



# Local Representation in Australia

*A review of the legislation and literature*

### ***Acknowledgements***

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### ***Project contributors***

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## Contents

|  |    |
|--|----|
| Preface .....  | i  |
| Executive summary.....                                   | 1  |
| 1. Introduction.....                                     | 3  |
| 1.1 Changing emphasis of reform .....                    | 4  |
| 1.2 Local democratic governance .....                    | 5  |
| 1.3 Changes to representative arrangements.....          | 6  |
| 2 Aims of this review .....                              | 8  |
| 3 A scan of the literature.....                          | 10 |
| 4 Representation.....                                    | 12 |
| 4.1 Determining the number of councillors .....          | 14 |
| 4.2 Wards and boundaries.....                            | 21 |
| 4.3 Reviews of representative arrangements .....         | 30 |
| 5. Voting .....  | 39 |
| 6. Mayor and deputy mayor.....                           | 43 |
| 7. Councillor role and remuneration .....                | 45 |
| 8. Summary .....   | 52 |
| References.....  | 54 |
| Appendix 1: Purpose of local government .....            | 58 |
| Appendix 2: NT representation reviews .....              | 61 |
| Appendix 3: Voting at local government elections .....   | 63 |
| Appendix 4: Election and role of mayors/councillors..... | 67 |

## **Tables**

|   |    |
|---|----|
| Table 1: Literature review summary.....                             | 10 |
| Table 2: Legislation for determining the number of councillors..... | 19 |
| Table 3: Councillor numbers by municipality type (VIC).....         | 20 |
| Table 4: Legislation on subdivision of local governments.....       | 21 |
| Table 5: Northern Territory guidelines for representation.....      | 26 |
| Table 6: Comparison of local government structures.....             | 29 |
| Table 7: VEC Guidelines regarding community of interest.....        | 35 |
| Table 8: Boundary review process in Australia.....                  | 37 |
| Table 9: Comparison of mayor and councillor allowances.....         | 48 |

## Preface

One of the most important objectives of the Australian Centre of Excellence for Local Government (ACELG) is to inform debate on key policy issues. We recognise that many councils and other local government organisations are not always able to undertake sufficient background research to underpin and develop sound, evidence-based policy.

ACELG's research papers address this deficit. In addition to in-depth research papers which involve primary data collection and identify possible policy options, ACELG supports legislative and literature reviews which outline existing legislation and research on a topic to determine whether further work by ACELG or other organisations is warranted.

This legislative review on local representation provides a précis of the legal frameworks governing local democratic governance. ACELG has undertaken this work with the Victorian Local Governance Association which has a track record of working on issues of local and participatory democracy.

The review sets out a brief context based on existing literature. It then outlines and compares legislation and guidelines from the Australian states and the Northern Territory and includes examples from the UK where appropriate. It finds that there is very little existing research on representation. There is more work to be done to enable councils to make considered and informed judgements on whether their communities are adequately represented.

ACELG welcomes feedback on this paper as well as advice on examples of analysis of local representation which have not been documented. Input from elected members, local government practitioners and other stakeholders regarding policy areas that should be researched in the future, and on proposals for research partnerships would also be welcome. Please contact our Research Program Manager: [stefanie.pillora@acelg.org.au](mailto:stefanie.pillora@acelg.org.au)



Roberta Ryan  
Associate Professor and Director  
Australian Centre for Excellence in Local Government



## Executive summary

The Australian Centre of Excellence for Local Government (ACELG) in partnership with the Victorian Local Governance Association (VLGA) has undertaken a comparative study of representation frameworks for local governments across Australia. The purpose is to strengthen local governments' capacity to take a more considered view of local representation, and better determine whether the arrangements they have in place are the most appropriate for the context and for achieving their objectives. The research encompasses Australian states and the Northern Territory plus international examples where appropriate.

Initial investigations show that while there are bodies of research on many (although not all) aspects of local representation there is a gap in terms of thinking and analysis which brings together these different threads within the Australian local government context. This paper takes a first step to address this gap. It compares and analyses the different issues covered in state and territory local government legislation, regulations and guidelines providing a synthesis to inform thinking and debate on alternative approaches to strategic leadership and better governance.

The project was organised around a set of themes which together address the broad topic of local political governance. These themes have emerged from previous research work and feedback from the sector on the question of local political governance. The need to explore these issues has also been reinforced by several other processes including the *Destination 2036* initiative in New South Wales and other governance-related work carried out by ACELG. This research explores particular arrangements for representation and discusses benefits and drawbacks. The work is organised around four key themes:

*Representative Structure:* This sets out the legislative requirements for determining the number of councillors, whether a local government area can be subdivided and requirements for representation reviews.

