has been a Mayor elected by the community.
- b) The only current alternative is a chairperson who is chosen by the elected members of Council to serve for a determined period (maximum of 4 years).
- c) The Statutes Amendment (Local Government Review) Bill 2020 seeks to abolish the position of selected chairperson.
- d) Fifteen (15) regional councils have a selected principal member, although all bear the title of mayor, as currently allowed under Section 51(1)(b) of the Act).
- e) The roles of a mayor and/or chairperson are identical in all respects, the differences occur in the election/selection and the voting rights in chamber. An elected mayor does not have a deliberative vote on a matter before Council, but has, in the event of a tied vote, a casting vote. A chairperson has a deliberative vote at a Council meeting, but does not, in the event of a tied vote, have a casting vote.
- f) Any candidate seeking to be elected to the office of mayor cannot stand for election as a councillor and, as such, the experience and expertise of an unsuccessful candidate will be lost to Council.
- g) The election for a mayor (including any supplementary election) must be conducted across the whole of the council area (despite whether the council area is divided into wards or not), whereas the selection of a chairperson is not reliant upon an election.
- h) Under circumstances whereby a chairperson cannot serve a full term (i.e. leaves Council), Council can simply choose another principal member from the remaining councillors. This would result in Council comprising one less councillor. If Council has to fill the vacancy, a supplementary election is required.
- i) It is likely that Councils choose to select a chairperson in order to minimise the number of elected members and reduce costs.
- j) At this time any change from a mayor to a chairperson (or vice versa) will require a poll (as required under Section 12(11a) of the Local Government Act 1999) prior to finalising the report to the Electoral Commissioner.

#### 4.1.2 Area Councillors (in addition to ward councillors)

- a) Section 52(1) of the Act specifies that all members of Council, other than the principal member, shall have the title of councillor.
- b) Section 52(2)(a) of the Act enables "area councillors" to be elected as representatives of the whole of the council area, whether or not the area is divided into wards.

- c) Under a ward structure "area councillors" are similar to the former office of Alderman.
- d) Arguments in favour of "area councillors" (in addition to ward councillors) include:
  - the councillor should be free of parochial ward attitudes and responsibilities;
  - the councillor is generally an experienced elected member who can share his/her knowledge and experience with the ward councillors;
  - the 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.
- e) Arguments against "area councillors" include:
  - the office holds no greater status and/or responsibilities than a ward councillor;
  - a candidate need not comply with any extraordinary or additional eligibility requirements;
  - additional elected members ("area councillors") will create additional expense (e.g. elected member's allowances and administration costs);
  - any contested election 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 ward 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 more 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
  - the task and expense of contesting council-wide elections for an "area councillor" can be daunting, and may deter appropriate/quality candidates.

## 4.2 Ward Structure

### 4.2.1 Wards/No Wards

- a) The council area has not been divided into wards since the 1<sup>st</sup> January 1989. Prior to that date the council area was divided into nine (9) wards.
- b) Arguments supporting the retention of the existing "no wards" structure 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, rather than candidates who may 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);
- the elected members should be free of parochial ward attitudes;
- the lines of communication between Council and the community should be enhanced, given that members of the community should be able to consult with any and/or all members of Council, rather than feel obliged to consult with their specific ward councillors;
- as ward councillors do not have to reside within the ward that they represent, a ward structure does not guarantee that a ward councillor will have empathy for, or an affiliation with, the ward;
- 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 in elector numbers and there is no requirement for compliance with specified quota tolerance;
- ward councillors generally consider themselves to represent not only their ward but the council area as a whole;
- the introduction of postal voting has facilitated the dissemination of campaign literature throughout the council area, thereby reducing the difficulty and cost of contesting a council-wide election campaign;
- successful candidates generally have to attract no more votes than what they would have received/required under a ward election; and
- candidates for election to Council will require the genuine desire, ability and means to succeed and serve on Council, given the perceived difficulties and expense associated with contesting "at large" elections.

c) Arguments in favour of introducing a ward structure include:

- wards guarantee some form and level of direct representation to all existing communities of interest;
- ward councillors can focus on local issues;
- the concern that a single interest group could gain considerable representation on Council under a "no wards" structure;
- concern council-wide elections will not guarantee that elected members have any empathy for, or affiliation with, communities across the whole council area;
- the task and expense of contesting council-wide elections could be prohibitive, and therefore may deter appropriate/quality candidates;
- without wards Council has to conduct elections and supplementary elections across the whole of the council area (at a significant expense); and

- under the “no ward” structure the more popular or known councillors may receive more enquiries from the public (i.e. inequitable workloads).
- d) Section 33(1) of the Act outlines the matters that must be taken into account when determining wards (i.e. communities of interest, population, topography, communication between councillors and electors, demographic change and elector representation).

#### 4.2.2 Potential Ward Structures

- a) 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”*.
- b) Council can retain the existing “no ward” structure but must also consider ward structure options (so as to ensure that the current review is comprehensive).
- c) Ward structure options based on a varying number of elected members (to be determined) will be presented to Council, and a number of alternatives should be presented to the community for consideration and comment.
- d) The review should also address the title/name of any proposed wards.
- e) The means of ward identification are limited. They include the allocation of direction points (i.e. north, south, east, west and central), letters, numbers, locality/district names, place names and/or names of local heritage significance.
- f) Where possible, potential future ward boundaries should be aligned with easily identifiable features, such as main roads, property boundaries, established district/locality boundaries, Hundred boundaries (and alike) and/or prominent geographical or man-made features.

#### 4.2.3 Ward Representation

- a) Wards represented by a single councillor are generally smaller 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; sustain significant fluctuations in elector numbers; and comply with the specified quota tolerance limits (refer 5.1 Quota). The work load of the ward councillor can also be demanding, and absenteeism by the elected member (for whatever purpose and/or period) will leave the ward without direct representation.
- b) Two councillors representing a ward is common practice; allows for the sharing of duties and responsibilities between the ward councillors; lessens the likelihood of ward parochialism; and affords continuous ward representation should one ward councillor be absent.
- c) Multi-councillor wards are generally larger in area and therefore the overall ward structure can be relatively simple. Councillor absenteeism can be easily covered; the work load of the ward councillors can be reduced; there are greater perceived lines of communication between ward councillors and their constituents; and there is more flexibility in regards to ward quota, allowances for fluctuations in elector numbers, and the preservation of communities of interest.



- d) There are no inherent disadvantages associated with varying levels of representation between wards, provided the elector ratios within the wards are consistent. 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.

#### 4.3 Elector Representation (i.e. number of elected members)

- a) Council currently comprises six (6) area councillors.
- b) Section 33(1)(f) of the Act indicates *"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)."*
- c) Section 26(1)(xi) of the Act also states *"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)".*
- d) There needs to be sufficient elected members to:
- 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
  - assure the range of viewpoints that spurs innovation and creativity in Council planning and decision-making.
- e) The Statutes Amendment (Local Government Review) Bill 2020 seeks to restrict the total number of elected members (including the principal member) in any Council to twelve (12).
- f) 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 regional councils which have a similar number of electors to 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 <sup>2</sup> )	8	1,583	1:198
Kingston (3,338 km <sup>2</sup> )	7	1,841	1:263
Barunga West (1,582 km <sup>2</sup> )	9	1,986	1:221
Ceduna (5,427 km <sup>2</sup> )	8	2,096	1:262
Mount Remarkable (3,424 km <sup>2</sup> )	7	2,145	1:306
Tumby Bay (2,616 km <sup>2</sup> )	6	1,987	1:331
Goyder (6,719 km <sup>2</sup> )	7	3,029	1:433

Source: Electoral Commission SA (13 May 2020 and 26 June 2020)

- g) 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), the 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 <sup>2</sup> )	6	1,987	1:331
Northern Areas (3070 km <sup>2</sup> )	9	3,399	1:378
Kangaroo Island (4,400 km <sup>2</sup> )	9	3,510	1:390
Yankalilla (750.6 km <sup>2</sup> )	9	3,731	1:415
Lower Eyre Peninsula (4,771 km <sup>2</sup> )	7	3,779	1:540
Coorong (8,830 km <sup>2</sup> )	9	3,784	1:420
Tatiara (6,476 km <sup>2</sup> )	10	4,592	1:459
Wakefield (3,469 km <sup>2</sup> )	10	4,842	1:484
Grant (1,904 km <sup>2</sup> )	9	5,475	1:608

Source: Electoral Commission SA (13 May 2020 and 26 June 2020))

- h) Any further reduction in the number of elected member may compromise the quality of representation, management and decision-making by the elected members; whereas any increase will serve to enhance the lines of communication between council (at an additional cost to Council and the community).
- i) An odd number of councillors may overcome the requirement for the Mayor to cast a deciding vote but may require the development/implementation of a ward structure that exhibits a varying level of representation between wards. The latter can be perceived as an imbalance.

## 5. KEY CONSIDERATIONS

### 5.1 Quota

- a) Section 33(2) of the Act requires that any proposal which relates to the formation or alteration of wards of a Council must observe the principle that the number of electors represented by a councillor must not vary from the ward quota by more than 10 per cent. Ward quota is the number of electors within a ward divided by the number of ward councillors, whereas the "elector ratio" for the council area is the total number of electors divided by the number of councillors (elected Mayor excluded).

### 5.2 Communities of Interest

- a) Section 33(1)(a) of the Act requires Council, when developing wards, to take into account (as far as practical) *"the desirability of reflecting communities of interest of an economic, social, regional or other kind"*.

- b) Factors that can be considered include the physical, economic and social environments; 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; planning zones; and environmental and geographic interests.
- c) The issue of “communities of interest” can be complex and subjective. As such, the member’s local knowledge is particularly valuable and the retention of entire communities (i.e. districts, precincts and/or towns) within proposed wards will always serve to maintain and protect perceived existing communities of interest.
- d) Existing communities of interest within the council area include (but are not limited to) the townships of Tumby Bay, Port Neill, Lipson and Ungarra; and the localities of Brooker, Butler, Cockaleechee, Koppio, Moody, Yallunda Flat and Hicks (part only).

### 5.3 Ward Boundaries

- a) It is suggested that a proportion of the community can have an apathetic attitude towards Local Government elections and, as such, care should be taken to ensure that the situation is not exacerbated as a result of any confusion or uncertainty which may arise during the review process.
- b) Experience suggests communities prefer no change to the existing arrangements but are more likely to accept an alternative structure which has some logical basis and/or exhibits ward boundaries that are easily identifiable.
- c) Every endeavour will be made to ensure, where possible, that potential future proposed ward boundaries will align with existing district/locality boundaries; main roads; property boundaries; and/or prominent geographical and/or man-made features.

### 5.4 Demographic Trends

- a) Allowances must be incorporated within any proposed future ward structure to accommodate identified or likely fluctuations in elector numbers. Trends will be gleaned from sources such as the House of Assembly Roll; Council’s supplementary voters roll; state government population projections; Australian Bureau of Statistics census data; housing construction rates; land division proposals; and existing/future zonings.
- b) Elector numbers in the council area decreased by 113 (5.39%) during the period July 2013 - June 2020.
- c) 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).
- d) 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).
- e) 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.

- f) There will also be a need to identify and take into account development opportunities, residential re-development opportunities and/or land division proposals) which will have the potential to increase the population (and therefore elector numbers) over the next eight (8) years.
- g) It is understood that the existing supply of residentially zoned land far exceeds the demand for such allotments; and that there may be potential within the existing residential zones to almost double the current population of the council area.
- h) 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.



# **APPENDIX B**

Representation Options Paper  
12 January 2021



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 9<sup>th</sup> 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 2,671km<sup>2</sup> and had an estimated resident population of 2,702 as at the 30<sup>th</sup> 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 29<sup>th</sup> 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.

