



## City of Whyalla

### Representation Review

A report prepared in accordance with  
Section 12(8a) of the Local Government Act 1999

July 2009

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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 City into wards, at least once in every eight (8) years.

The City of Whyalla last completed a "representation review" in April 2002, and Electoral Commission SA has now directed that another review be undertaken so as to ensure fair and equitable representation of all electors prior to the 2010 Local Government elections.

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

- the office of Chairperson, as opposed to that of Mayor;
- the need for area councillors in addition to ward councillors;
- the division of the City into wards, or not;
- elector ratio, this being the number of electors who (in the opinion of Council) can be adequately and fairly represented by a councillor (which ultimately determines the total number of councillors);
- ward representation (i.e. single, dual and/or multi councillor wards, or combinations thereof); and
- the identification of any proposed wards.

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 and Council's response to the issues raised within the submissions received;
- sets out the proposal that Council considers should be carried into effect; and
- presents an analysis of how Council's proposal relates to the relevant provisions and principles of the Act.

## **2. BACKGROUND**

The City of Whyalla is currently not divided into wards, thereby requiring Local Government elections to be held on a City-wide or “at large” basis.

The City is represented by ten (10) area councillors, with the Mayor being the eleventh and principal member of Council.

Council commenced its elector representation review in July 2008 and completed the initial six (6) week public consultation on the 12<sup>th</sup> June 2009. No submissions were received by Council.

At its meeting on the 6<sup>th</sup> July 2009 Council considered a report on the first round of public consultation and resolved to initiate further public consultation in order to raise awareness of, and solicit comments regarding, the future composition and structure of Council that is proposed to come into effect at the Local Government elections in November 2010.

### **3. INITIAL PUBLIC CONSULTATION**

Comments and opinions in respect to the key issues, as they relate to Council's future composition and structure, are as follows.

#### **3.1 Principal Member**

It is considered that the office of Mayor has served the City of Whyalla well over the years and little practical benefit would likely be achieved by changing to the position of Chairperson at this time.

The office of Mayor, elected by the community, is considered to be in keeping with the fundamental principle of democracy - choice. It affords all eligible members of the community the opportunity to express faith in a candidate, should they choose to do so. The result of the vote provides the elected Council with an identifiable principal member who is directly accountable to the community that elected him/her.

It should be noted that any proposal to have a Chairperson rather than a Mayor cannot proceed unless or until a poll has been conducted in accordance with the requirements of Section 12 (11)(a-d) of the Act.

#### **3.2 Wards/no wards**

Wards are seen to guarantee direct representation of all areas and communities within the City; ensure local interests and/or issues are not overlooked in favour of the bigger "City-wide" picture; and provide recognizable lines of communication with Council through the ward councillors. There is also a perception that ward councillors should have empathy for, and an affiliation with, all of the communities within their ward.

Notwithstanding the above, Council considers the current structure of "no wards" to exhibit considerable merit and to be particularly well suited to the circumstances of the City of Whyalla.

The development of an appropriate and logical ward structure is a difficult exercise given the expansive size of the council area (1,032.5 km<sup>2</sup>); wherein the vast majority of electors are concentrated within the suburbs of Whyalla, Whyalla Playford, Whyalla Norrie, Whyalla Stuart and Whyalla Jenkins. Further, as the provisions of Section 33(2) of the Act require compliance with quota tolerance limits, ward structures tend to be developed to reflect the distribution of elector numbers rather than any "communities of interest".

Other arguments in favour of the existing structure ("no wards") include the following.

- Council has successfully operated without wards over recent years without any apparent disadvantage to the community and/or the elected members. The area councillors readily access all parts of the City; are able to communicate with any member or sector of the community; and have an affiliation with, and empathy for, the various communities within the City and the issues relevant thereto.
- Electors are afforded the opportunity to vote for all vacant positions on Council.