*Voting:* This is the primary tool used in representative democracy enabling citizens to choose their elected members at local government level. The way voting is done can have implications for citizens' ability to participate and for outcomes. Legislative requirements for voting at local government level vary among the different states.

*Mayor and Deputy Mayor:* Internationally and in Australia, increasing interest has focussed on the role of the mayor. The national picture is very mixed in terms of legislation and practice, with some mayors being directly elected and others being appointed by their fellow councillors.

*Role and remuneration of councillors:* The role and scope of councillors' responsibilities varies across Australian local government jurisdictions. For example, in Queensland councillors are expected to dedicate their time and expertise on a full time basis and as a result receive a commensurate payment. In other states councillors are expected to fulfil their positions on a voluntary basis and are paid a smaller allowance or expenses in recognition of their contribution. These two approaches appear to reflect different degrees of importance placed on the role of councillors within the broader political framework.

This review presents the results of an initial phase of work: a legislative and literature review of the frameworks for local representative governance as set out in the state legislation and relevant guidelines issued by the local government associations and state agencies. A second phase involved interviews with councillors and senior staff in collaboration with the Victorian Local Governance Association to document experience of working within these legislative frameworks. A report from these interviews entitled *Issues in Australian Local Representation: A view from Victoria* (Tan 2013) accompanies this review. This work is a first step in developing our understanding of the frameworks which regulate local government structures and which guide decision making.



# 1. Introduction

Australian local government has been the subject of complex and varied reform processes across its six sovereign jurisdictions, as well as in the Northern Territory, for over two decades. Various attempts have been made to provide a concise portrait of these reforms (see, for example, Aulich 2005; Marshall 2008; ACELG 2011). In his seminal contribution, Chris Aulich observed that

as with most Anglo-Westminster based systems, local government in Australia plays a significant role in two primary respects. First, it gives voice to local aspirations for decentralised governance, and second, it provides a mechanism for efficient delivery of services to local communities (2005 p. 198).

Further, he argued that these two approaches have 'given rise to two polar approaches to local government reform – one which focuses on local democracy ... the other primarily concerned with emphasising structural efficiency... and efficient distribution of services'. The tension between these two approaches as described by Aulich has been the focus of much ensuing debate (see, for example, Dollery and Grant 2011).

Aulich (2005) also noted that in the 1960s and 1970s some reforms were introduced to democratic processes toward ensuring that the principle of 'one person, one vote' was upheld. Nevertheless, in terms of the overall weight of reforms, the efficient provision of services has been the primary concern of policymakers in all Australian local government jurisdictions. Even a cursory glance at reforms bears Aulich's observation out. For example, following from work by the Canadian scholars Garcea and LeSage Jr (2005), Marshall (2008) divided reform process into five main types.

First, Marshall (2008, pp. 18-21) observed that structural reform, principally the consolidation of smaller councils into larger local government bodies, had seen the total number of democratically elected local governments diminish. This process has continued such that the total number of councils had declined from 726 in 1990 to approximately 530 at present (Aulich et al. 2011). In all programs of consolidation initiated by state governments, the promise of substantial savings in the operations of local government formed the primary (but not the only) reason for undertaking these amalgamations.

Second, Marshall (2008, pp. 23-28) observed that that the functional activities of local government have expanded over time, in particular from providing a range of services to property to include a range of services to people.

Third, Marshall (2008, pp. 29-36) noted that since 2003 many inquiries at both the federal and state levels recommended changes

to local government finances, to make them more sustainable and more efficient (see for example, Hawker Report 2004; PricewaterhouseCoopers 2006; FSRB 2005; LGI 2006; LGAT 2007 and LGAQ 2006). To varying degrees, these financial reforms have been bound up with the processes of amalgamation and implemented alongside them.

Fourth, Marshall (2008, pp. 36-37) observed that in terms of jurisdictional authority all Australian local governments have been granted powers of general competence, thereby dispensing with the doctrine of *ultra vires*, where authority for local government action had to be prescribed by state legislation. As a consequence, the continuing scope for local government activities may expand significantly.

Finally, Marshall (2008, pp. 38-42) argued that significant attempts have been made to enhance the internal organisation of councils, particularly the management and professionalism of their operations. This has coincided with reforms aimed at including more public participation in various elements of decision-making. Nevertheless, the overriding imperative of all these types of reform processes has been the structural efficiency of councils.

However, more recently reform to Australian local government has been increasingly concerned with the role that it plays as part of Australia's democracy. It is this role, and the role of representative arrangements in particular, that this paper examines through a comparative analysis of the legislation across the states and in the Northern Territory.