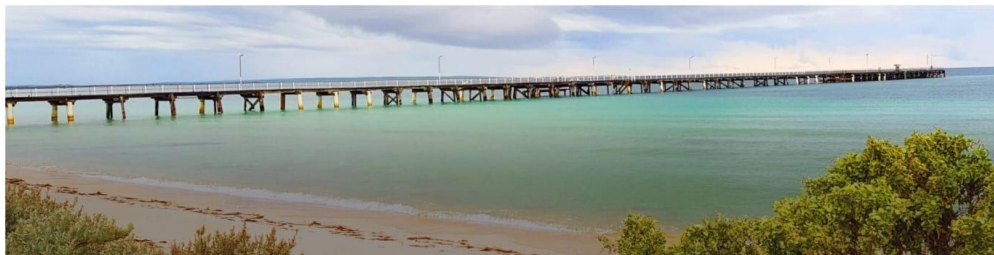
The opposing view is that an area councillor holds no greater status than a ward councillor; has no greater responsibilities than a ward councillor; and need not comply with any extraordinary or additional eligibility requirements. In addition, it should be noted that:

- 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 <sup>2</sup> )	8	1,558	1:195
Barunga West (1,582 km <sup>2</sup> )	9	1,979	1:220
Kingston (3,338 km <sup>2</sup> )	7	1,810	1:259
Ceduna (5,427 km <sup>2</sup> )	8	2,071	1:259
Mount Remarkable (3,424 km <sup>2</sup> )	7	2,115	1:302
Tumby Bay (2,616 km <sup>2</sup> )	6	1,991	1:332
Goyder (6,719km <sup>2</sup> )	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 <sup>2</sup> )	6	1,991	1:332
Northern Areas (3,070 km <sup>2</sup> )	9	3,374	1:375
Yankalilla (750.6 km <sup>2</sup> )	9	3,457	1:384
Kangaroo Island (4,400 km <sup>2</sup> )	9	3,510	1:390
Coorong (8,830 km <sup>2</sup> )	9	3,757	1:417
Tatiara (6,476 km <sup>2</sup> )	10	4,461	1:446
Wakefield (3,469 km <sup>2</sup> )	10	4,788	1:479
Lower Eyre Peninsula (4,771 km <sup>2</sup> )	7	3,737	1:532
Grant (1,904 km <sup>2</sup> )	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;
- 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

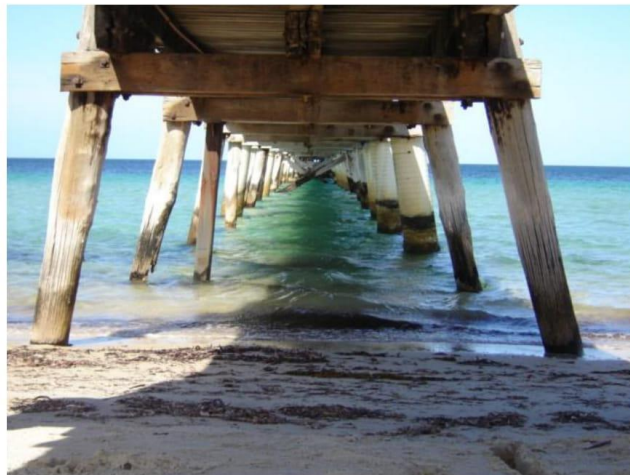
Section 33(2) of the Act indicates that a proposal which relates to the formation or alteration of wards of a council must also observe the principle that the number of electors represented by a councillor must not, as at the relevant date (assuming that the proposal were in operation), vary from the 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 km<sup>2</sup> 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 but 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.

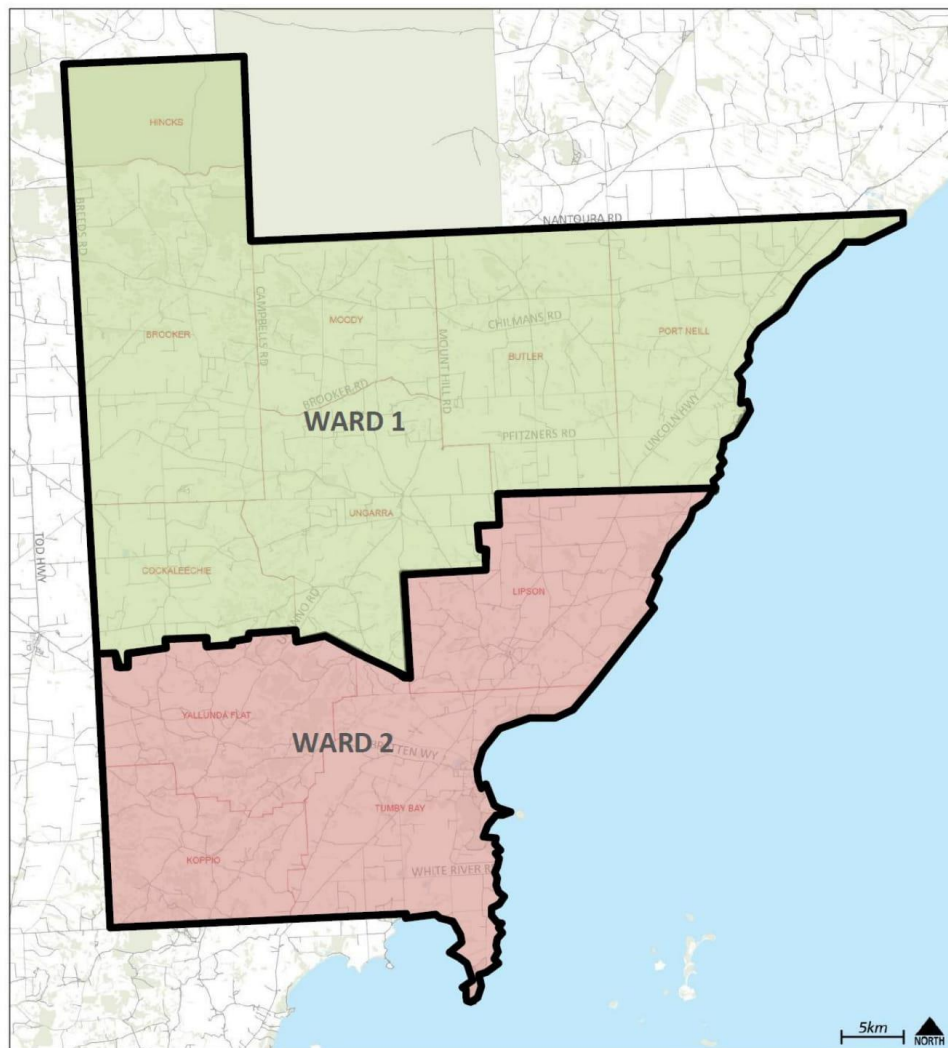
This proposed ward structure is based on a total of five councillors (plus the Mayor). The reduction in the number of elected members should have some financial benefits to Council and the local community, but may come at a cost in regards the workloads of the elected members and the lines of communication 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 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 four councillors; and the remaining proposed ward being represented by two councillors

Proposed ward 1 incorporates the districts/localities of Brooker, Butler, Cockaleecheie, 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

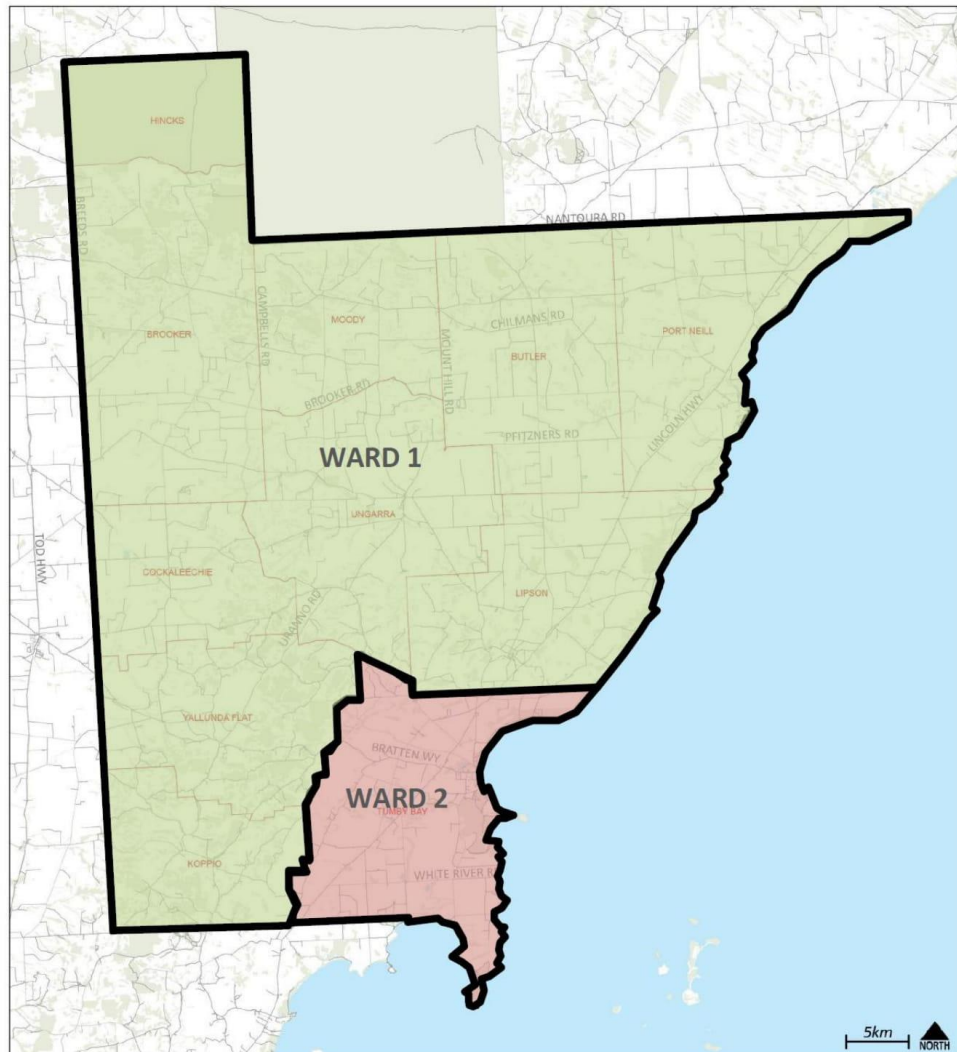
#### 8.3.3 Comments

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

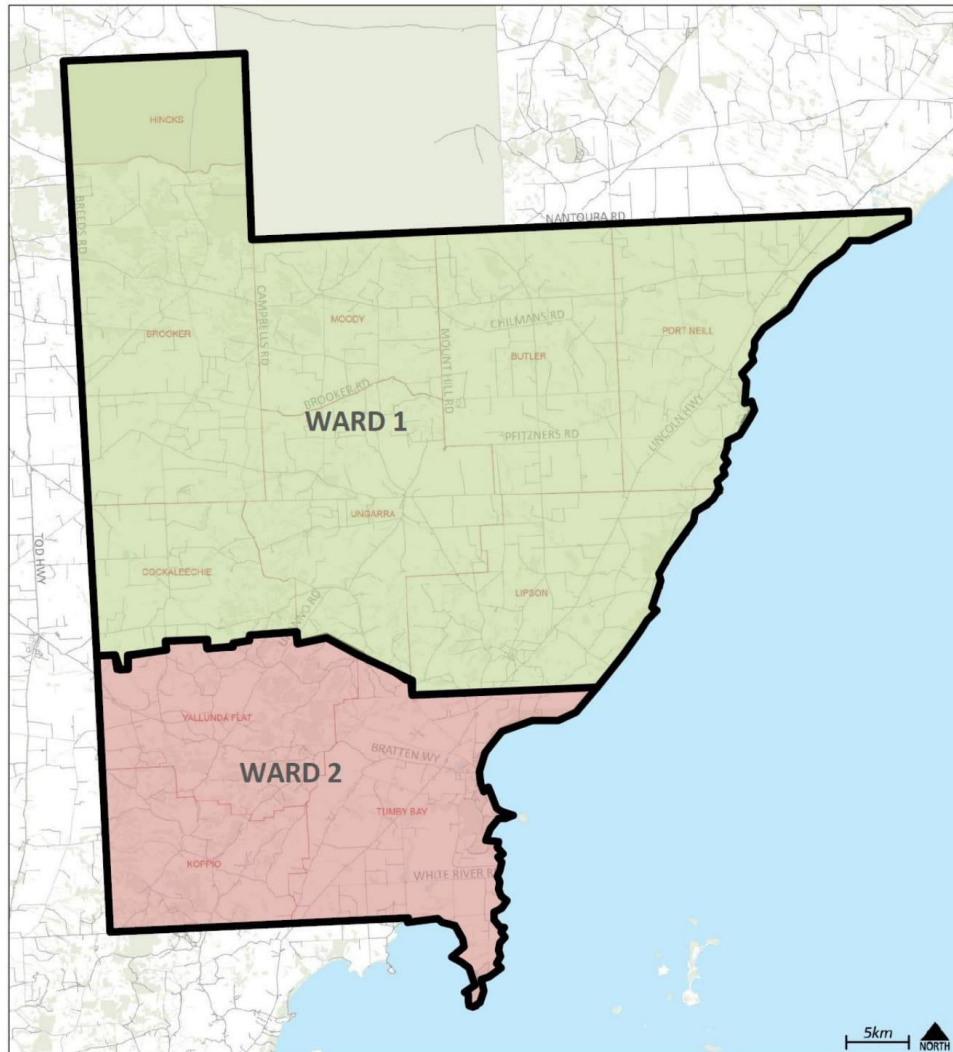
This two ward structure is based on seven councillors (i.e. an increase of one councillor).

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 29<sup>th</sup> March 2021.

