

# SUBMISSIONS REPORT

## **ELECTOR REPRESENTATION REVIEW**

### Second Public Consultation

A Report to the

## **COORONG DISTRICT COUNCIL**

5 August 2021

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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 June 2020 - October 2021.

At its meeting on the 29<sup>th</sup> June 2021 Council agreed "in principle" that:

- the principal member of Council be a Mayor elected by the community;
- the Council area not be divided into wards (i.e. wards be abolished); and
- the future elected body of Council comprise the Mayor and seven (7) area councillors, all of whom shall represent the whole of the Council area and shall be elected by the community at council-wide elections.

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 consider the submissions received during the second of the prescribed public consultation stages; and 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 new 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 Tuesday 6<sup>th</sup> July 2021 with the publishing of a public notice in the "The Lakeland" community newspaper. This was followed by the publishing of a notice in the "Border Chronicle" newspaper on Wednesday 7<sup>th</sup> July 2021; and notices in the "Murray Valley Standard" newspaper and the Government Gazette on Thursday 8<sup>th</sup> July 2021.

Information pertaining to the review was included in the "Coorong Council News" article (July 2021) which appeared in the "Tailem Topics", "Coonalpyn Hub Newsletter" and "The Lakelander" newspaper.

A media release was circulated to local news outlets on Tuesday 13th July 2021, resulting in articles appearing in the "Murray Valley Standard"; the "Murray Bridge News" (online); and "The Lakelander" newspaper. In addition, the Council e-newsletter containing information about the review was sent to 1,390 contacts on Tuesday 13th July 2021; Facebook posts went live on Wednesday 14th July 2021, Wednesday 21st July 2021 and Friday 29th July 2021; relevant information (with a link to the Representation Review Report and the survey) was made available on the Council website; and a poster and the Representation Review Report were displayed at the Council office.

At the expiration of the public consultation period (i.e. close of business on Friday 30<sup>th</sup> July 2021) Council had received eight (8) submissions, six (6) or 75% of which supported the Council's proposal, whilst two (2) or 25% favoured the retention of a ward structure.

A summary of the submissions has been provided in Attachment A, and copies of the submissions can be obtained from Council staff, if required. It is noted that none of the respondents expressed a desire to address Council in support of their submissions.

The receipt of eight (8) public submissions was disappointing, given that seventy-five (75) submissions were received during the first consultation stage of the review. Whilst the submissions received represented only a very small sample (i.e. 0.2%) of the 3,737 eligible electors within the Coorong District Council (as at 23<sup>rd</sup> April 2021), they did provide some feedback regarding Council's proposed future composition and structure.

### 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 Chairperson (with the title of Mayor) who is chosen by and from amongst the elected members, or should be a Mayor elected by the community.
- Whether the Council area should be divided into wards or whether the wards should be abolished.
- 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 (September 2020); the Representation Options

Paper (March 2021); the first consultation "Submissions Report" (June 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 long been a Chairperson who is selected by and from amongst the elected members. However, Council has previously decided "in principle" that the future principal member be a Mayor who is elected by the community.

The perceived benefits of the proposed include:

- 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 introduction of an elected Mayor as the principal member is consistent with the structure of the majority of councils within the state;
- an elected Mayor brings stability and continuity to the Council, given the four year term of office;
- the introduction of an elected Mayor is consistent with six (6) or 75% of the submissions received during the second consultation stage of the review, and fifty-seven (57) or 76% of the public submissions received during the first public consultation stage.

The retention of a selected principal member will:

- provide continuity and stability within Council;
- provide flexibility and opportunity for a number of elected members to gain experience as the principal member during the four year term of the council;
- afford the elected members the opportunity to select the best person to be the Chairperson and the term of the office;
- allow the selected Chairperson to bring his/her personal characteristics, skill set and opinions to the position;
- serve to keep the number of elected members to a minimum (with some financial benefits to Council); and
- avoid the potential loss of high calibre candidates (as can occur under the Mayoral election process).

On the downside, 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.

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 opinion 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.

To achieve a change from a Chairperson to an elected Mayor, 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.

## 4.2 Ward Structure

Coorong District Council has always been divided into wards, however, Council has previously decided "in principle" to abolish wards. Six (6) of the eight (8) submissions received from the community during the second consultation stage of the review process supported the Council decision/proposal.

The abolition of wards and the resultant introduction of area councillors responsible for the whole of the council area has the following benefits.