## 1.1 Changing emphasis of reform

Several recent reform processes concerned with the nature of local democracy have coincided with the persistent drive for a more efficient and sustainable local government sector. Important work by Brown (2008) has demonstrated that local government is considered as having a legitimate place in most Australians' thinking about the country's democratic fabric. The Australian Local Government Association (ALGA) has also drawn upon international literature and argued that as the site of local democracy, local government ought to be valued as a desired outcome in its own right (for a discussion of this, see Grant and Dollery 2011)).

Another reform to local democratic governance has been the implementation of community planning. All state governments now require, or at least encourage, their local counterparts to produce community strategic plans, with varying levels of community engagement being specified (see, for example, Pillora and McKinlay 2011; Aulich 2009; Prior and Herriman 2010; Tan and Artist 2013)).

Arguably, these reforms all involve some type of representation. Because representation is a core concept in politics, and because the fabric of Australian local governance is rich and comprised of many different types of processes, it is useful to provide a conceptual

scheme within which the idea of representation can be placed and the remit of the work undertaken here be specified.

## 1.2 Local democratic governance

In their article titled *Local democracy and local leadership: drawing a map*, Michael Haus and David Sweeting (2006) developed a useful typology of local democratic practices for the English context. Three main types of democratic processes are useful when examining local democracy in Australia: 'representative', 'participatory' and 'network'.

According to Haus and Sweeting (2006) *representative* processes are the most important in local democracy. These are defined by some type of electoral process. While our central concern in this review is to document these representative arrangements across Australian local government jurisdictions, it is important to bear in mind that that these are buttressed by a raft of other types of democratic practice that can be defined using Haus and Sweeting's typology.

The second type, Haus and Sweeting (2006, p. 278) labelled *participatory democracy*. At its core participatory democracy is defined against representation in 'that the construction, articulation and promotion of the common good cannot be delegated, but must evolve from the communicative interactions of active citizens.' The authors discussed two main sub-types of participatory democracy: *direct*, such as referenda (often conducted in association with local government elections in Australia) and *deliberative*, where alternative policy options are debated and decided on. We have already seen that all state jurisdictions have enacted requirements for community plans, conforming to the idea of participatory democracy. And there are a myriad of these types of processes in place in Australian local government, such as precinct meetings and single-issue community forums.

Third, Haus and Sweeting (2006, 282-3) discussed *network democracy*. The defining characteristic of this type is local authorities collaborating with other tiers of government and private businesses. Network democracy embodies the idea of elected representatives operating as trustees of the interests of a constituency, interacting with the private sector as well as other governments.

The important point in this context is that the overview of representative arrangements presented in this paper focuses on one element of Australian local democracy: representation. However, this does not mean that other processes of local government are not recognised as both complex and vitally important to Australian local democracy. In fact, previous work by ACELG has focussed upon both the participatory elements of Australian local democratic governance (see, for example, Pillora, et al., 2010) as well as its networking aspects (Sansom 2012; Martin and Aulich 2012).

### 1.3 Changes to representative arrangements

Having set out what is meant by representation we can now look at what is happening within the Australian context as reform continues to change the shape of local democracy.

A brief scan of what is happening across the some of the states illustrates the scale of change. In Queensland as part of the local government reform agenda in 2008 there was a significant reduction in the number of mayors and councillors. Compared to previous years, the total number was reduced from 1,286 (157 mayors and 1,129 councillors), down to 553 (73 mayors and 480 councillors). Many rural and remote area councils were reduced to a mayor and four councillors.

This reduction endured some backlash. Following the most recent local government elections in Queensland, six councils were successful in increasing their number of councillors. As a result, state-wide in 2012 there was a net increase of eight elected members to bring the total to 561 (73 mayors and 488 councillors) (LGAQ 2012). According to the Local Government Association of Queensland's (LGAQ) report on the 2008 local government elections, this reduction has meant a change in the role of a councillor to one which is more like a board director, with a diminishing involvement in the day-to-day running of the council (LGAQ 2008).

This push toward reducing the number of councillors is a trend across Australia. For example, in Western Australia (WA) the state government has announced plans for widespread changes to local government arrangements in metropolitan Perth. These include reducing the number of local governments from 30 to 14 and are aimed at building a stronger, more effective and financially secure local government sector (Department of Local Government and Communities 2013).