- The most favoured candidates from across the City will likely be elected, rather than candidates who may be favoured by the peculiarities of a ward based system that allows unopposed candidates to be elected and/or defeated candidates in a particular ward to attract more votes than a successful candidate in another ward.
- Area councillors make decisions with the best interests of the City in mind and are not influenced by parochial ward attitudes.
- The lines of communication between members of the community and Council are enhanced, and are not affected by the perception that matters must only be presented to the relevant ward councillor(s).
- The “no ward” alternative is not affected by fluctuations in elector numbers; the on-going need to review elector distribution and ward boundaries; and/or the constraints of complying with quota tolerance limits.
- “Communities of interest”, including districts, 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 principal arguments opposing the “no ward” alternative are as follows.

- All parts of, or “communities of interest” within, the City are not guaranteed of direct representation.
- It may be easier for single interest candidates and/or groups to gain support in a City-wide election rather than under a ward based system.
- The task and expense of contesting City-wide elections can be considerable.
- The need to, and cost of, conducting supplementary elections on a City-wide basis.

Given the aforementioned, Council believes there is a strong case to support the retention of the existing structure (i.e. no wards).

### 3.3 Councillors

Council is aware of the provisions of Section 33(1)(f) of the Act that, in part, seek avoidance of over-representation in comparison to Councils of a similar size and type. It is the intent of these provisions to achieve, as far as possible and practical, some degree of consistency in elector representation across the State.

The following table indicates that the City of Whyalla has a low elector ratio when compared to other regional Councils of a similar or greater size (elector numbers), such as the Town of Gawler and the City of Mount Gambier, both of which have more electors than the City of Whyalla, but the same number of councillors. The City of Whyalla also exhibits a lower elector ratio than the Rural City of Murray Bridge, which has fewer electors but comprises one less councillor.

Table 1: Comparison of elector details, various Councils (July 2009)

<b>Council</b>	<b>Councillors</b>	<b>Electors</b>	<b>Ratio</b>
Port Pirie	10	13,197	1:1,320
Barossa	13	17,307	1:1,331
Yorke Peninsula	11	14,717	1:1,337
Victor Harbor	10	15,166	1:1,517
<b>* Whyalla</b>	<b>10</b>	<b>15,367</b>	<b>1:1,537</b>
Gawler	10	16,263	1:1,626
Murray Bridge	9	15,281	1:1,697
Mount Gambier	10	19,671	1:1,967

Source: Electoral Commission SA (July 2009)

A reduction in the number of area councillors from ten (10) to nine (9) is therefore considered to be appropriate. Council believes that such a reduction should:

- provide sufficient elected members to manage the affairs of Council, with some financial savings in regards to administrative and operating costs (including a member's allowance);
- not cause any problems in respect to achieving a meeting quorum;
- provide an appropriate level of elector representation and elector ratio (i.e. approximately 1:1,707) in comparison to other regional Council's of a similar (or greater) size and type, in accordance with the provisions and intent of Sections 26 and 33 of the Act;
- not excessively increase member's workloads; and
- provide adequate lines of communication between the community and Council.

Finally, in determining an appropriate number of Councillors, Council also took into account economic factors, implications in regards to the elected member's roles and responsibilities, and the internal workings and structures of Council.

## 4. PROPOSAL

Having duly considered all relevant provisions of the Act and the information and alternatives contained within the Options Paper, Council proposes the following in respect to its future size, composition and structure (to come into effect as at the next Local Government election in 2010).

- Retain the Mayor as the principal member of Council (to be elected by the community).
- The City not be divided into wards (i.e. retain “no wards”).
- The elected Council comprise nine (9) area councillors, to be elected at City-wide elections by the community.

## 5. LOCAL GOVERNMENT ACT 1999

The provisions of Sections 26 and 33(1) of the Act require Council take into account, as far as practicable, the following when developing a proposal that relates to its composition and structure.