- Via Council's website ([www.tumbybay.sa.gov.au](http://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](mailto: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](mailto:dctumby@tumbybay.sa.gov.au)

# **APPENDIX C**

Council Agenda Item & Minutes  
12 January 2021

Ordinary Council Meeting  
12<sup>th</sup> January 2021  
4c/12021

1478

**13.1.2 CEO 2/121**

Moved – Cr Kroemer

That Council:

- a. approve a six month trial of paid advertising in the Tumby Bay Council & Community News,
- b. and adopt amended Policy 10.11 Community Facilities & Services accordingly.

**Trial of Paid Advertising in Community Newsletter**

Seconded – Cr Trenberth

**CARRIED**

**13.1.3 CEO 3/121**

Received and noted.

**Capital Works 2020/2021**

5c/12021

**13.1.4 CEO 4/121**

Moved – Cr Randall

That Council retain the *Policy 2.18: Governance – Informal Gatherings* in its current format and consider carefully any decision to close an informal gathering based upon the matters before the Council and purpose of the informal gathering. Revision of *Policy 2.18: Governance – Informal Gatherings* when the LGASA releases a new Policy template after the Local Government Reform Bill is passed by Parliament.

**Informal Gatherings Policy**

Seconded – Cr Hibbit

**CARRIED**

6c/12021

**13.1.5 CEO 5/121**

Moved – Cr Kroemer

That Council approve;

1. the 'Representations Options Paper' as presented; and
2. the use of the questionnaire / response form as amended; and
3. the release of the options paper to the public for a period of six (6) weeks public consultation.

**Elector Representation Review**

Seconded – Cr Hibbit

**CARRIED**

7c/12021

**13.1.6 CEO 6/121**

Moved – Cr Kroemer

That Council approve the CEO obtaining a scope of works and fee for service from Master Plan to undertake a holistic planning focused review of parking in and around the Tumby Bay Township.

**West Coast Homecare – Request For Impaired Mobility Parking Space**

Seconded – Cr Trenberth

**CARRIED**

8c/12021

**13.1.7 CEO 7/121**

Moved – Cr Hibbit

That the Council:

1. note that the Ritz Café lease has undergone a twenty-one (21) day consultation period and no submissions were received by the Council;
2. agree to entering into a lease with the current lessee in the terms and conditions presented to the Council at their meeting of 8 December 2020; and
3. approve the seal being affixed to the lease document.

**Ritz Café Lease**

Seconded – Cr Allen-Jordan

**CARRIED**

ORDINARY COUNCIL MEETING AGENDA PAPER	
Agenda Item:	# 13.1.5
Report Reference:	CEO 5/121
Subject:	Elector Representation Review
Paper type:	For Decision
Sponsor:	CEO
Presenter:	CEO
<p><b>RELEVANCE TO STRATEGIC PLAN AND BUDGET</b>  <u>Strategy implications</u></p> <p>Theme 2: Connected, Vibrant &amp; Empowered Communities</p> <ul style="list-style-type: none"> <li>• Maintain two-way conversations with our community through community forums and consultation</li> </ul> <p><u>Financial implications</u>  Nil.</p> <p><u>Management responsibility</u>  Chief Executive Officer</p>	
<p><b>PROPOSAL:</b>  Seeking Council's approval of the draft 'Representations Options Paper' and the release for the paper to the public for a period of six (6) weeks consultation.</p>	
<p><b>BACKGROUND:</b>  The <i>Local Government Act 1999</i> (the Act) requires a Council to undertake an 'elector representation review' to determine whether its community would benefit from an alteration to Council's composition or ward structure. In particular section 12 provides:</p> <p>(...)</p> <p>(3) A council must ... conduct and complete a review under this section for the purpose of determining whether its community would benefit from an alteration to its composition or ward structure.</p> <p>(4) 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.</p>	

On 9 July 2020, the Minister for Local Government specified, by way of a notice in the Government Gazette, that the Council is required to undertake and complete a review between October 2020 to October 2021.

Section 12(5) provides that the Council must initiate the preparation of a paper (a representation options paper) by a person who, in the opinion of the council, is qualified to address the representation and governance issues that may arise with respect to the matters under review. DCTB have appointed Craig Rowe of CL Rowe & Associates, Urban & Regional Planners and Local Government Consultants, for this purpose.

**RISK ASSESSMENT:**

Risk analysis

Not Applicable.

**DISCUSSION DETAIL:**

Attached is the 'Representation Review Paper' prepared by Craig Rowe for approval by the Council. The paper addresses the requirements of the Act.

Please note:

1. The pictures in the paper can be removed, replaced or added to, as required by Council.
2. The paper will need to be amended to include the relevant consultation dates and details of the Council contact.
3. The Options provided can be amended or removed, however, the recommendation from Craig Rowe is for them to remain (not be removed) as this demonstrates Council's comprehensive approach. Options must be included under the Act.

A questionnaire / response form has also been provided for your approval and will be provided to the public to assist them in providing a submission in response to the paper.

The Act requires the paper to be released for a minimum six (6) week period of consultation. A full breakdown of the review process can be found on page 3 of the paper.

**RECOMMENDATION:**

It is recommended the Council approve;

1. the 'Representations Options Paper' as presented; and
2. the use of the questionnaire / response form; and
3. the release of the options paper to the public for a period of six (6) weeks public consultation.

Signing of paper

---

Chief Executive Officer

Ordinary Council Meeting  
12<sup>th</sup> January 2021  
4c/12021

**13.1.2 CEO 2/121**  
Moved – Cr Kroemer  
That Council:

**Trial of Paid Advertising in Community Newsletter**  
Seconded – Cr Trenberth

- a. approve a six month trial of paid advertising in the Tumby Bay Council & Community News,
- b. and adopt amended Policy 10.11 Community Facilities & Services accordingly.

**CARRIED**

**13.1.3 CEO 3/121**  
Received and noted.

**Capital Works 2020/2021**

5c/12021

**13.1.4 CEO 4/121**  
Moved – Cr Randall

**Informal Gatherings Policy**

Seconded – Cr Hibbit

That Council retain the *Policy 2.18: Governance – Informal Gatherings* in its current format and consider carefully any decision to close an informal gathering based upon the matters before the Council and purpose of the informal gathering. Revision of *Policy 2.18: Governance – Informal Gatherings* when the LGASA releases a new Policy template after the Local Government Reform Bill is passed by Parliament.

**CARRIED**

6c/12021

**13.1.5 CEO 5/121**  
Moved – Cr Kroemer  
That Council approve;

**Elector Representation Review**

Seconded – Cr Hibbit

1. the 'Representations Options Paper' as presented; and
2. the use of the questionnaire / response form as amended; and
3. the release of the options paper to the public for a period of six (6) weeks public consultation.

**CARRIED**

7c/12021

**13.1.6 CEO 6/121**

**West Coast Homecare – Request For Impaired Mobility Parking Space**

Moved – Cr Kroemer

Seconded – Cr Trenberth

That Council approve the CEO obtaining a scope of works and fee for service from Master Plan to undertake a holistic planning focused review of parking in and around the Tumby Bay Township.

**CARRIED**

8c/12021

**13.1.7 CEO 7/121**  
Moved – Cr Hibbit  
That the Council:

**Ritz Café Lease**

Seconded – Cr Allen-Jordan

1. note that the Ritz Café lease has undergone a twenty-one (21) day consultation period and no submissions were received by the Council;
2. agree to entering into a lease with the current lessee in the terms and conditions presented to the Council at their meeting of 8 December 2020; and
3. approve the seal being affixed to the lease document.

**CARRIED**





# **APPENDIX D**

Public Notice  
"Port Lincoln Times"  
8 February 2021



11/02/2021

DISTRICT COUNCIL OF TUMBY BAY

**DISTRICT COUNCIL OF TUMBY BAY  
REVIEW OF  
ELECTOR REPRESENTATION**

Notice is hereby given that the District Council of Tumby Bay is undertaking a review to determine whether a change of arrangements are required in respect to elector representation, so as to ensure that the electors of the area being adequately and fairly represented.

Pursuant to the provisions of Section 12(7) of the Local Government Act 1999, notice is hereby given that Council has prepared a Representation Options Paper which examines the advantages and disadvantages of the various options available in regards to the composition and structure of Council, and the division of the council area into wards.

A copy of the Representation Options Paper is available on the Council's website ([www.tumbybay.sa.gov.au](http://www.tumbybay.sa.gov.au)); and for inspection and/or purchase at the Council offices at the corner of Mortlock Street and West Terrace, Tumby Bay.

Written submissions are invited from interested persons from Thursday 11th February 2021 and should be directed to the Chief Executive Officer, PO Box 61, Tumby Bay 5605 or emailed to [dtumby@tumbybay.sa.gov.au](mailto:dtumby@tumbybay.sa.gov.au) by close of business on Monday 29th March 2021. Alternatively, electronic submissions can be made via the Council website ([www.tumbybay.sa.gov.au](http://www.tumbybay.sa.gov.au)).

Information regarding the elector representation review can be obtained by contacting the Chief Executive Officer on telephone 8688 2101 or email [dtumby@tumbybay.sa.gov.au](mailto:dtumby@tumbybay.sa.gov.au).

**Rebecca Hayes**  
Chief Executive Officer

# **APPENDIX E**

Public Notice  
SA Government Gazette  
11 February 2021

## TATIARA DISTRICT COUNCIL

*Representation Review*

Pursuant to the provisions of Section 12(7) of the *Local Government Act 1999*, notice is hereby given that the Tatiara District Council has prepared a Representation Options Paper that examines the advantages and disadvantages of various options available to the Council with respect to its composition and ward structure.

Copies of the Representation Options Paper are available for inspection and/or purchase at the following locations:

- the Council's website ([www.tatiara.sa.gov.au](http://www.tatiara.sa.gov.au))
- Principal Office, Tatiara District Council, 43 Woolshed Street, Bordertown
- Sub Office, Tatiara District Council, 34 Hender Street, Keith

Interested persons are invited to make written submissions to the Chief Executive Officer of the Council by close of business on Friday, 26 March 2021 by email ([AnneChampness@tatiara.sa.gov.au](mailto:AnneChampness@tatiara.sa.gov.au)) or by post (PO Box 346, Bordertown SA 5268).

Information regarding the Representation Review can be obtained by contacting Ms Anne Champness, Chief Executive Officer, by telephone (08) 8752 1044 or by email [AnneChampness@tatiara.sa.gov.au](mailto:AnneChampness@tatiara.sa.gov.au).

Dated: 11 February 2021

ANNE CHAMPNESS  
Chief Executive Officer

## DISTRICT COUNCIL OF TUMBY BAY

*Review of Elector Representation*

Notice is hereby given that the District Council of Tumby Bay is undertaking a review to determine whether a change of arrangements are required in respect to elector representation, so as to ensure that the electors of the area being adequately and fairly represented.

Pursuant to the provisions of Section 12(7) of the *Local Government Act 1999*, notice is hereby given that Council has prepared a Representation Options Paper which examines the advantages and disadvantages of the various options available in regards to the composition and structure of Council, and the division of the council area into wards.

A copy of the Representation Options Paper is available on the Council's website ([www.tumbybay.sa.gov.au](http://www.tumbybay.sa.gov.au)); and for inspection and/or purchase at the Council offices at the corner of Mortlock Street and West Terrace, Tumby Bay.

Written submissions are invited from interested persons from Thursday, 11 February 2021 and should be directed to the Chief Executive Officer, PO Box 61, Tumby Bay 5605 or emailed to [dcumby@tumbybay.sa.gov.au](mailto:dcumby@tumbybay.sa.gov.au) by close of business on Monday, 29 March 2021. Alternatively, electronic submissions can be made via the Council website ([www.tumbybay.sa.gov.au](http://www.tumbybay.sa.gov.au)).

Information regarding the elector representation review can be obtained by contacting the Chief Executive Officer on telephone 8688 2101 or email [dcumby@tumbybay.sa.gov.au](mailto:dcumby@tumbybay.sa.gov.au).

Dated: 11 February 2021

REBECCA HAYES  
Chief Executive Officer

# **APPENDIX F**

Public Notice  
Council Website and  
15 February 2021



[Home](#) > [Community](#) > [Latest News](#) > Elector Representation Review

## Elector Representation Review

Roadworks in Tumby Bay and Lipson

15th February 2021

DISTRICT COUNCIL OF TUMBY BAY



## REVIEW OF ELECTOR REPRESENTATION

Notice is hereby given that the District Council of Tumby Bay is undertaking a review to determine whether a change of arrangements are required in respect to elector representation, so as to ensure that the electors of the area being adequately and fairly represented.

Pursuant to the provisions of Section 12(7) of the Local Government Act 1999, notice is hereby given that Council has prepared a Representation Options Paper which examines the advantages and disadvantages of the various options available in regards to the composition and structure of Council, and the division of the council area into wards.

A copy of the Representation Options Paper is available by clicking [here](#); and for inspection and/or purchase at the Council offices at the corner of Mortlock Street and West Terrace, Tumby Bay.