In New South Wales (NSW), the (then) Department of Local Government published its 2006 position paper *A New Direction for Local Government*. This outlined options for reform across the sector, inclusive of a very brief discussion of councillor numbers:

The *Local Government Act 1993* provides that councillor numbers can only be altered by a referendum. However, the Act was amended in 2005 to enable councils, as a one-off opportunity, to reduce the number of councillors without a referendum. A sunset clause ended this opportunity on 15 July 2006. No council may have fewer than 5 councillors and councils divided by wards could not apply if it meant that there would be fewer than 3 councillors in a ward. 21 councils put forward proposals with the total number of councillors across the state reducing by 47 (2006 p. 26).

In 2012, the NSW Division for Local Government instigated the *Destination 2036* program which seeks to strengthen local government's ability to manage change and achieve preferred futures

through better planning. The *Action Plan for Destination 2036* (2012) contains initiatives to ensure strong and effective local governance, because, as this document states, the overwhelming majority of council failures in NSW have been caused by issues of poor local governance. Many of the solutions to the challenges of representation and community confidence in decision-making rest with the requirements of local government legislation. As a result, the *Destination 2036 Action Plan* includes actions specifically related to the proposed review of the sector and of the *NSW Local Government Act 1993*. Both of these review processes will take the issue of local representational governance into account.

This initial section has set out what is happening in the local government context in terms of reform as well as providing a short conceptual discussion of what is meant by representation. The rest of this paper explores various aspects of representation, relevant legal frameworks and guidelines in order to understand how this is articulated across Australia.

## 2 Aims of this review

Initial investigations show that while there are bodies of research on many (although not all) aspects of local representation, there is a gap in terms of thinking and analysis which brings together these different threads within the Australian local government context. This paper compares and analyses the different issues covered in state and territory local government legislation and the regulations and guidelines involved, providing a synthesis to inform debate on alternative approaches to strategic leadership and better governance.

The project was organised around a set of themes which together address the broad topic of local political governance. These themes have emerged from previous research work and feedback from the sector on the question of political governance. The need to explore these issues has also been reinforced by several other processes, including the *Destination 2036* initiative in NSW and various ACELG governance-related work, such as the research on community governance (see for example (McKinlay et al. 2011) *Evolution in Community Governance: Building on what works*).

This research explores the rationale for particular arrangements and their benefits or drawbacks. The four themes are:

*Representative Structure:* This examines the legislative requirements for determining the number of councillors, whether a local government area should be subdivided and the requirements for reviews of representative arrangements.

*Voting:* This is the primary tool used in representative democracy, enabling citizens to choose their elected members at local government level. The way voting is carried out can have implications for citizens' ability to participate and for outcomes. Legislative requirements for voting at local government level vary among the different states.

*Mayor and deputy mayor:* Internationally and in Australia, there is increasing interest in the role of the mayor. The national picture is very mixed in terms of legislation and practice, with some mayors being directly elected and others being appointed by their fellow councillors.

*Role and remuneration of councillors:* Across Australia the scope of councillors' roles and responsibilities varies. Some, for example in Queensland, are expected to dedicate their time and expertise on a full time basis and as a result receive a commensurate payment. In other states councillors are expected to fulfil their positions on a voluntary basis and are paid a smaller allowance in

recognition of their contribution. These two approaches reflect the different importance placed on the role of councillors within the broader political framework.

The project was carried out in two stages. The first was a review of the literature and guidelines relevant to local representation, the results of which are set out in this paper. Having described the legislative landscape, the second phase of work involved the documentation of experiences of local representation. Nineteen interviews and focus groups were carried out with councillors and senior staff discussing their views and experiences of the themes listed above. The outcomes of these interviews are documented in the paper that accompanies this review, 'Issues in Australian Local Representation: A View from Victoria' (Tan 2013).

This document presents the results of the first phase of work: a review of the literature and the legislative the frameworks for local representative governance as set out in the state legislation, alongside relevant guidelines issued by the local government associations and state agencies. This review is a first step in developing our understanding of the frameworks which regulate local government structures and which guide decision making.

### 3 A scan of the literature

The findings of this review of legislation are prefaced by an initial scan of the literature. This reveals that many of the questions posed by this project are not dealt with well in existing documentation and research. Other researchers have also documented this deficit. For example, in the United Kingdom (UK), (Copus, Crow and Clark 2005) were asked by the Boundary Commission for England to carry out a similar literature review and analysis to inform their thinking on a range of topics, including council size (i.e. the number of elected members as opposed to a local government’s population or land area), the allocation of councillor time, and efficient and effective local government, council characteristics and whether councils were comprised of single or multi-member wards. They found that the literature was silent on many of these questions. Table 1 summarises their findings.

