

FINAL REPRESENTATION REPORT

TO THE ELECTORAL COMMISSIONER

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

DECEMBER 2024



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Table of Contents

1. INTRODUCTION	1
2. BACKGROUND	2
3. PROPOSAL	3
4. REVIEW PROCESS	4
5. PUBLIC CONSULTATION	6
6. PROPOSAL RATIONALE	7
6.1 Composition of Council	7
6.1.1 Mayor	7
6.1.2 Wards/No Wards	7
6.1.3 Number of Councillors	8
6.1.4 Area Councillors (in addition to Ward Councillors)	10
6.1.5 Ward Names	10
6.2 Local Government Act 1999	10
6.2.1 Quota	10
6.2.2 Communities of Interest	10
6.2.3 Population and Demographic Trends	11
6.2.4 Topography	12
6.2.5 Communication	12
7. CONCLUSION	13

1. Introduction

Pursuant to the provisions of Section 12 of the *Local Government Act 1999* (the Act), the Kangaroo Island Council has undertaken a review of all aspects of its composition and structure so as to determine whether the community would benefit from any alterations thereto. It is the intent of Council that the arrangement which it now proposes will formally come into effect at the next scheduled Local Government election in November 2026.

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"*.

In keeping with the aforementioned requirements of the Act, the key issues considered during the course of the review included:

- whether the number of elected members should be reduced or increased;
- whether the existing "no ward" structure should be retained or alternatively whether the Council area should be divided into wards;
- potential future ward structures, including the names/titles of the proposed wards and the level of ward representation; and
- the need for area councillors in addition to ward councillors (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 Kangaroo Island Council covers approximately 4,400.1 km²; and had an estimated resident population of 5,125 as at the 30th June 2023. According to Electoral Commission SA data, there were 3,763 eligible electors within the Council area as at the 4th November 2024, this equating to an elector ratio of 1:418.

The Council area is not divided into wards; and is currently represented by the mayor and nine (9) area councilors, all of whom are elected to represent the whole of the local community.

The current arrangement, which was adopted by Council at the completion of the previous representation review (2016/2017), formally came into effect at the Local Government elections in November 2018.

Council commenced its current review on the 3rd May 2024 with a briefing of the elected members; discussions regarding the various relevant review issues; and consideration of a detailed Discussion Paper, including potential ward structure options. Subsequently, at a meeting on the 14th May 2024, Council identified its preferred future composition and structure, and resolved to present the proposal to the community for consideration and comment.

Public consultation was undertaken during the period 18th July 2024 to 7th August 2024; and the review process concluded on the 10th September 2024 with Council resolving not to change any aspect of its current elector representation arrangements.



3. Proposal

Having duly considered all relevant provisions of the Act and considerable information pertaining to the primary review issues, Council proposes the following in respect to its future composition and structure.

- The principal member of Council continue to be a Mayor elected by the community (as per the requirements of Section 51 of the Act).
- The future elected body of Council comprise the Mayor and nine (9) area councillors.
- The Council area not be divided into wards (i.e. the "no ward" structure be retained).

The reasons for Council's decisions, together with an analysis of compliance with the relevant provisions and requirements of the Act, are provided hereinafter.



