



## **ELECTOR REPRESENTATION REVIEW**

# **A REPORT TO THE ELECTORAL COMMISSIONER**

pursuant to the provisions of

SECTION 12(12) OF THE LOCAL GOVERNMENT ACT 1999

**SEPTEMBER 2021**



**The Flinders  
Ranges Council**

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## 1. INTRODUCTION

Pursuant to the provisions of Section 12 of the *Local Government Act 1999* (the Act), The Flinders Ranges Council 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 Flinders Ranges Council was established on the 1st January 1997 through the amalgamation of the then District Council of Kanyaka-Quorn and the District Council of Hawker.

The Council area covers approximately 4,198 km<sup>2</sup>; and had an estimated resident population of 1,688 as at the 30<sup>th</sup> June 2020. In September 2021 there were 1,171 eligible electors within the Council area, this equating to an elector ratio of 1:146.

The Council area is not divided into wards; and is represented by eight (8) area councillors. The ninth and principal member of Council is the Mayor who is elected by the community.

The current arrangement, which was adopted by Council at the previous elector representation review in 2012/2013, technically came into effect at the Local Government elections in November 2014.



Council commenced its current elector representation review in July 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 17<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 Flinders Ranges Council proposes the following remain in effect at the next Local Government election in November 2022.

- The principal member of Council continue to be a Mayor elected by the community.
- The Council continue to comprise the Mayor and eight (8) area councillors, all of whom shall represent the whole of the Council area and shall be elected by the community at council-wide elections.
- 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.

<b>Date</b>	<b>Event</b>
22 June 2020	C L Rowe and Associates Pty Ltd were engaged to assist Council via the LGA procurement process (Contract LGAP 20017.3)
21 July 2020	C L Rowe and Associates Pty Ltd presented an Information Paper to Council; and discussed key review issues, including potential ward structure options. (Agenda item & Minutes - Appendix A; Information Paper - Appendix B).

Date	Event
17 November 2020	C L Rowe and Associates Pty Ltd addressed Council regarding the draft Representation Options Paper; and Council endorsed the Representation Options Paper for public consultation. (Agenda item & Minutes - Appendix C; Representation Options Paper - Appendix D).
2 December 2020	A public notice was published in "The Transcontinental" newspaper advising that the review was being undertaken and seeking written submissions by Friday 29 <sup>th</sup> January 2021. (Public Notice – Appendix E).
December 2020/ January 2021	A notice was displayed on the Council website ("Latest News" page); advising that the review was being undertaken and seeking written submissions by Friday 29 <sup>th</sup> January 2021. Information was posted on Facebook; and copy of the Representation Options Paper was displayed on the Council website and at the Council offices. (Website Notice – Appendix F).
29 January 2021	At the close of Phase 1 of the first consultation period two submissions had been received by Council. (Submissions – Appendix G).
10 February 2021	A second public notice was published in "The Transcontinental" newspaper advising that the review was being undertaken; and seeking further written submissions by Monday 29 <sup>th</sup> March 2021. (Public Notice – Appendix H).
11 February 2021	A public notice was published in the Government Gazette advising that the review was being undertaken; and seeking written submissions by Monday 29 <sup>th</sup> March 2021. (Public Notice – Appendix I).
February/March 2021	A notice (incorporating links to the Representation Options Paper and a response form) was displayed on the Council website ("Latest News"); and a hard copy of all printed material was again made available at the Council office. (Website Notice – Appendix J).
29 March 2021	At the close of Phase 2 of the first public consultation period no additional submissions had been received.
18 May 2021	Council considered a "Submissions Report" regarding the initial public consultation and the alternatives available in respect to its future composition and structure; agreed "in principle" to retain its existing composition (i.e. the Mayor and eight (8) area councillors) and "no wards" structure; and resolved to prepare a draft Representation Review Report. (Submissions Report – Appendix K; Agenda item and Minutes – Appendix L).