Written submissions are invited from interested persons from Thursday 11 February 2021 and should be directed to the Chief Executive Officer, PO Box 61, Tumby Bay 5605 or emailed to [dctumby@tumbybay.sa.gov.au](mailto:dctumby@tumbybay.sa.gov.au) by close of business on Monday 29 March 2021. Alternatively, submissions can be made via this [form](#) and emailed to [dctumby@tumbybay.sa.gov.au](mailto:dctumby@tumbybay.sa.gov.au).

Information regarding the elector representation review can be obtained by contacting the Chief Executive Officer on telephone 8688 2101 or email [dctumby@tumbybay.sa.gov.au](mailto:dctumby@tumbybay.sa.gov.au).

**Rebecca Hayes**

## DISTRICT COUNCIL of TUMBY BAY

Tumby Bay is a beautiful coastal township of 1200 residents, who have chosen to establish livelihoods, raise families and retire in a safe and serene environment.

## CONTACT US

District Council of Tumby Bay  
Cnr Mortlock Street and West Terrace  
PO Box 61, Tumby Bay, SA 5605

# **APPENDIX G**

Council Agenda & Minutes  
11 May 2021

*Confidential Documents:*

Pursuant to s.91(7)

That having considered Agenda Item Deputation in confidence under section 90(2) and (3)(a) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the discussion, report, attachments and all minutes relating to Agenda Item Deputation be kept confidential and to be retained in confidence.

That the Chief Executive Officer be authorised to review the confidentiality order annually.

7.0 COMMUNITY DELEGATES'/REPRESENTATIVES' REPORTS

7.1 Elected Members Reports

8.0 QUESTION ON NOTICE - Nil

9.0 QUESTION WITHOUT NOTICE

10.0 PETITIONS – Nil

11.0 MOTION ON NOTICE - Nil

12.0 COUNCIL/COMMUNITY COMMITTEE REPORTS

13.0 OFFICERS' REPORTS

13.1 Chief Executive Officer's Reports Continued

Page 1938

13.1.1 CEO 2/521 CEO Monthly Report

**Recommendation**

That the Report be received and noted.

Council commit \$2,470 to the LGASA Reform Implementation Package.

Page 1949

13.1.2 CEO 3/521 Capital Works 2020/2021

**Recommendation**

That the Report be received and noted.

Page 1953

13.1.3 CEO 4/521 Representation Review

**Recommendation**

Provide direction to the Chief Executive Officer regarding the composition and structure of the Council and have a Representation Review Report prepared on this basis.

ORDINARY COUNCIL MEETING AGENDA PAPER	
Agenda Item:	# 13.1.3
Report Reference:	CEO 4/521
Subject:	Representation Review
Paper type:	For Decision
Date:	11 <sup>th</sup> May 2021
<p><b>RELEVANCE TO STRATEGIC PLAN AND BUDGET</b></p> <p><u>Strategy implications</u></p> <p>Theme 2: Connected, Vibrant &amp; Empowered Communities</p> <ul style="list-style-type: none"> <li>• Maintain two-way conversations with our community through community forums and consultation</li> </ul> <p><u>Financial implications</u></p> <p>Nil.</p> <p><u>Management responsibility</u></p> <p>Chief Executive Officer.</p>	
<p><b>PROPOSAL:</b></p> <p>That Council retain its current composition and structure; and have a Representation Review Report prepared on this basis.</p> <p>The Representation Review Report will be presented to the June meeting for endorsement, which will enable the second consultation to be undertaken in late June/early July. This schedule should see the process completed by July/ August 2021 (well ahead of the October 2021 deadline).</p>	
<p><b>BACKGROUND:</b></p> <p>The <i>Local Government Act 1999</i> (LG Act) requires a Council to undertake an 'elector representation review' to determine whether its community would benefit from an alteration to Council's composition or ward structure. In particular section 12 provides:</p> <p>(...)</p> <p>(3) A council must ... conduct and complete a review under this section for the purpose of determining whether its community would benefit from an alteration to its composition or ward structure.</p> <p>(4) 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.</p> <p>On 9 July 2020, the Minister for Local Government specified, by way of a notice in the Government Gazette, that the Council is required to undertake and complete a review between October 2020 to October 2021.</p>	

Section 12(5) provides that the Council must initiate the preparation of a paper (a representation options paper) by a person who, in the opinion of the council, is qualified to address the representation and governance issues that may arise with respect to the matters under review. DCTB have appointed Craig Rowe of CL Rowe & Associates, Urban & Regional Planners and Local Government Consultants, for this purpose.

Public consultation for the Representation Review Report commenced on Monday 8th February 2021 with the publishing of a public notice in the "Port Lincoln Times" newspaper; and this was followed by the publishing of a similar public notice in the Government Gazette on Thursday 11th February 2021. Notices were also placed on Facebook and Instagram on the 19th February 2021 and 15th March 2021; the Council website ("Latest News") on the 15th February 2021; and in the Tumby Bay District and Community Newsletter (March 2021 edition).

At the expiration of the public consultation period (i.e. close of business on Monday 29<sup>th</sup> March 2021) Council had received no submissions.

Craig Rowe & Associates have prepared the attached 'Submissions Report'.

**RISK ASSESSMENT:**

Risk analysis

Not Applicable

**DISCUSSION DETAIL:**

Council must now consider the submissions received and determine ("in principle") what changes, if any, it proposes to bring into effect in respect to its future size, composition and structure.

The next stage of the review process, as specified under Section 12(8a) of the Act, involves Council preparing a "Representation Review Report" which will:

1. provide information regarding the initial public consultation undertaken and Council's response to the issues arising from the submissions received;
2. set out the proposal that Council considers should be carried into effect; and
3. present evidence of how the proposal relates to the provisions of Sections 26 and 33 of the LG Act.

Once completed, the Representation Review Report has to be presented to the community for consideration and comment, in accordance with the provisions of Section 12(9) and (10) of the LG Act.

The second public consultation stage must:

- occur for a minimum period of three (3) weeks;
- provide copies of the Representation Review Report for public inspection; and
- afford all interested persons the opportunity to make a written submission to Council.

Any person who makes a written submission during the second consultation period must be given the opportunity to address Council, either in person or by way of a representative, in support of his/her submission.

Upon completion of the second public consultation, and after due consideration of all submissions received in response thereto, Council will be in a position to make final decisions regarding its future composition and structure. The final stage of the review process is the presentation of a formal report to the Electoral Commissioner, for consideration and certification.

**NEXT STEPS**

To facilitate the preparation of the Representation Review Report, feedback is now sought from Council in relation to the following.

- Whether the principal member of Council should continue to be a Mayor elected by the community, or be a Chairperson who is selected by and from amongst the elected members? When considering this

matter Council should be mindful that any proposed change will require the conduct of a poll (pursuant to Section 12 (11a-d) of the Act); and the provisions of the Bill seek to abolish the Chairperson alternative.

- 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, what is the preferred future ward structure and why?
- If the council area is to be divided into wards, how are the proposed wards to be identified and what will be the level of representation in the wards?
- How many elected members will be required to provide fair and adequate representation to the local community over the eight (8) year period between elector representation reviews?

**RECOMMENDATIONS FROM CRAIG ROWE & ASSOCIATES**

In respect to the above, it is recommended by the consultants that Council:

- retain an elected Mayor as its principal member;
- retain the existing “no wards” structure;
- retain the current number of elected members (i.e. the Mayor and six (6) area councillors); and
- require the preparation of a Representation Review Report based on its preferred future composition and structure.

**RECOMMENDATION:**

Provide direction to the Chief Executive Officer regarding the composition and structure of the Council and have a Representation Review Report prepared on this basis.



information concerning the personal affairs of any person (living or dead), being Darryl Stratford because of private and confidential matters.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information that will be provided is of a private and confidential nature.

CARRIED

*Josie Kretschmer (Executive Assistant) departed the meeting and returned at 1800hrs.*

*Confidential Documents:*

Pursuant to s.91(7)

3C/52021

Moved - Cr Trenberth

Seconded – Cr Lawrie

That having considered Agenda Item Deputation in confidence under section 90(2) and (3)(a) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the discussion, report, attachments and all minutes relating to Agenda Item Deputation be kept confidential and to be retained in confidence. That the Chief Executive Officer be authorised to review the confidentiality order annually.

CARRIED

7. COMMUNITY DELEGATES'/REPRESENTATIVES' REPORTS

7.1 Elected Members Reports - Nil

8. QUESTION ON NOTICE - Nil

9. QUESTION WITHOUT NOTICE - Nil

10. PETITIONS – Nil

11. MOTION ON NOTICE - Nil

12. COUNCIL/COMMUNITY COMMITTEE REPORTS - Nil

13. OFFICERS' REPORTS

13.1 Chief Executive Officer's Reports Continued

4C/52021

13.1.1 CEO 2/521

CEO Monthly Report

Moved – Cr Trenberth

Seconded – Cr Randall

Report received and noted and Council commit \$2470 to the LGASA Reform Implementation Package.

CARRIED

13.1.2 CEO 3/521

Capital Works 2020/2021

Report received and noted.

5C/52021

13.1.3 CEO 4/521

Representation Review

Moved – Cr Randall

Seconded – Cr Trenberth

Direct the Chief Executive Officer to proceed with the recommendations from Craig Rowe & Associates and have a Representation Review Report prepared with the following recommendation –

# **APPENDIX H**

Submissions Report  
11 May 2021

# SUBMISSIONS REPORT

## **ELECTOR REPRESENTATION REVIEW**

First Public Consultation

A Report to the

**DISTRICT COUNCIL OF TUMBY BAY**

April 2021

**Disclaimer**

The information, opinions and estimates presented herein or otherwise in relation hereto are made by C L Rowe and Associates Pty Ltd in their best judgement, in good faith and as far as possible based on data or sources which are believed to be reliable. With the exception of the party to whom this document is specifically addressed, C L Rowe and Associates Pty Ltd, its directors, employees and agents expressly disclaim any liability and responsibility to any person whether a reader of this document or not in respect of anything and of the consequences of anything done or omitted to be done by any such person in reliance whether wholly or partially upon the whole or any part of the contents of this document. All information contained within this document is confidential.

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## 1. INTRODUCTION

Section 12(4) of the *Local Government Act 1999* (the Act) requires Council to undertake a review of all aspects of its composition and the division (or potential division) of the council area into wards, at least once in every period prescribed by the Minister for Local Government (generally eight years). The review for the District Council of Tumby Bay must be conducted and completed during the period October 2020 - October 2021.

The current review commenced in August 2020 and has progressed to the point where the first of the two prescribed public consultation stages has been completed. Council must now give consideration to the submissions received and determine ("in principle") what changes, if any, it proposes to bring into effect in respect to its future size, composition and structure.

## 2. PUBLIC CONSULTATION

Public consultation commenced on Monday 8th February 2021 with the publishing of a public notice in the "Port Lincoln Times" newspaper; and this was followed by the publishing of a similar public notice in the Government Gazette on Thursday 11<sup>th</sup> February 2021. Notices were also placed on Facebook and Instagram on the 19<sup>th</sup> February 2021 and 15<sup>th</sup> March 2021; the Council website ("Latest News") on the 15<sup>th</sup> February 2021; and in the Tumby Bay District and Community Newsletter (March 2021 edition).

In addition, a hard copy of the Representation Options Paper was made available at the Council office during the public consultation period.

At the expiration of the public consultation period (i.e. close of business on Monday 29<sup>th</sup> March 2021) Council had received no submissions.

## 3. FUTURE COMPOSITION AND STRUCTURE

Council has now reached the stage of the prescribed review process where it must identify what changes (if any) it proposes to make to its current composition and/or structure. Council must then prepare a Representation Review Report which will set out details of its preferred structure and composition; and provide for community consideration and comment during the second of the prescribed consultation periods. The Representation Review Report will address the following issues.

### 3.1 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 (selected by and from amongst the elected members).



**Members are reminded that the *Statutes Amendment (Local Government Review) Bill 2020 (the Bill)*, which is currently before parliament (Legislative Council), seeks to abolish the position of Chairperson.**

At the time of preparing this report, it is understood that the Bill requires further consideration and debate in the Legislative Council. However, to date no amendment has been presented regarding the provision which seeks to abolish the Chairperson option.

Should the Bill pass through parliament in its current form, as expected, all councils within the state will have an elected Mayor.

At this point in time Council can only conduct its current review in accordance with the relevant provisions and requirements of the existing Act. This being the case, the following information relating to the two existing alternatives is provided to assist members in their deliberations.