4. Review Process

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

Date	Event
20 November 2023	C L Rowe and Associates Pty Ltd was accepted as being qualified to address the representation and governance issues that may arise with respect to the matters under review; and was engaged to assist Council with the conduct of the representation review. Refer copy of email – Appendix A.
5 December 2023	Council received an 'Initiation of Representation Review' report for information. Refer copy of Council report – Appendix B
3 May 2024	C L Rowe and Associates Pty Ltd conducted a workshop/briefing with the elected members of Council; and discussed the key issues of the review, potential ward options and the relevant information provided in a Discussion Paper. Refer Council information/briefing session notice – Appendix C; Discussion Paper – Appendix D.
14 May 2024	Council resolved to: • commence the Representation Review Process; • support "in principle" a proposal for the Council area not be divided into wards; and • that the Council will comprise nine (9) area councillors, all of whom shall represent the whole of the Council area and shall be elected by the community at council-wide elections, Refer Agenda Item and Minutes – Appendix E.
9 July 2024	Council endorsed the Representation Report to be released for 21 days public consultation. Refer Representation Report - Appendix F; Council's Public Consultation and Community Engagement Policy – Appendix G; and Agenda item and Minutes – Appendix H.
18 & 25 July, 1 August 2024	Articles/notices were published in the 'Council Matters' section of 'The Islander' newspaper. Refer copy of article/notice – Appendix I.
18 July 2024	A public notice was published on the Council Website advising that the representation review was being conducted; providing details of the public consultation process; and seeking written submissions by the 7 th August 2024. Refer copy of public notice – Appendix J.
18 July - 7 August 2024	Copies of the Representation Report were displayed/available at Council's Kingscote office.

Date	Event
7 August 2024	At the close of the public consultation stage, four (4) submissions had been received by Council. Refer submissions - Appendix K.
10 September 2024	Council considered the submissions received and a Submissions Report, and resolved: • to receive and note the four (4) submissions received from the community during the prescribed public consultation stage of the review process; • to acknowledge that the principal member of Council will be a Mayor elected by the community; • that the Council area not be divided into wards (i.e. the existing 'no wards' structure be retained); • to prepare all relevant documentation and refer the finalised Representation Report to the Electoral Commissioner, pursuant to Section 12(12) of the Local Government Act 1999. Refer Submissions Report – Appendix L; Agenda item and Minutes – Appendix M).



5. Public Consultation

The public consultation stage of the review process was conducted during the period Thursday 18th July 2024 to (and including) Wednesday 7th August 2024. The consultation period and consultation process were in accordance with the provisions of the Act and Council's Public Consultation Policy (Version 6) which was approved in July 2020.

The consultation comprised the publishing of articles in the "Council Matters" section of "The Islander" newspaper on the 18th and 25th July 2024 and the 1st August 2024 (refer Appendix I). In addition, the consultation process included:

- the provision of a public notice on the Council website - Notice Board/Community Consultation/Public Consultation – Representation Review (refer Appendix J);
- the provision of a copy of the Representation Report on the Council website; and
- the display of the Representation Report at Council's Kingscote office.

At the expiration of the public consultation period on Wednesday 7th August 2024, Council had received four (4) submissions, all via the on-line form provided on the Council website. Of the four submissions received, one (1) supported Council's proposal; two (2) expressed a desire/need for representation of Penneshaw (presumably through a ward structure); and the remaining submission provided comments on the virtues and flaws of a ward structure, but did not specifically indicate support for the introduction of a ward structure. Copies of the submissions are provided in Appendix K.

Council was aware that the four submissions presented the views of only a very small sample of the community of Kangaroo Island (i.e. approximately 0.078% of the population (estimated at 5,125) and/or approximately 0.106% of the eligible electors within the Council area at the time of the public consultation process (i.e. 3,780 as at the 28th June 2024)).

6. Proposal Rationale

6.1 Composition and Structure of Council

6.1.1 Principal Member

The principal member of the Kangaroo Island Council has always been a Mayor who has been elected by the community.

Council is aware that Section 51(1) of the Act now requires the principal member of Council to be either appointed (by the Governor under circumstances prescribed under Section 10 of the Act) or elected as a representative of the area as a whole; and is to have the title of mayor.

6.1.2 Wards/No Wards

The Kangaroo Island Council area has not been divided into wards for many years.

Council acknowledges that wards may provide for 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 should provide recognizable lines of communication with Council through the ward councillors. It is also considered that ward councillors should 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 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.

Council believes that the current "no ward" structure exhibits considerable merit and is particularly well suited to the circumstances of the Kangaroo Island Council.