### 5.1 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 City of Whyalla is a regional centre. Whilst it contains various land use precincts, the City is considered to constitute a single “community of interest”. Furthermore, given the character of the City; the diversity in land use across the City; and the varying densities of electors, it would be difficult to divide the City into wards without impacting upon, and dividing, long existing “communities of interest”.

### 5.2 Topography

The City of Whyalla covers 1032.5 km<sup>2</sup> of land located on the western shores of the upper Spencer Gulf. Apart from the urban development within the township, the council area generally comprises arid saltbush-covered terrain which is primarily utilised for dryland farming purposes.

It is considered that the topography of the City will have little or no impact upon Council’s proposal, given the fact that there are to be no wards or arbitrary boundaries.

### 5.3 Feasibility of Communication

Council believes that the proposed level of representation will be consistent with the intent and requirements of the Act, and will provide adequate lines of communication between the elected members of Council and the community.

### 5.4 Demographic Trends

Council is aware that:

- elector data compiled and provided by Electoral Commission SA indicates that the total number of enrolments on the House of Assembly Roll and Council’s Supplementary Voters Roll has increased marginally (total increase of 576 electors or 4%) over the five year period to February 2008;
- population projections obtained from Planning SA indicate that the population of the City of Whyalla is expected to decrease by 412 (2.0%) during the period 2006 – 2016;

- data provided by the Australian Bureau of Statistics (Reference 3218.0 Regional Population Growth, Australia, 2006 – 2007) indicates that the population of the City of Whyalla actually increased by 280 people (or 1.3%) over the twelve (12) month period 2006 – 2007;
- 507 hectares of land to the south of Broadbent Terrace and the suburb of Whyalla has the potential to realise an additional 1500 – 2000 dwellings;
- 55 hectares of land south of Cartledge Avenue, Whyalla Stuart has the potential to realise an additional 550 dwellings;
- 20 hectares of land north of Jenkins Avenue, Whyalla Norrie has the potential to realise an additional 150 dwellings;
- 14 hectares of land east of Norrie Avenue (adjacent Mill Park), Whyalla Playford could be developed as a retirement village with the potential to realise an additional 150 dwellings;
- 5 hectares of land (Foreshore zoning) adjacent Broadbent Terrace, to the south of the suburb of Whyalla has the potential to realise an additional 50 dwellings; and
- existing vacant land or infill opportunities within the urban sectors of the City total approximately 55 hectares and equate (potentially) to an additional 550 dwellings.

The extent and timing of any of this anticipated future development (and resultant increase in elector numbers) is difficult to identify. Notwithstanding this, Council understands that fluctuations in elector numbers are of little consequence under circumstances where the City is not divided into wards, primarily because no quota tolerance limits apply and the elector ratio of Council adjusts with each variation to the total elector numbers.

### 5.5 Adequate and Fair Representation

The provisions of the Act emphasise 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).

Council is confident that its proposed structure and composition provides the required number of elected members to manage its affairs; provides an appropriate level of elector representation; and affords adequate lines of communication between the community and Council.

### 5.6 Section 26, Local Government Act 1999

Section 26(1) of the Act requires that a number of broader Principles also be taken into account during the review process. These are similar in nature to those presented under Section 33, 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. It will incorporate sufficient elected members to undertake the various roles and responsibilities of Council; provide adequate and fair representation to all electors; and generally compares with the composition and elector ratios of other regional Councils that are of a similar size in terms of elector numbers.

## **6. CURRENT PUBLIC CONSULTATION**

In accordance with Section 12(9) of the Local Government Act 1999, interested persons are invited to make a written submission to Council in respect to this report, and the changes that Council proposes to effect. Any person who makes a written submission will have the right to address Council, or a committee thereof, either in person or by a representative, in support of their submission.

Written submissions will be received by Council no later than 5.00pm on Friday 7 August 2009, and must be addressed to the Chief Executive Officer, PO Box 126, Whyalla SA 5600.

Further information can be obtained from the Manager Governance and Organisation Development on telephone 8640 3444.

**P Cameron**  
Chief Executive Officer