#### 3.1.1 Mayor

- A Mayor is elected by the community.
- The election of the Mayor affords all eligible members of the community the opportunity to express faith in a candidate and the result of the vote provides the elected Council with an identifiable principal member who is accountable to the community.
- A Mayor is elected for a four year term and therefore provides stability and continuity to Council.
- An elected Mayor cannot be removed from office unless where legislative breaches are proven.
- An elected Mayor does not have a deliberative vote on a matter before council, but has, in the event of a tied vote, a casting vote.
- The office of Mayor (elected) is additional to the number of councillors and, as such, comes at an additional cost to Council (i.e. members allowances, administrative costs and alike).
- As an election (or supplementary election) for the office of Mayor must be conducted across the whole of the council area, a significant cost can be incurred by Council on every occasion the office is contested.
- At present all of the metropolitan councils have an elected Mayor, as do all bar fifteen regional Councils.
- Candidates for the office of Mayor cannot also stand for election as a councillor and, as such, the experience and expertise of unsuccessful mayoral candidates will be lost to Council.

### 3.1.2 Chairperson

- A Chairperson is selected by and from amongst the elected members.
- The office of Chairperson provides flexibility and opportunity for a number of elected members to gain experience as the principal member during the four year term of the Council; and to bring their particular skill set and opinions to the position, albeit for what could be a limited period of time.
- The term of a Chairperson is decided by Council (1 - 4 years).
- Council decides the title of a Chairperson (e.g. mayor), pursuant to Section 51(1)(b) of the Act.
- Fifteen regional councils currently have a Chairperson, all of which bear the title of mayor.
- A Chairperson has a deliberative vote at a council meeting, but does not have a casting vote.
- The selection of a Chairperson is not reliant upon an election. Should a Chairperson not be able to complete a full term of office, a replacement can be selected from the existing elected members and costs will only be incurred by Council when it seeks to fill the vacant position of councillor (which is limited to the specific ward if a ward structure is in place).

It should be noted that, if Council intends to pursue a change from an elected Mayor back to a Chairperson, the proposed change cannot proceed until a poll of the community has been conducted in accordance with the requirements of Section 12 (11a-d) of the Act. Given the requirements and likely outcomes of the Bill, and the fact that due to time constraints the required poll would likely have to be conducted at the periodic Local Government election in November 2022, there appears to little or no benefit to be achieved by such a proposal at this time.

## 3.2 Structure

### 3.2.1 Wards/No Wards

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

The key arguments supporting the retention of the “no wards” structure include:

- the electors have the opportunity to 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 parochial local/ward 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 be obliged to consult with their specific ward councillors;

- under the current proportional representation method of voting the “no ward” structure still affords opportunities for the smaller “communities of interest” within the council area to be directly represented on Council (subject to voter turnout); and
- the “no ward” structure automatically absorbs fluctuations in elector numbers (i.e. the quota tolerance limits do not apply).

The main arguments supporting a ward structure include:

- wards guarantee some form and level of direct representation to existing communities of interest and/or parts of the council area;
- ward councillors can focus on local issues;
- under the “no wards” structure Council has to conduct elections and supplementary elections across the whole of the council area (at a significant expense); and
- under the “no wards” structure the more popular or known councillors may receive more enquiries from the public (i.e. inequitable workloads).

At present, thirty-three (33) regional councils (including the District Council of Tumby Bay) and two (2) metropolitan councils (i.e. the Towns of Gawler and Walkerville) have no wards.

Should it be the preference of the elected members to introduce a ward structure, Council will not only have to identify an appropriate ward structure but will also have to determine the need for area councillors in addition to ward councillors; the level of representation within the wards; and appropriate ward names.

### 3.2.2 Ward Structures

The Act requires that Council must ensure that all aspects of its composition and the issue of the division, or potential division, of the council area are comprehensively reviewed.

Should Council be of the mind to introduce wards, the elected members will have to identify their preferred future ward structure. This could be one of the ward structure options presented in the Representation Options Paper or a newly developed structure based on the specific needs of Council in respect to councillor numbers and/or levels of ward representation.

Regardless, any ward structure should:

- provide an equitable balance of electors between the wards;
- be capable of sustaining any fluctuations in elector numbers and remain in “quota” until the next scheduled periodic elector representation review (i.e. 2028/2029);
- exhibit an elector ratio which is similar to those exhibited by other councils of a comparable size and type (i.e. avoids over-representation); and

- take into account the likely future number of elected members (given the potential impacts of the Bill); the preferred level of ward representation; the character and topography of the area; and the likely impacts upon existing “communities of interest”.

### 3.2.3 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).

If Council is considering the introduction of wards, it will need to determine whether area councillors are required in addition to ward councillors.

As indicated in the Representation Options Paper, ward councillors generally consider themselves to represent not only their ward, but the council area as a whole. This being the case, the need for area councillors in addition to ward councillors is questionable, an assertion which is seemingly supported by the fact that only the City of Adelaide has a structure which incorporates two levels of representation. Further, it is noted that under such an arrangement area councillors hold no greater status than a ward councillor; have no greater responsibilities than a ward councillor; and need not comply with any extraordinary or additional eligibility requirements.

In addition, any contested election (and/or supplementary election) for area councillors must be conducted across the whole of the council area, at a significant cost to Council.

For these and the other reasons previously presented to Council, it is considered that if the council area was to be divided into wards, area councillors (in addition to ward councillors) would be an unwarranted, unnecessary and potentially costly additional tier of representation.

### 3.2.4 Ward Identification

As indicated in the Representation Options Paper, wards can be identified through the allocation of numbers, alphabetical letters, direction or geographical references (e.g. north, south, east, west, central); place names; and/or names of European and/or Aboriginal heritage/cultural significance.

Experience suggests that reaching consensus over the selection of appropriate ward names based on names of local significance may prove to be a difficult exercise.

## 3.3 Composition

Sections 26 and 33 of the Local Government Act 1999 espouse 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 Council has comprised six (6) area councillors since November 2018.



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 <sup>2</sup> )	8	1,569	1:196
Barunga West (1,582 km <sup>2</sup> )	9	1,964	1:218
Kingston (3,338 km <sup>2</sup> )	7	1,801	1:257
Ceduna (5,427 km <sup>2</sup> )	8	2,052	1:257
Mount Remarkable (3,424 km <sup>2</sup> )	7	2,098	1:300
Tumby Bay (2,616 km <sup>2</sup> )	6	2,008	1:335
Goyder (6,719km <sup>2</sup> )	7	3,002	1:429

Source: Electoral Commission SA (4 March 2021)

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). Any further reduction in the number of elected members may compromise the quality of representation, management and decision-making by the elected members.

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 the elected member's skill sets, experience and backgrounds is maintained; and
- adequate lines of communication will exist between a growing community and Council.

In addition, members should take into account the fact that:

- neither the population or elector numbers within the council area are not anticipated to increase significantly in the coming years;
- a reduction in the number of elected members will result in some cost savings to Council (e.g. elected member's allowances alone are \$6,500 per annum per councillor);
- fewer members may expedite debate and the decision making process in Council; and

- enhanced communication and information technology should have served to reduce any difficulties previously experienced by elected members in respect to their day to day tasks and communication with both Council and the community.

A reduction in the number of elected members will serve to increase the elector ratio from the current 1:335 to 1:402 (five councillors) or 1:502 (four councillors). These alternative elector ratios would be in the higher range of the elector ratios exhibited by the councils cited in Table 1.

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 1:287 and 1:251 respectively. These alternative elector ratios would be consistent with the elector ratios exhibited by the councils cited in Table 1. However, any such proposal would 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.

It should also be noted that there are only currently nine (9) regional councils which comprise seven (7) councillors.

#### 4. REVIEW PROCESS

The next stage of the review process, as specified under Section 12(8a) of the Act, involves Council preparing a "Representation Review Report" which will:

- provide information regarding the initial public consultation undertaken and Council's response to the issues arising from the submissions received;
- set out the proposal that Council considers should be carried into effect; and
- present evidence of how the proposal relates to the provisions of Sections 26 and 33 of the Act.

Once completed, the Representation Review Report has to be presented to the community for consideration and comment, in accordance with the provisions of Section 12(9) and (10) of the Act.



The second public consultation stage must:

- occur for a minimum period of three (3) weeks;
- provide copies of the Representation Review Report for public inspection; and
- afford all interested persons the opportunity to make a written submission to Council.

Any person who makes a written submission during the second consultation period must be given the opportunity to address Council, either in person or by way of a representative, in support of his/her submission.

Upon completion of the second public consultation, and after due consideration of all submissions received in response thereto, Council will be in a position to make final decisions regarding its future composition and structure. The final stage of the review process is the presentation of a formal report to the Electoral Commissioner, for consideration and certification.

## 5. NEXT STEP

The next step in the review process is the preparation of a draft Representation Review Report, pursuant to the provisions of Section 12 (8a) of the Act. This report will have to be considered and endorsed by Council; and will form the basis of the second of the prescribed public consultation stages.

To facilitate the preparation of the Representation Review Report, feedback is now sought from Council in relation to the following.

- Whether the principal member of Council should continue to be a Mayor elected by the community, or be a Chairperson who is selected by and from amongst the elected members? When considering this matter Council should be mindful that any proposed change will require the conduct of a poll (pursuant to Section 12 (11a-d) of the Act); and the provisions of the Bill seek to abolish the Chairperson alternative.
- 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, what is the preferred future ward structure and why?
- If the council area is to be divided into wards, how are the proposed wards to be identified and what will be the level of representation in the wards?
- How many elected members will be required to provide fair and adequate representation to the local community over the eight (8) year period between elector representation reviews?

In respect to the aforementioned, it is recommended that Council:

- retain an elected Mayor as its principal member;
- retain the existing “no wards” structure;
- retain the current number of elected members (i.e. the Mayor and six (6) area councillors);  
and
- require the preparation of a Representation Review Report based on its preferred future composition and structure.

# **APPENDIX I**

Representation Review Report  
8 June 2021



ELECTOR REPRESENTATION REVIEW

## **REPRESENTATION REVIEW REPORT**

(SECTION 12(8a) OF THE LOCAL GOVERNMENT ACT 1999)



DISTRICT COUNCIL of TUMBY BAY

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## 1. INTRODUCTION

Section 12(4) of the *Local Government Act 1999* (the Act) requires each Council to undertake a review of all aspects of its composition and the division (or potential division) of the council area into wards, with the view to determining whether the local community would benefit from an alteration to the current composition and/or structure of Council.

The Minister for Local Government has specified that Council is required to undertake and complete a review during the period October 2020 – October 2021.

This report has been prepared in accordance with the requirements of Section 12(8a) of the Act. It:

- provides information on the initial public consultation undertaken by Council;
- sets out the proposal that Council believes should be carried into effect; and
- presents an analysis of how Council's proposal relates to the relevant provisions and principles of the Act.

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 chosen by (and from amongst) the elected members;
- the need for area councillors in addition to ward councillors (if a ward structure is to be introduced);
- the retention of the existing "no wards" structure, or alternatively the introduction of wards;
- the number of elected members required to provide fair and adequate representation to the community; and
- if applicable, the level of ward representation and the name of any proposed future wards.



## 2. BACKGROUND

The District Council of Tumby Bay covers approximately 2,671 km<sup>2</sup> and had an estimated resident population of 2,733 as at the 30<sup>th</sup> June 2020. In March 2021 there were 2,001 eligible electors within the Council area, this equating to an elector ratio (i.e. the average number of electors represented by a councillor) of 1:334.

The Council area, which has not divided into wards since 1989, is currently represented by six (6) area councillors. The Mayor (elected by the community) is the seventh and principal member of Council.

Council commenced its current elector representation review in August 2020 and completed the initial prescribed six (6) week public consultation stage of the review process on Monday 29<sup>th</sup> March 2021. No submissions were received by Council.

At its meeting on the 11<sup>th</sup> May 2021, Council considered all matters relevant to the review; made "in principle" decisions to retain its current composition and "no wards" structure; and resolved to initiate the second of the prescribed public consultation stages (including the preparation of this Representation Review Report).

## 3. PUBLIC CONSULTATION

The initial public consultation relating to the elector representation review was undertaken in accordance with the provisions of Sections 12(7) and 12(8) of the Act.

Public consultation commenced on Monday 8<sup>th</sup> February 2021 with the publishing of a public notice in the "Port Lincoln Times" newspaper; and this was followed by the publishing of a similar public notice in the Government Gazette on Thursday 11<sup>th</sup> February 2021. Notices were also placed on Facebook and Instagram on the 19<sup>th</sup> February 2021 and 15<sup>th</sup> March 2021; the Council website ("Latest News") on the 15<sup>th</sup> February 2021; and in the Tumby Bay District and Community Newsletter (March 2021 edition).

In addition, a hard copy of the Representation Options Paper was made available at the Council office during the public consultation period.

At the expiration of the public consultation period (i.e. close of business on Monday 29<sup>th</sup> March 2021) Council had received no submissions.