Date	Event
15 June 2021	Council considered and endorsed the draft Representation Review report for public consultation; resolved to initiate the second of the prescribed public consultation stages; and determined that any interested persons could address Council at a meeting scheduled for the 20th July 2021. (Representation Review Report - Appendix M; Agenda item and Minutes – Appendix N).
18 June 2021	A notice was displayed on the Council website (“Latest News” page) advising of the existence of the Representation Review Report and the Council's proposal; and inviting written submissions.
23 June 2021	Public notices were published in "The Flinders News" and "The Transcontinental" newspapers advising of the existence of the Representation Review Report and the Council's proposal; and inviting written submissions by Friday 16 <sup>th</sup> July 2021. (Public Notices – Appendix O)
24 June 2021	A public notice was published in the SA Government Gazette advising of the existence of the Representation Review Report and the Council's proposal; and inviting written submissions by Friday 16 <sup>th</sup> July 2021. (Public Notices – Appendix P).
June/July 2021	Information pertaining to the review was also posted on Council’s Facebook page; a notice was placed in Council’s June newsletter; a notice was displayed on the notice board outside the Council Chambers; and a copy of the Representation Review Report was provided on the Council website and displayed (for viewing by the public) at the Council offices.
16 July 2021	At the close of the second public consultation stage no written submissions had been received.
17 August 2021	Council considered a “Submissions Report” pertaining to the second consultation process; affirmed its decision to retain the existing composition and structure of Council; 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 Q; Agenda Item and Minutes – Appendix R).

## 5. PUBLIC CONSULTATION

### 5.1 First Public Consultation

The first of the prescribed public consultation stages was undertaken in two phases.

Phase 1 commenced on Wednesday 2<sup>nd</sup> December 2020 with the publishing of a public notice in "The Transcontinental" newspaper. A notice was placed on the Council website ("Latest News") on the 7<sup>th</sup> September 2020; and this was updated on the 10<sup>th</sup> December 2020 (incorporating links to the Representation Options Paper and a response form). Information was also posted on Council's Facebook page on the 7<sup>th</sup> December 2020; and a hard copy of all material was made available at the Council office.

At the expiration of the first phase of public consultation period on Friday 29<sup>th</sup> January 2021, two (2) email submissions and a request for further information had been received. Copies of these submissions have been provided in Appendix G.

Both respondents favoured the introduction of a two-ward structure (Hawker and Quorn); the proposed Hawker ward to be represented by two councillors, with the remainder of the elected members representing the proposed Quorn ward; and the elected representatives of the proposed Hawker ward having to reside (full-time) in the ward.

Phase 2 of public consultation commenced on Wednesday 10<sup>th</sup> February 2021 with the publishing of a public notice in "The Transcontinental" 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. A notice (incorporating links to the Representation Options Paper and a response form) was also placed on the Council website ("Latest News") on the 10<sup>th</sup> February 2021; and a hard copy of all material was again made available at the Council office.

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

### 5.2 Second Public Consultation

The second public consultation was commenced on Friday 18<sup>th</sup> June 2021 with the display of a notice on the Council website ("Latest News" page). This was followed by the publishing of public notices in "The Flinders News" and "The Transcontinental" newspapers on Wednesday 23<sup>rd</sup> June 2021; and the Government Gazette on Thursday 24<sup>th</sup> June 2021.

Information pertaining to the review was also posted on Council's Facebook page; a notice was placed in Council's June newsletter; a notice was displayed on the notice board outside the Council Chambers; and a copy of the Representation Review Report was provided on the Council website and displayed (for viewing by the public) at the Council offices.

At the expiration of the public consultation period (i.e. close of business on Friday 16<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 always been a Mayor who has been elected by the community.

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 Flinders Ranges Council well for many 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; and
- the retention of an elected Mayor as the principal member is consistent with the structure of the majority of councils within the state.

Further, Council is 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
- during the course of the review no submissions were received which called for a change from an elected Mayor to a selected 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 Council area has not been divided into wards for many years.

Council accepts that wards may provide direct representation of all areas and communities within the Council area; may ensure local interests and/or issues are not overlooked in favour of the bigger “council-wide” picture; and may 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 and/or their ward constituents.

The Council area is relatively large (4,198km<sup>2</sup>) and primarily exhibits three (3) townships and a number of smaller settlement communities, as well as a considerable area of open rural land. The diversity in land use 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.

Council considers the current "no wards" structure to exhibit considerable merit; and to be particularly well suited to the circumstances applicable to The Flinders Ranges Council.

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.

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;
- only two (2) submissions were received during the course of the review which favoured the introduction of wards; 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.

Council has long been comprised of eight (8) area councillors. As such, the composition of Council is not affected by the provisions of Section 12(6) of the Act, or the provisions of the *Statutes Amendment (Local Government Review) Act 2021* which set the future maximum number of elected members in a council at thirteen (13).

As for the issue of over-representation, Council is aware that it is one of nine (9) regional councils which currently comprise eight (8) councillors. In addition, there are currently only thirteen (13) other regional councils in the state which have fewer elected members, eight (8) of which comprise seven (7) councillors and five (5) which comprise six (6) councillors. This being the case, any further reduction in the number of elected members may compromise the quality of representation, management and decision-making by the elected members.