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

- The structure affords all electors the greatest choice of candidates and ensures that the votes cast by the electors count towards electing all of the required councillors.
- 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 ward" 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 (subject to Council having a relevant policy in place).
- 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 ward" structure still affords opportunities for the small communities to be directly represented on Council, provided they can muster sufficient support for a preferred candidate.
- 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:

- currently thirty-five (35) of the forty-nine (49) regional councils have no wards, as do two (2) of the nineteen (19) metropolitan councils (i.e. the Towns of Gawler and Walkerville);
- 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;
- only a small number of 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 presents a sound argument in favour of the retention of the existing "no ward" structure.

6.1.3 Number of Councillors

Council has long comprised the Mayor and nine (9) area councillors.

Council is aware that:

- Section 11A of the Act specifies that a council must not be comprised of more than thirteen (13) members (including the principal member) unless it has been granted an "exemption certificate" by the Electoral Commissioner under Section 12(11b) of the Act; and
- Sections 26(1)(c) 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).

Table1 provides (for comparison purposes) the elector data, elector ratios and the size/area of councils that are considered to be of a similar in size (elector numbers) and type (regional) as the Kangaroo Island Council. The data indicates that there is nothing extraordinary or unacceptable about the elector representation arrangements of the Kangaroo Island Council in comparison to the arrangements of the cited councils.

Table 1: Representation comparisons with councils of a similar size and type

Council	Councillors	Electors	Elector Ratio
Northern Areas (3,070 km ²)	9	3,572	1:397
Kangaroo Island (4,400 km²)	9	3,763	1:418
Goyder Regional (6,719 km ²)	7	3,137	1:448
Tatiara (6,476 3km ²)	9	4,503	1:500
Yankalilla (751 km ²)	9	4,687	1:521
Coorong (8,831 km ²)	7	3,966	1:567
Lower Eyre Peninsula (4,771 km ²)	7	3,979	1:578

Source: Electoral Commission SA (4th November 2024)

Council is also aware that, of the regional councils, eighteen (18) comprise nine councillors; ten (10) comprise eight councillors; nine (9) comprise seven (7) councillors; and five (5) comprise six councillors.

In addition, Council believes that, in order to provide fair and adequate elector representation across the whole of the Council area, a total of nine (9) councillors is necessary and appropriate at this time. Whilst a reduction in the number of councillors would obviously result in some financial benefit to Council and the community, Council desires to maintain the level and quality of representation that has been experienced and expected by the local community over past years.

Further, when determining the appropriate number of councillors required to provide fair and adequate representation, Council was mindful that:

- the Council area is significant (approximately 4,400.1km²) and includes forty-nine (49) townships and settlements, the communities in which all have needs of, and demands for assistance and representation by/from, the elected members;
- sufficient elected members must be available to manage the affairs 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 elected member's skill sets, experience, expertise, opinions and backgrounds should be maintained to ensure robust discussion on matters before Council; and
- adequate lines of communication must exist between the community and Council.

Given the aforementioned, Council has formed the opinion that a change in the number of councillors 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 ward” 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 ward” 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 relevant principles are provided hereinafter.

6.2.1 Quota

Having duly considered a number of ward structure options, Council resolved to retain the existing “no ward” 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.

“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.

Kangaroo Island is considered to comprise one large “community of interest” (defined by the shoreline), wherein there is forty-nine (49) identified “communities of interest”. These include the townships of Kingscote, Penneshaw, American River and Parndana; the various small coastal settlements; and the vast 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”.

Further, Council believes that the retention of the "no ward" structure avoids potential impacts upon, and the division of, the existing communities of interest within the Council area and, as such, should serve to continue to foster a sense of unity within the local community.

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 likely increase in the foreseeable future.