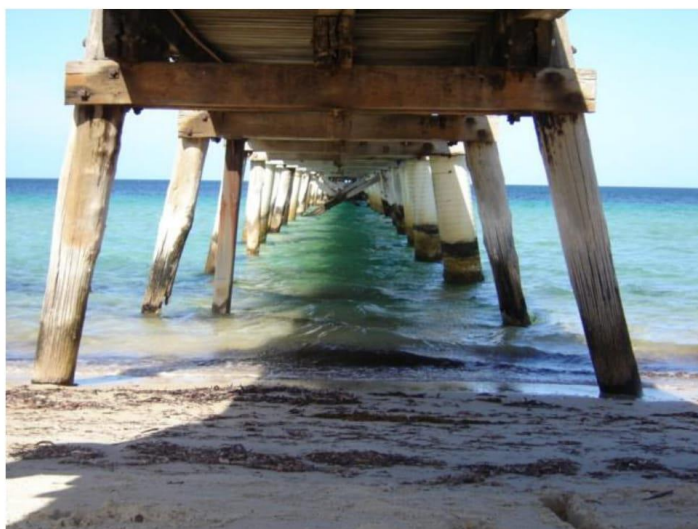
The receipt of no public submissions was disappointing but not unexpected, given that at the same stage of the previous elector representation review (i.e. May/June 2013) only four (4) submissions were received.

## 4. PROPOSAL

Having duly considered all relevant provisions of the Act; the information and alternatives contained within the Representation Options Paper; and the potential ramifications of the *Statutes Amendment (Local Government Review) Bill 2020* (the Bill), Council proposes the following in respect to its future composition and structure.

- The principal member of Council continue to be a Mayor who is elected by the community.
- The Council continue to comprise the Mayor and six (6) area councillors.
- The Council area not be divided into wards (i.e. the existing “no wards” structure be retained).

The reasons for Council's decision and an analysis of further relevant provisions and requirements of the Act are provided hereinafter under key issue headings.



## 5. PROPOSAL RATIONALE

### 5.1 Principal Member

The principal member of Council has been a Mayor (elected by the community) since the periodic Local Government elections in November 2018. Currently, the only alternative is a Chairperson (selected by and from amongst the elected members).

Council believes that:

- a Mayor elected by the community is in accord with a fundamental principle of democracy – choice;
- the election of a Mayor affords all eligible members of the community the opportunity to express faith in a candidate, should they choose to do so, and provides Council with an identifiable principal member who is directly accountable to the community;
- the office of Mayor has served the Council well over the past two and a half years;
- little practical benefit will likely be achieved by changing to a Chairperson at this time; and
- the retention of an elected Mayor as the principal member is consistent with the structure of most councils within the state, and brings stability and continuity to the Council, given the four year term of office.

A change back to a Chairperson would possibly only provide a few benefits, including a likely reduction in the number of elected members (with associated cost savings); flexibility in the tenure of the principal member; the opportunity for a number of elected members to gain experience as the principal member during the four year term of the Council (and to bring their particular skill set and opinions to the position); and avoidance of the potential loss of high calibre candidates through the mayoral election process. On the downside, a Chairperson is chosen by the elected members, thereby depriving the electors the opportunity to vote for the principal member of Council.

Further, Council is mindful that:

- there was no call from the local community during the initial public consultation for to change back to a Chairperson; and
- the provisions of the Bill, which is presently being considered by State Parliament, seek to abolish the office of Chairperson.

Council can only conduct its current review in accordance with the relevant provisions and requirements of the existing Act at this time. This being the case, should it have been Councils' desire to change back to a Chairperson, a poll of the community would have had to be conducted in accordance with the requirements of Section 12 (11a-d) of the Act; and the result thereof would have had to clearly support the proposed change. Such a poll would have to be conducted by Electoral Commission SA at a cost to Council. This course of action is superfluous, given the intent and likely ramifications of the Bill.

**Having duly considered all relevant matters, Council believes that the principal member of the future elected body should continue to be a Mayor elected by the community.**

## **5.2 Wards/No Wards**

The District Council of Tumby Bay has not been divided into wards since 1989.

Council accepts that wards provide for direct representation of all areas and communities within the Council area; ensure local interests and/or issues are not overlooked in favour of the bigger "council-wide" picture; and provide recognizable lines of communication with Council through the ward councillors. It is also acknowledged that ward councillors can have some empathy for, and an affiliation with, all of the communities within their ward.

Notwithstanding the above, the argument in favour of wards is seemingly weakened by the fact that ward councillors do not have to reside within the ward which they represent. As such, ward councillors may (potentially) have little or no relationship with the ward or their ward constituents.

Council considers the current "no wards" structure to exhibit considerable merit and to be particularly well suited to the circumstances of the District Council of Tumby Bay.

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

- 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 (e.g. elected unopposed candidates or having attracted fewer votes than defeated candidates in another ward).
- 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.
- 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 wards" structure.**

### **5.3 Area Councillors (in addition to ward councillors)**

Council is aware that area councillors (in addition to ward councillors) are unique to the City of Adelaide and considers that this form of elected member/representation affords few advantages. Under a ward structure area councillors hold no greater status than a ward councillor; have no greater responsibilities than a ward councillor; nor need comply with any extraordinary or additional eligibility requirements. In addition, ward councillors generally consider themselves to represent not only the ward in which they were elected, but the council area as a whole.

For these reasons it is considered that the introduction of area councillors (under a ward structure) would be unwarranted; unnecessary; and potentially a costly additional tier of representation.

Notwithstanding the above, as Council is proposing to retain the existing "no wards" structure, the issue of area councillors (in addition to ward councillors) is not applicable.

### **5.4 Ward Names**

Wards can be identified through the allocation of numbers, alphabetical letters, direction or geographical references (e.g. north, south, east, west, central); place names; and/or names of European and/or Aboriginal heritage/cultural significance. However, as Council is proposing to retain the existing "no wards" structure, the issue of ward names is not relevant at this time.

### **5.5 Number of Councillors**

The District Council of Tumby Bay is one of five (5) councils which have the lowest level of elector representation in the State (i.e. six councillors). As such, any further reduction in the number of elected members may compromise the quality of representation, management and decision-making by the elected members.



Notwithstanding the above, Council is aware that the provisions of Sections 26 and 33 of the Act stipulate the need for 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).

Table 1 presents, for comparison purposes only, information pertaining to the composition, size and elector ratio of several councils which are similar in size (i.e. elector numbers) and type (i.e. regional councils) to the District Council of Tumby Bay. This data indicates that the District Council of Tumby Bay covers a significant area; has the least number of elected members; and exhibits the second highest elector ratio of the cited councils.

Table 1: Elector data/representation (Regional councils of a similar size in elector numbers)

Council	Councillors	Electors	Elector Ratio
Streaky Bay (6,232 km <sup>2</sup> )	8	1,564	1:196
Barunga West (1,582 km <sup>2</sup> )	9	1,981	1:220
Ceduna (5,427 km <sup>2</sup> )	8	2,050	1:256
Kingston (3,338 km <sup>2</sup> )	7	1,799	1:257
Mount Remarkable (3,424 km <sup>2</sup> )	7	2,098	1:300
Tumby Bay (2,616 km <sup>2</sup> )	6	2,001	1:334
Goyder (6,719km <sup>2</sup> )	7	2,990	1:427

Source: Electoral Commission SA (March 2021)

When determining the appropriate number of councillors required to provide fair and adequate representation to and of the local community, Council was mindful that:

- sufficient elected members must be available to manage the affairs of Council;
- the elected member's workloads cannot 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 the current number of councillors provides fair and adequate representation to the community and, as such, a change is not warranted at this time.**

## 6. 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.

### 6.1 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)."*

Given that Council proposes to retain the existing "no wards" structure, the provisions of Section 33(2) of the Act which relate to ward quota tolerance limits do not apply.

### 6.2 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 District Council of Tumby Bay covers an area of 2615.9km<sup>2</sup> and includes the townships of Tumby Bay, Port Neill, Lipson and Ungarra, as well as the smaller communities and/or settlements of Brooker, Butler, Butler Tanks, Carrow, Cockaleechee, Dixon, Hutchison, Koppio, Lipson Cove, Louth, Moody, Moreenia, Mount Hill, Nicholls, Redcliffs, Stokes, Thuruna, Trinity Haven, Uranno, Waratta Vale, Yallunda Flat and Yaranyacka.

The retention of the "no wards" structure, as proposed, negates the need for the identification and introduction of lines of division (ward boundaries) within the Council area, thereby avoiding potential impacts upon, and the division of, existing communities of interest.

### 6.3 Topography

It is considered that the topography of the Council area can have no impact, given that Council proposes to retain the existing "no wards" structure.

### 6.4 Feasibility of Communication

Council believes that the proposed level of representation (i.e. six 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 for several years with the same level of representation.

### 6.5 Demographic Trends

Council believes that there is little likelihood of any significant fluctuations in elector numbers within the Council area in the foreseeable future. Notwithstanding this, Council took the following into consideration when identifying its preferred future composition and structure.

- According to data provided by Electoral Commission SA, the total number of electors eligible to vote within the Council area decreased by 99 (4.71%) during the period July 2013 - March 2021.
- The existing supply of residentially zoned land within the Council area far exceeds the demand for such allotments and, as such, there are plenty of infill residential development opportunities within the existing townships and settlements.
- Whilst development of several ports within the Council area has been mooted (which may have short and long-term impacts upon population numbers), no details regarding final timing of such proposals is known at this time.
- Population projections prepared by the PlanSA (then the Department of Planning, Transport and Infrastructure) in 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).
- 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).
- 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.

- 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; and an estimated 1,147 persons (or 43.92% of the local population) were aged 55 years and older.

## **6.6 Adequate and Fair Representation**

For the reasons espoused earlier, Council is confident that its proposed future composition of an elected Mayor and six (6) 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.

## **6.7 Section 26, Local Government Act 1999**

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

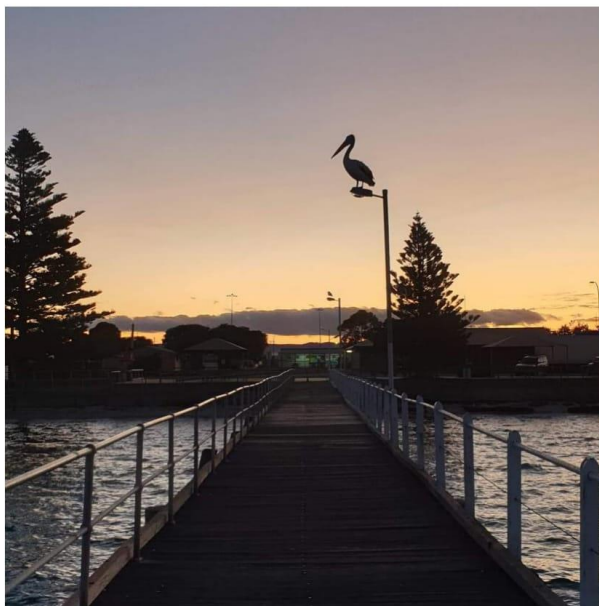
- the desirability of avoiding significant divisions within the community;
- proposed changes should, wherever practicable, benefit ratepayers;
- a Council having a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
- a Council should reflect communities of interest 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 structure being proposed by Council is considered to comply with the cited legislative provisions, in that it will:

- 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, given that no changes are being proposed to Council's long-standing composition and/or structure;
- 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.



## 7. CURRENT PUBLIC CONSULTATION

In accordance with Section 12(9) 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 2022. Any person who makes a written submission at this time will be afforded the opportunity to address Council or a committee thereof, either in person or by a representative, in support of their submission.

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 5.00pm on (insert day and date) 2021.

- Via Council's website ([www.tumbybay.sa.gov.au](http://www.tumbybay.sa.gov.au)).
- In writing to the Chief Executive Officer, PO Box 61, Tumby Bay SA 5605.
- Emailed to [dctumby@tumbybay.sa.gov.au](mailto: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](mailto:dctumby@tumbybay.sa.gov.au)



# **APPENDIX J**

Council Agenda & Minutes  
8 June 2021



13.0 OFFICERS' REPORTS

13.1 Chief Executive Officer's Reports Continued

13.1.1 CEO 1/621 Capital Works 2020/2021

**Recommendation**

That the Report be received and noted.

13.1.2 CEO 2/621 2021 Interim Audit Management Report

**Recommendation**

That the Report be received and noted.

13.1.3 CEO 3/621 EPLGA Exemption from Retaining Audit Committee

**Recommendation**

That the Council:

1. Support the application of the EPLGA, to the Minister for Local Government pursuant to Regulation 18 of the *Local Government (Financial Management) Regulations 2011*, to be exempt from having an Audit Committee; and
2. Authorise the Chief Executive Officer to write a letter of support to the Minister for inclusion in the EPLGA's application for exemption.

13.1.4 CEO 4/621 Representation Review

**Recommendation**

That Council endorse the Representation Review Report and approve release of the Report for the purposes of community consultation to be undertaken in late June/early July 2021.