Further, Table 1 provides the elector data; elector ratios; and the size/area of the regional councils which are considered to be similar to The Flinders Ranges Council. The data indicates that most of the cited councils cover significant areas; and are reasonably comparable in regard to elector numbers and/or elector ratios.

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

Council	Councillors	Electors	Elector Ratio
Kimba (3,986 km <sup>2</sup> )	7	797	1:114
Wudinna (5,394 km <sup>2</sup> )	7	805	1:115
Cooper Pedy (77.8 km <sup>2</sup> )	8	920	1:115
Flinders Ranges (4,198 km <sup>2</sup> )	8	1,171	1:146
Franklin Harbour (3,283 km <sup>2</sup> )	6	894	1:149
Peterborough (3,020 km <sup>2</sup> )	8	1,216	1:152
Cleve (4,507 km <sup>2</sup> )	7	1,209	1:173
Southern Mallee (6,000 km <sup>2</sup> )	7	1,307	1:187
Streaky Bay (6,232 km <sup>2</sup> )	8	1,581	1:198
Robe (1,091 km <sup>2</sup> )	6	1,301	1:217

Source: Electoral Commission SA (15 September 2021)

Council believes that, in order to provide fair and adequate elector representation across the whole of the Council area, a total of eight (8) councillors is considered to be both necessary and appropriate at this time.

Further, whilst Council is aware that a reduction in the number of councillors will result in some financial benefit to Council and the community, it desires to maintain the level and quality of representation that has long been experienced and expected by the local community.

Also, 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.

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

Given the Council is proposing to retain the existing "no wards" structure, the issue of area councillors in addition to ward councillors is not 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 4,198 km<sup>2</sup>; and includes the main townships of Quorn, Hawker and Craddock; the localities of Barndioota, Kanyaka, Stephenston, Willochra and Yarrah; and the large but sparsely populated open rural area. The current distribution pattern of electors throughout the Council area, including the concentration of significant elector numbers within the main townships, makes it particularly difficult to divide the Council area into wards on a rational and equitable basis without some impact upon of the existing "communities of interest."

The retention of the "no wards" structure avoids the need for the lines of division within the Council area (and the potential impacts upon existing communities of interest); and can potentially 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. This information suggests that there is a likelihood that the population (and therefore the elector numbers) within the Council area could increase (albeit marginally) in the foreseeable future.

- According to data provided by Electoral Commission SA, the number of eligible electors within the Council area has been relatively consistent over the past decade or more (i.e. 1,186 in 2010; 1,234 in 2014; 1,201 in 2018; and 1,171 in September 2021).
- There are infill residential development opportunities within the existing townships and settlements but Council cannot identify any specific properties capable of accommodating future residential development of a significant scale. Further, at this time Council is not contemplating any amendments to the Development Plan which will afford new/additional residential development opportunities. However, Council is pursuing a steady population increase of 1 - 2% over the next 6 – 8 years through a concerted effort to promote the council area on the basis of liveability, tourism and economic development.
- Population projections prepared by PlanSA (then the Department of Planning, Transport and Infrastructure) in 2020 indicate that the population of The Flinders Ranges Council is anticipated to decrease by 121 (7.0%) during the period 2016 – 2036.
- Data provided by the Australian Bureau of Statistics (refer 3218.0 Regional Population Growth, Australia) indicates that the estimated population of The Flinders Ranges Council has decreased slightly in most of the years during the period 2005 – 2019 (i.e. overall from 1,767 to 1,692, which equates to a total decrease of 75 or 4.25%).
- Australian Bureau of Statistics “Quick Stats” indicate that the estimated population of the Council area decreased by 201 or 10.91% (i.e. 1,844 to 1,643) during the period 2001 - 2016.

### 6.2.4 Topography

The Flinders Ranges Council is 3,283 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 continue to 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. the Mayor and eight (8) area councillors) will continue to provide adequate lines of communication between the elected members of Council and the community, taking into account the ever improving communication and information technology; and the fact that Council has operated effectively over recent times with the proposed level of representation.

## 7. CONCLUSION

The Flinders Ranges Council 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 elected by the community;
- the future elected body of Council comprise the Mayor and eight (8) area councillors; and
- the Council area not be divided into wards (i.e. the existing “no ward” 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 do not hesitate to contact the undersigned on telephone 8620 0500 or email [council@frc.sa.gov.au](mailto:council@frc.sa.gov.au).



Eric Brown  
Chief Executive Officer