- 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 the retention of 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 (8,831 km<sup>2</sup>); comprises a significant rural sector; and exhibits a concentration of elector numbers in and about the main towns of Tailem Bend, Meningie, Tintinara, Coonalpyn and Wellington East, and to a lesser degree Coomandook, Narrung, Peake, Salt Creek and Sherlock.

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 nine (9) councillors but has previously indicated its preference to reduce to seven (7) councillors. As previously mentioned, six (6) of the eight (8) recent submissions favoured this proposal.

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 Coorong District Council.

In respect to the issue of over-representation, Council has previously been provided with details of the elector representation arrangements of eight (8) other regional councils which are considered to be similar in size and type to the Coorong District Council. The updated data provided in Table 1 indicates that that the Coorong District Council covers the largest area; will have the equal lowest number of councillors; and will exhibit one of the higher elector ratios.

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

Council	Councillors	Electors	Elector Ratio
Northern Areas (3,070 km <sup>2</sup> )	9	3,382	1:376
Kangaroo Island (3,510 km <sup>2</sup> )	9	3,437	1:382
Goyder (6,719 km <sup>2</sup> )	7	2,990	1:427
Yankalilla (750.6 km <sup>2</sup> )	9	4,243	1:471
Tatiara (6,476 km <sup>2</sup> )	9	4,470	1:497
Lower Eyre Peninsula (4,771 km <sup>2</sup> )	7	3,719	1:531
Coorong (8,831 km <sup>2</sup> )	7	3,737	1:534
Naracoorte Lucindale (4,517 km <sup>2</sup> )	10	5,933	1:593
Grant (1,904 km <sup>2</sup> )	9	5,333	1:593

Source: Electoral Commission SA (23 April 2021)

Interestingly, it is noted that there are thirteen (13) regional councils in the state which seemingly operate successfully with seven (7) or less councillors (i.e. eight (8) councils with seven (7) councillors and five (5) councils with six (6) councillors).

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 abolish wards, 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 abolish wards, 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 Coorong District Council resolve as follows.

1. To receive and note the eight (8) submissions received during the second of the prescribed consultation stages of the review process.
2. In respect to the issues of its future composition and structure, Council re-affirms its support for the following.
  - The principal member of Council be a Mayor elected by the community.
  - The Council area not be divided into wards (i.e. wards be abolished).
  - The future elected body of Council comprise the Mayor and seven (7) area councillors, all of whom shall represent the whole of the Council area and shall be elected by the community at council-wide elections.
3. 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.

## ATTACHMENT A - SUMMARY OF SUBMISSIONS

Respondent	Council Proposal	Address Council	Comments
Respondent 1 (Peake)	Support	No	
Respondent 2	Support	No	
Respondent 3 (Meningie)	Support	No	
Respondent 4 (Peake)	Support	No	<p>All councillors need to be voted in by rate payers and people of the Coorong Council District, i.e. a person that applies for a ward position as a councillor and gains a councillors position unopposed is not a genuine selection from the people of the ward.</p> <p>The future council needs to have a voted mayor and 7 councillors that are fair and equitable to the whole of the Coorong District Council region.</p>
Respondent 5 (Sherlock)	Oppose	No	Council area is too large not to have wards
Respondent 6 (Tailem Bend)	Support	No	<p>I can only speak as a Tailem Bend resident but I think that the beautification of the town, starting with the rock garden in front of the office is a great idea and is a great start but hopefully not stopping at just the council office. I would like to see the beautification of the whole main street and all parks and gardens in the town lets brighten the town up. Even some well placed murals would be good, I was all for the water tower being painted but we all know how that went, people seem to be scared of change.</p> <p>Also I don't agree with the mowing of the weeds around the town, it looks a lot better but guys poison them please! Even use organic poison that is around. Things have been stagnant in this town too long lets change things up a bit. Change the appearance of the town in some ways. I have lived here all my life and things seem to move too slowly.</p> <p>I work in Murray Bridge and I see the changes being done to parks and gardens all over the town, not just big parks but the little ones in different areas. We want to attract people and families to the town, to move here enjoy living here. We have river frontage that is dying to be developed so everyone can enjoy, the motor sport park, the Coorong and some nice walking trails by the river that could be upgraded as well. I could go on forever.</p>

Respondent	Council Proposal	Address Council	Comments
Respondent 7 (Tailem Bend)	Support	No	With the feed back/ response from rate payers, I'm confident the entire region will benefit from this decision made by council.
Respondent 8 (Anonymous)	Oppose	No	Support that the Mayor be popularly elected. Do not support abolishing wards.