13.2 Manager Environmental Services Report

13.2.1 MES 1/621 Boundary Realignment Between Allotment 10 and Allotment 3 of DP 60630

**Recommendation**

That Council give in principle support to the proposal to realign the boundary between lot 3 and lot 10 in DP 60630

13.3 Chief Executive Officer Reports Continued

13.3.1 CEO 5/621 Order to Exclude the Public

**Recommendation**

That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that all persons, except the Chief Executive Officer, Manager Works and Infrastructure, Manager Environmental Services and Minute Taker, be excluded

ORDINARY COUNCIL MEETING AGENDA PAPER	
Agenda Item:	# 13.1.4
Report Reference:	CEO 4/621
Subject:	Representation Review
Paper type:	For Decision
Date:	8 <sup>th</sup> June 2021
<p><b>RELEVANCE TO STRATEGIC PLAN AND BUDGET</b></p> <p><u>Strategy implications</u></p> <p>Theme 2: Connected, Vibrant &amp; Empowered Communities</p> <ul style="list-style-type: none"> <li>• Maintain two-way conversations with our community through community forums and consultation</li> </ul> <p><u>Financial implications</u></p> <p>Nil.</p> <p><u>Management responsibility</u></p> <p>Chief Executive Officer.</p>	
<p><b>PROPOSAL:</b></p> <p>That Council endorse the Representation Review Report and release the Report for the second consultation to be undertaken in late June/early July.</p>	
<p><b>BACKGROUND:</b></p> <p>The <i>Local Government Act 1999</i> (LG Act) requires a Council to undertake an 'elector representation review' to determine whether its community would benefit from an alteration to Council's composition or ward structure. In particular section 12 provides:</p> <p>(...)</p> <p>(3) <i>A council must ... conduct and complete a review under this section for the purpose of determining whether its community would benefit from an alteration to its composition or ward structure.</i></p> <p>(4) <i>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.</i></p> <p>On 9 July 2020, the Minister for Local Government specified, by way of a notice in the Government Gazette, that the Council is required to undertake and complete a review between October 2020 to October 2021.</p> <p>Section 12(5) provides that the Council must initiate the preparation of a paper (a representation options paper) by a person who, in the opinion of the council, is qualified to address the representation and governance issues</p>	

that may arise with respect to the matters under review. DCTB have appointed Craig Rowe of CL Rowe & Associates, Urban & Regional Planners and Local Government Consultants, for this purpose.

Public consultation for the Representation Review Report commenced on Monday 8th February 2021 with the publishing of a public notice in the "Port Lincoln Times" newspaper; and this was followed by the publishing of a similar public notice in the Government Gazette on Thursday 11th February 2021. Notices were also placed on Facebook and Instagram on the 19th February 2021 and 15th March 2021; the Council website ("Latest News") on the 15th February 2021; and in the Tumby Bay District and Community Newsletter (March 2021 edition).

At the expiration of the public consultation period (i.e. close of business on Monday 29th March 2021) Council had received no submissions.

Craig Rowe & Associates prepared the 'Submissions Report' that was accepted by Council at your meeting of 11 May 2021.

**RISK ASSESSMENT:**

Risk analysis

Not Applicable

**DISCUSSION DETAIL:**

Craig Rowe & Associates has now prepared the Representation Review Report for the purpose of the second and final round of consultation.

The Representation Review Report will:

1. provide information regarding the initial public consultation undertaken and Council's response to the issues arising from the submissions received;
2. set out the proposal that Council considers should be carried into effect; and
3. present evidence of how the proposal relates to the provisions of Sections 26 and 33 of the LG Act.

The Representation Review Report must be presented to the community for consideration and comment, in accordance with the provisions of Section 12(9) and (10) of the LG Act.

The second public consultation stage must:

- occur for a minimum period of three (3) weeks;
- provide copies of the Representation Review Report for public inspection; and
- afford all interested persons the opportunity to make a written submission to Council.

Any person who makes a written submission during the second consultation period must be given the opportunity to address Council, either in person or by way of a representative, in support of his/her submission.

Upon completion of the second public consultation, and after due consideration of all submissions received in response thereto, Council will be in a position to make final decisions regarding its future composition and structure. The final stage of the review process is the presentation of a formal report to the Electoral Commissioner, for consideration and certification.

**RECOMMENDATION:**

That Council endorse the Representation Review Report and approve release of the Report for the purposes of community consultation to be undertaken in late June/early July 2021.

Ordinary Council Meeting  
8<sup>th</sup> June 2021

8.0 QUESTION ON NOTICE – Nil

9.0 QUESTION WITHOUT NOTICE

- Status of port proposals

10.0 PETITIONS – Nil

11.0 MOTION ON NOTICE – Nil

12.0 COUNCIL/COMMUNITY COMMITTEE REPORTS

12.1 Audit Committee Reports

2c/62021      AUDIT 1/621      Minutes – Audit Committee Meeting 10<sup>th</sup> May 2021  
Moved – Cr Trenberth      Seconded – Cr Hibbit  
That the minutes of the Audit Committee meeting held on 10<sup>th</sup> May be received and noted by Council.

CARRIED

13.0 OFFICERS' REPORTS

13.1 Chief Executive Officer's Reports

13.1.1 CEO 1/621      Capital Works 2020/2021  
Received and noted.

3c/62021      13.1.2 CEO 2/621      2021 Interim Audit Management Report  
Moved – Cr Randall      Seconded – Cr Hibbit  
That the Report be received and noted.

CARRIED

4c/62021      13.1.3 CEO 3/621      EPLGA Exemption from Retaining Audit Committee  
Moved – Cr Trenberth      Seconded – Cr Allen-Jordan  
That the Council:  
1. Support the application of the EPLGA, to the Minister for Local Government pursuant to Regulation 18 of the *Local Government (Financial Management) Regulations 2011*, to be exempt from having an Audit Committee; and  
2. Authorise the Chief Executive Officer to write a letter of support to the Minister for inclusion in the EPLGA's application for exemption.

CARRIED

5c/62021      13.1.4 CEO 4/621      Representation Review  
Moved – Cr Hibbit      Seconded – Cr Allen-Jordan  
That Council endorse the Representation Review Report and approve release of the Report for the purposes of community consultation to be undertaken in late June/early July 2021.

CARRIED

7c/62021      13.1.5 LATECEO 1/621      Election of Deputy Mayor  
Moved – Cr Randall      Seconded – Cr Lawrie  
That this item be deferred until the October 2021 meeting.

CARRIED

# **APPENDIX K**

Public Notices  
SA Government Gazette &  
"Port Lincoln Times"  
17 June 2021



DISTRICT COUNCIL OF TUMBY BAY

## DISTRICT COUNCIL OF TUMBY BAY

### PUBLIC CONSULTATION

#### Review of Elector Representation

NOTICE is hereby given that the District Council of Tumby Bay has undertaken a review to determine whether alterations are required in respect to elector representation, including ward boundaries and the composition of Council.

As an outcome of this review Council proposes the following.

1. The principal member of Council continues to be a Mayor elected by the community.
2. The Council area not to be divided into wards (i.e. the existing "no wards" structure be retained).
3. The future elected body of Council comprise the Mayor and six (6) area councillors.

#### Report

Council has prepared a Representation Review Report which details the review process, the public consultation undertaken and the proposal Council considers should be carried into effect. A copy of the report is available on the Council's website ([www.tumbybay.sa.gov.au](http://www.tumbybay.sa.gov.au)); and for inspection and/or purchase at the Council offices at the corner of Mortlock Street and West Terrace, Tumby Bay.

#### Written Submissions

Written submissions are invited from interested persons and should be directed to the Chief Executive Officer, PO Box 61, Tumby Bay SA 5605; or emailed to [dctumby@tumbybay.sa.gov.au](mailto:dctumby@tumbybay.sa.gov.au) by the close of business on Friday 9th July 2021.

Information regarding the elector representation review can be obtained by contacting the Chief Executive Officer on telephone 8688 2101 or email [dctumby@tumbybay.sa.gov.au](mailto:dctumby@tumbybay.sa.gov.au).

Any person(s) making a written submission will be given the opportunity to appear before a meeting of Council or a committee thereof to be heard in support of their submission.

**Rebecca Hayes**  
Chief Executive Officer



**Postal Voting**

The election for Flinders Ward will be conducted by post. Ballot papers and pre-paid envelopes for each voting entitlement will be posted between Tuesday, 22 June 2021 and Monday 28 June 2021 to every person, or designated person of a body corporate or group listed on the voters roll at roll close on Friday, 30 April 2021. Voting is voluntary.

A person who has not received voting material by Monday, 28 June 2021 and believes they are entitled to vote should contact the Deputy Returning Officer on 1300 655 232.

Completed voting material must be returned to reach the Returning Officer no later than 12 noon on Monday, 12 July 2021.

A ballot box will be provided at the Council Office, 29 Alfred Terrace, Streaky Bay for electors wishing to hand deliver their completed voting material during office hours.

**Vote Counting Location**

The scrutiny and counting of votes will take place at the Electoral Commission of South Australia, Level 6, 60 Light Square, Adelaide from 1pm on Wednesday, 14 July 2021. A provisional declaration will be made at the conclusion of the election count.

**Campaign Donations Return**

All candidates must forward a Campaign Donations Return to the Council Chief Executive Officer within 30 days after the conclusion of the election.

Dated: 17 June 2021

MICK SHERRY  
Returning Officer

---

**DISTRICT COUNCIL OF TUMBY BAY****PUBLIC CONSULTATION***Review of Elector Representation*

Notice is hereby given that the District Council of Tumby Bay has undertaken a review to determine whether alterations are required in respect to elector representation, including ward boundaries and the composition of Council.

As an outcome of this review Council proposes the following.

1. The principal member of Council continues to be a Mayor elected by the community.
2. The Council area not to be divided into wards (ie. the existing "no wards" structure be retained).
3. The future elected body of Council comprise the Mayor and six (6) area councillors.

*Report*

Council has prepared a Representation Review Report which details the review process, the public consultation undertaken and the proposal Council considers should be carried into effect. A copy of the report is available on the Council's website ([www.tumbybay.sa.gov.au](http://www.tumbybay.sa.gov.au)); and for inspection and/or purchase at the Council offices at the corner of Mortlock Street and West Terrace, Tumby Bay.

*Written Submissions*

Written submissions are invited from interested persons and should be directed to the Chief Executive Officer, PO Box 61, Tumby Bay SA 5605; or emailed to [dtumby@tumbybay.sa.gov.au](mailto:dtumby@tumbybay.sa.gov.au) by the close of business on Friday, 9 July 2021.

Information regarding the elector representation review can be obtained by contacting the Chief Executive Officer on telephone (08) 8688 2101 or email [dtumby@tumbybay.sa.gov.au](mailto:dtumby@tumbybay.sa.gov.au).

Any person(s) making a written submission will be given the opportunity to appear before a meeting of Council or a committee thereof to be heard in support of their submission.

Dated: 17 June 2021

REBECCA HAYES  
Chief Executive Officer

---

**DISTRICT COUNCIL OF TUMBY BAY***Resignation of Councillor*

Notice is hereby given in accordance with section 54(6) of the *Local Government Act 1999*, that a vacancy has occurred in the office of Area Councillor, due to the resignation of Councillor Helen Kroemer, effective Monday, 7 June 2021.

Dated: 17 June 2021

REBECCA HAYES  
Chief Executive Officer

---

**DISTRICT COUNCIL OF TUMBY BAY***Close of Roll for Supplementary Election*

Due to the resignation of a member of the council, a supplementary election will be necessary to fill the vacancy for Area Councillor.

The voters roll for this supplementary election will close at 5pm on Wednesday, 30 June 2021.

You are entitled to vote in the election if you are enrolled on the State electoral roll for the council area. If you have recently turned 18 or changed your residential or postal address you must complete an electoral enrolment form available online at [www.ecsa.sa.gov.au](http://www.ecsa.sa.gov.au).

If you are not eligible to enrol on the State electoral roll you may still be entitled to enrol to vote if you own or occupy a property in the council area. Contact the council to find out how.

Nominations to fill this vacancy will open on Thursday, 22 July 2021 and will be received until 12 noon on Thursday, 5 August 2021.

The election will be conducted entirely by post with the return of ballot material to reach the Returning Officer no later than 12 noon on Monday, 13 September 2021.

Dated: 17 June 2021

MICK SHERRY  
Returning Officer

# **APPENDIX L**

Submissions Report  
10 August 2021

# SUBMISSIONS REPORT

## **ELECTOR REPRESENTATION REVIEW**

Second Public Consultation

A Report to the

**DISTRICT COUNCIL OF TUMBY BAY**

3 August 2021

**Disclaimer**

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## 1. INTRODUCTION

Section 12(4) of the *Local Government Act 1999* (the Act) requires Council to undertake a review of all aspects of its composition and the division (or potential division) of the Council area into wards, at least once in every period prescribed by the Minister for Local Government (generally eight years). Essentially, the objective of the review is to ensure fair and adequate representation of the electors within the Council area.