- Data sourced from Electoral Commission SA indicates that the number of eligible electors enrolled to vote in a Council election has fluctuated over the period 2010 - 2024, with the overall number of electors increasing by 375 (10.94%) over the stated period (i.e. 3,428 – 3,803). Interestingly, since the Local Government election in 2018, elector numbers have increased by 327 or 9.41% (as of 24th April 2024).
- Population projections prepared by the Department of Planning, Transport and Infrastructure (*Local Area (SA2 and LGA), Population Projections for South Australia, 2021 – 2041*, published March 2024) indicate that the population of Kangaroo Island is anticipated to increase by 1,002 or 20.0% (i.e. 4,999 – 6,001) during the period 2021 – 2041.
- Data provided by the Australian Bureau of Statistics (refer *3218.0 Regional Population Growth, Australia*) indicates that the estimated population of the Council area increased by 609 (14.41%) over the period 2001 – 2016; and then increased by a further 289 (5.98%) during the period 2016 – 2023. This equates to a total increase of 898 or 22.24% during the period 2001 - 2023.
- Australian Bureau of Statistics "*Quick Stats*" indicate that the estimated population of the Council area increased by 656 people (15.49%) during the period 2001 - 2021 (i.e. 4,238 – 4,894).
- Investigations identified potential future residential growth opportunities which may impact upon future population/elector numbers over the next five or more years. The draft "*Kangaroo Island Regional Plan*" (State Planning Commission, March 2024), indicates that, based on a high-growth scenario, the population of Kangaroo Island could grow to 6,876 people by 2054, this being an increase of 1,792 permanent residents (32.25%) over the next 30-years.
- The Regional Plan also indicates that new housing should be concentrated in the following established towns to leverage existing infrastructure, services and utilities and based on their anticipated roles and functions.
 - Kingscote will continue to be developed as the principal town and commercial centre taking advantage of its services and facilities, with the anticipated future increase in housing choice likely come through regeneration of its established areas. It is proposed that a Deferred Urban Zone in Kingscote be amended to a Master Planned Neighbourhood Zone (3 – 5 year timeframe).

- Penneshaw is the major service centre for the eastern end of the island, and its residential population is expected to grow as a result of major investment in a new desalination plant. It is proposed that the Penneshaw Golf Course and a portion of the adjoining Neighbourhood Zone be rezoned to Golf Course Estate Zone to facilitate additional housing (0 – 5 year timeframe)
- American River is an important local service centre and will play a greater role in accommodating population growth, primarily on the relatively flat land in and about the township. It is proposed that the existing Deferred Urban Zone be amended to Neighbourhood Zone and American River Subzone (3 – 5 year timeframe).
- Parndana, being an important service centre, will likely play a critical role in accommodating agribusiness and additional housing and workers' accommodation.
- The Regional Plan also identifies potential amendments to the zoning of land at Emu Bay which could serve to increase residential and rural living development opportunities in the future (3 – 5 year timeframe).

6.2.4 Topography

Whilst Kangaroo Island is approximately 4,400.1km² in area, neither the size nor the topography of the island should have any significant impact upon elector representation across the Council area.

Council believes that:

- there are no natural features which will physically prevent elected members from interacting with the local community; and
- under the existing/proposed "no ward" structure the size and topography of the Council area should have little impact upon the elected members' ability to attend to the requirements and/or demands of the community, given that all ten elected members (including the Mayor) will be readily available and responsible to the whole community.

In addition, Council's proposal to retain the existing "no ward" structure avoids the need to identify appropriate ward boundaries and the associated difficult tasks distributing an equitable number of electors between the proposed wards, whilst taking into account the general topography and the physical features within the Council area.

6.2.5 Communication

Council believes that the proposed level of representation (i.e. a Mayor and nine (9) 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, as well as the fact that Council has operated effectively over many years with the same level of representation.

7. Conclusion

The Kangaroo Island 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 Council continue to comprise the Mayor and nine (9) 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 2026.

Should you require any additional information or wish to discuss the review, please contact the undersigned on telephone (08) 8553 4500 or email kicouncil@kicouncil.sa.gov.au .

A handwritten signature in black ink, appearing to read "Daryl Buckingham", with a long horizontal line extending to the right.

Daryl Buckingham
Chief Executive Officer