The current review must be conducted and completed during the period October 2020 - October 2021.

At its meeting on the 11<sup>th</sup> May 2021 Council agreed "in principle" that:

- the principal member of Council continue to be a Mayor who is elected by the community;
- the Council continue to comprise the Mayor and six (6) area councillors; and
- the Council area not be divided into wards (i.e. the existing "no wards" structure be retained).

Council has now completed the second public consultation during which it presented, in accordance with the provisions of Section 12(9) of Act, its proposed future elector representation arrangement for consideration and comment by the local community.

Council must now formally determine what elector representation arrangements it proposes to bring into effect at the next periodic Local Government elections in November 2022.

Should Council now prefer an alternative proposal (e.g. the introduction of a ward structure and/or an option with a different number of elected members), it will need to prepare another Representation Review Report and initiate another public consultation for a minimum period of three (3) weeks. Members need to be mindful of the fact that the review must be completed by the end of October 2021.

## 2. PUBLIC CONSULTATION

The second public consultation was commenced on Thursday 17<sup>th</sup> June 2021 with the publishing of a public notice in the "Port Lincoln Times" newspaper and the Government Gazette. Notices were also placed on Facebook and the Council website.

In addition, a hard copy of the Representation Review Report was made available at the Council office during the public consultation period.



At the expiration of the public consultation period (i.e. close of business on Friday 9<sup>th</sup> July 2021) Council had received no submissions.

The receipt of no public submissions was another disappointing (but not unexpected) result, given that no submissions were received during the first consultation stage of the review, and no submissions were received at the same stage of the previous elector representation review (i.e. July 2013).

### 3. REVIEW PROCESS

Having completed the second of the prescribed consultations, Council is required to 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.

As indicated earlier, should Council prefer a different proposal than that which was presented in the Representation Review Report, an amended report will have to be prepared and another public consultation period (minimum period of three (3) weeks) will have to be initiated. This course of action will take additional time (perhaps 4 – 6 weeks) and may impact upon Council's ability to complete its review by the end of October 2021. If Council proceeds down this path, it would be prudent to advise the Electoral Commissioner of the delay and the action being taken.

On the other hand, if Council resolves to proceed with the proposal, as presented to the community in the Representation Review 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) 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 certified future composition and structure of Council at the November 2022 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 Review 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 principal member of Council should continue to be a Mayor elected by the community or should be a Chairperson (with the title of Mayor) who is chosen by and from amongst the elected members.
- 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 Information Paper (August 2020); the Representation Options Paper (February 2021); the first consultation “Submissions Report” (April 2021); and the Representation Review Report (June 2021).

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

### 4.1 Principal Member

The principal member of Council has been a Mayor (elected by the community) since the Local Government elections in November 2018.

The arguments supporting the retention of an elected Mayor are as follows.

- A Mayor elected by the community is in accord with a fundamental principle of democracy – choice.

- The election of a Mayor affords all eligible members of the community the opportunity to express faith in a candidate, should they choose to do so, and provides Council with an identifiable principal member who is directly accountable to the community.
- The office of Mayor has served Council well over the past three years.
- The retention of an elected Mayor brings stability and continuity to the Council, given the four-year term of office.
- Little practical benefit will likely be achieved by changing to a Chairperson at this time.
- The retention of an elected Mayor as the principal member is consistent with the structure of all metropolitan councils and most councils within the state,

On the downside, an elected Mayor is generally additional to the number of councillors and, as such, comes at an additional cost to Council (i.e. members allowances, administrative costs and the like); the election (or supplementary election) for a Mayor must be conducted across the whole of the Council area, at significant cost to Council (if contested); and candidates for the office of Mayor cannot also stand for election as a councillor and, as such, the experience and expertise of unsuccessful Mayoral candidates will be lost to Council.

At present, the only alternative to an elected Mayor is a Chairperson who is selected by and from amongst the elected members of Council. To achieve such a change, a poll of the community has to be conducted in accordance with the requirements of Section 12 (11a-d) of the Act; and the result thereof has to clearly support the proposed change.

The benefits of having a Chairperson as the principal member include a likely reduction in the number of elected members (with associated cost savings); flexibility in the tenure of the principal member; the opportunity for a number of elected members to gain experience as the principal member during the four year term of the Council (and to bring their particular skill set and opinions to the position); and avoidance of the potential loss of high calibre candidates through the mayoral election process. On the downside, a Chairperson is chosen by the elected members, thereby depriving the electors the opportunity to vote for the principal member of Council.

**It is important to note that the provisions of the recent *Statutes Amendment (Local Government Review) Act 2021* abolish the option of a Chairperson.** Whilst the provisions of this Act will not likely come into effect until after the Local Government election in November 2022, there appears to be little, if anything, to be gained from changing to a Chairperson at this time.

#### 4.2 Ward Structure

The Council area has not been divided into wards since January 1989.

The receipt of no submissions calling for the introduction of a ward structure could be construed as support for the current "no wards" structure.

The benefits to be achieved through the retention of the "no wards" structure include the following.

- 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 (e.g. elected unopposed candidates or having attracted fewer votes than defeated candidates in another ward).
- The elected members should not have parochial 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.
- Existing "communities of interest" are not affected or divided by arbitrary ward boundaries.
- In the event that an area councillor leaves Council, the casual vacancy can be carried by Council, thereby avoiding the need for, and cost of, a supplementary election.
- The lines of communication between Council and its community are enhanced, given that members of the community can consult with any and/or all members of Council, rather than be obliged to consult with their specific ward councillors.
- Under the proportional representation voting system the "no wards" structure affords opportunities for smaller communities to be directly represented on Council, provided they can muster sufficient support for a preferred candidate.

On the other hand the main arguments supporting a ward structure include:

- wards guarantee some form and level of direct representation to existing communities of interest within, and/or parts of, the Council area;
- wards ensure local interests and/or issues are not overlooked in favour of the bigger "council-wide" picture;
- ward councillors should have some empathy for, and an affiliation with, all of the communities within their ward; and



- under the “no wards” structure Council must conduct elections and supplementary elections across the whole of the Council area (at a significant expense).

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.

In addition, the Council area is a significant size (2,616 km<sup>2</sup>); comprises a significant rural sector; and exhibits a concentration of elector numbers in and about the main towns of Tumby Bay, Port Neill, Lipson and Ungarra. The diversity in land uses creates varying densities in elector numbers across the Council area which, in turn, makes the development of a ward structure (with an equitable distribution of electors and a rational basis) a difficult exercise.

#### 4.3 Number of Councillors

Council currently comprises six (6) area councillors; and has previously indicated its preference to retain this level of representation. This is the equal lowest number of councillors within a council in South Australia.

Council is reminded that:

- 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;
- 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); and
- the *Statutes Amendment (Local Government Review) Act 2021* sets the maximum number of elected members in a council at thirteen (13), unless the council is granted an “exemption certificate” for more members by ECSA.

Obviously the “cap” imposed under the *Statutes Amendment (Local Government Review) Act 2021* is not relevant to the District Council of Tumby Bay.

In respect to the issue of over-representation, Council has previously been provided with details of the elector representation arrangements of six (6) other regional councils which are considered to be similar in size and type to the District Council of Tumby Bay. The updated data provided in Table 1 indicates that the District Council of Tumby Bay covers a significant area; has the least number of elected members; and exhibits the second highest elector ratio of the cited councils.

Table 1: Elector data/representation (Regional councils of a similar size in elector numbers)

Council	Councillors	Electors	Elector Ratio
Streaky Bay (6,232 km <sup>2</sup> )	8	1,564	1:196
Barunga West (1,582 km <sup>2</sup> )	9	1,981	1:220
Ceduna (5,427 km <sup>2</sup> )	8	2,050	1:256
Kingston (3,338 km <sup>2</sup> )	7	1,799	1:257
Mount Remarkable (3,424 km <sup>2</sup> )	7	2,098	1:300
Tumby Bay (2,616 km <sup>2</sup> )	6	2,001	1:334
Goyder (6,719km <sup>2</sup> )	7	2,990	1:427

Source: Electoral Commission SA (23 April 2021)

When reaching its final decision regarding its future composition, Council should be mindful of the need to ensure that:

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

#### 4.4 Area Councillors (in addition to ward councillors)

Given that Council has previously agreed "in principle" to retain the existing "no wards" structure, the question of whether Council should comprise areas councillors in addition to ward councillors (under circumstances whereby the Council is divided into wards) is superfluous.

Irrespective of the above, for reasons previously provided throughout the review, it is considered that area councillors (in addition to ward councillors) are an unwarranted, unnecessary and potentially costly additional tier of elector representation.

#### 4.5 Ward Identification

Again, given Council's previous "in principle" decision to retain the existing "no wards" structure, there is no need to consider potential ward names at this time, unless Council reconsiders its position and opts for the introduction of a ward structure.



## 5. RECOMMENDATIONS

It is recommended that the District Council of Tumby Bay resolve as follows.

1. In respect to the issues of its future composition and structure, Council re-affirms its support for the following.
  - The principal member of Council continue to be a Mayor who is elected by the community.
  - The Council continue to comprise the Mayor and six (6) area councillors.
  - The Council area not be divided into wards (i.e. the existing "no wards" structure be retained).
2. Council administration be authorised to prepare and forward the necessary report and documents to the Electoral Commissioner, pursuant to the provisions of Sections 12(11) and 12(12) of the Act.

# **APPENDIX M**

Council Minutes  
10 August 2021

Ordinary Council Meeting - Public  
10<sup>th</sup> August 2021

CEO Performance Review	CONFSPCEMAYOR 2/1019
CEO Contract Renewal	CONFSPCEMAYOR 3/1019
Tumby Bay Caravan Park - Lease	CEOCONF 1/1019
Tumby Bay Caravan Park Lease	CEOCONF 1/620
Tumby Bay Caravan Park Lease	CEOCONF 1/920
Ritz Café	CEOCONF 2/1220

2. That pursuant to Section 91(9)(a) of the Local Government Act 1999,  
Confidential Orders will remain on all other items.

**CARRIED**

**13.1.4 CEO 4/821 Visitor Information Centre Conference**  
5c/82021 Moved – Cr Randall Seconded – Cr Trenberth  
That council agree to the proposed \$1,000 sponsorship of the VICN Conference 2022.

**CARRIED**

**13.1.5 CEO 5/821 2021/2022 Fees & Charges – Revision – Sound System Hire**  
6c/82021 Moved – Cr Allen-Jordan Seconded – Cr Hibbit  
That the Council amend Council Fees & Charges 2021/22 to include Sound System Hire and Refundable Safety Deposit of:  
1. \$200 GST inclusive – Sound System Hire per event  
2. \$300 GST Inclusive – Safety Deposit – Returnable on receipt of equipment with no damage

**CARRIED**

**13.1.6 CEO 6/821 Variation to the Croquet Club Lease Area**  
7c/82021 Moved – Cr Randall Seconded – Cr Hibbit  
The Council:  
1. approves the variation of lease of the Croquet Club to the Tumby Bay Croquet Club in the terms of the attached variation (variation) and for public consultation be undertaken in accordance with the Council's Public Consultation Policy.  
2. authorise the Mayor and the CEO to sign the variation of lease following the completion of public consultation (subject to any submissions)

**CARRIED**

### **13.2 Manager Environmental Services Report**

**13.2.1 MES 1/821 New Years Eve Dry Zones**  
8c/82021 Moved – Cr Randall Seconded – Cr Hibbit  
That Council in the interest of public safety and in an effort to minimise anti-social and criminal activity on New Years Eve (2021) approves temporary dry zones covering the townships of Tumby Bay and Port Neill (as per attached maps) between 9pm 31st December 2021 and 8am 1st January 2022.

**CARRIED**

### **14 OTHER REPORTS**

**14.1 LATECEO 1/821 Representation Review**  
9c/82021 Moved – Cr Hibbit Seconded – Cr Trenberth  
That the Council resolve as follows:  
1. In respect to the issues of its future composition and structure, Council re-affirms its support for the following.

- The principal member of Council continue to be a Mayor who is elected by the community.

Ordinary Council Meeting - Public  
10<sup>th</sup> August 2021

- The Council continue to comprise the Mayor and six (6) area councillors.
  - The Council area not be divided into wards (i.e. the existing “no wards” structure be retained).
2. Council administration be authorised to prepare and forward the necessary report and documents to the Electoral Commissioner, pursuant to the provisions of Sections 12(11) and 12(12) of the LG Act.

CARRIED

15. CORRESPONDENCE - Nil

16. LATE CORRESPONDENCE – Nil

17. INFORMATION TABLED – Nil

18. ITEMS LAID ON THE TABLE - Nil

19. MATTERS IN CONFIDENCE - Nil

20. MEETING CLOSED AT – 1755hrs.

DATE: \_\_\_\_\_ CONFIRMED: \_\_\_\_\_  
Mayor