**Table 1: Literature review summary**

| Questions adequately covered in the literature   | Questions not sufficiently covered in the literature or research  |
|--|---|
| <p>1. <b>Roles and responsibilities of the councillors:</b> A very good source of literature in both quality and scope; a well-researched and discussed field. Sufficient material for the current and developing role of the councillor to be considered.</p> | <p>3. <b>Council size and efficiency and effectiveness:</b> There is a vast reservoir of material on council efficiency and effectiveness, best value, CCT, cost, management techniques and quality. Indeed, there is sufficient material to warrant a literature review of its own. Yet there is little of relevance to the Commission’s questions.</p>  |
| <p>2. <b>Allocation of councillor time:</b> A very good source of literature in both quality and scope; a well-researched and discussed field. Sufficient material for the current and developing role of the councillor to be considered.</p>                 | <p>4. <b>Council characteristics:</b> Very poorly researched field. Most characteristics considered are in elite studies of councillor attitudes and not the characteristics of the council area. It was not possible to address council characteristics and how they relate to the Commission’s questions. The proxy of council type and rural/urban distinctions may assist, but this requires secondary research beyond the scope of the review.</p> |
|  | <p>5. <b>Members per ward and councillor workload:</b> Councillor workload is a well-researched field, but no link is made in the material between workload and the number of councillors or single-member/multi-member wards. The proxy of council type and rural/urban distinctions may assist, but this would require secondary research beyond the scope of the review.</p>   |
|  | <p>6. <b>Elected Mayor:</b> There is a slowly growing body of literature on elected mayors in England, but it has yet to address the issues of concern to the Commission. As such, elected mayors have not been distinguished in the report.</p>  |

Source: Copus, Crow and Clark (2005)



Similarly, in their review of local government representation in the UK, Purdam et al. (2008 p. 3) found that 'very little research has been conducted into the most robust way of determining the appropriate numbers of elected representatives and the implications for governance in its broadest sense including: decision making, breadth of expertise, accessibility of representatives, workload and costs'.

According to Ihrke and Newson's (2005 p. 610) study of representational governance in Wisconsin, USA, a large body of literature exists which evaluates governments with regard to the delivery of goods and services based upon numerous factors. However, very few studies have evaluated local governments on how well they represent the interests of constituents. Those studies that have directly evaluated governments in terms of representational effectiveness are generally based on demographic factors, such as ethnicity and gender, rather than numbers of local representatives.

Our review of the Australian literature revealed a similar lack of research on these issues, notwithstanding the availability of statistical information. For example, the NSW Division of Local Government's (2008) 'Report on the survey of Local Government Elected Members and Candidates for elections held in September 2008', provided a detailed demographic profile of candidates. Further, 'Appendix 2' of the report outlined the number of male and female councillors for each council. Similarly, an examination of the demographic profile of Tasmanian councillors revealed that representation is heavily skewed against younger employed persons, and against women generally (Leary, Abey and McAlpine 2008).

While most states and the Northern Territory will have this kind of analysis and information on the profile of councillors, resources to help local governments determine the optimal number of councillors to achieve adequate representation are limited. For example, the 2008 report of the Tasmanian Board of Inquiry into Local Government Councillor Allowances also found that whilst the number of candidates comfortably exceeds the number of member vacancies, the *right* number to ensure robust representation is unknown and has never been established (Leary, Abey and McAlpine 2008).

While there may be a deficit in the literature and research on the optimum representation ratios for effective democracy, much can be learned from an examination of other aspects of representative democracy, such as the use of constitutional arrangements (wards, councillor numbers etc.), voting systems and the how the roles of councillors and mayors are defined. The rest of this paper addresses these specific aspects of local representation in turn. Each section sets out relevant elements of state legislation and regulations together with information from supporting guidelines published by state or local government agencies.

## 4 Representation

The concept of representation, at its core, means to have views or behaviours presented by some on behalf of many (Bryer and Sahin 2012). Local government in Australia is based on this concept, as eligible residents elect councillors to make decisions on their behalf. In addition to councillors, a focus on electoral systems is also important. Electoral systems can be defined as 'the practical instruments through which notions such as consent and representation are translated into reality' (Bogdanor 1983 in Burdess and O'Toole 2004, p. 66). The number of representatives elected to make decisions on behalf of a group of people is a key element of this framework. This section looks at how the number of councillors representing a local government area is determined.

The first question to consider when determining the appropriate number of councillors is the kind of representation they provide. In their 2004 article 'Elections and representation in local government: A Victorian case study' Burdess and O'Toole outlined several ways of conceptualising this role:

### *Interest representation*

In this model, elected representatives are seen as the personal advocates of their constituents. Voters expect their representatives to pursue constituents' particular interests and hold them responsible for activities that hinder their interests. With this sort of model, in a subdivided municipality voters take ownership of the particular councillor(s) they voted for, expecting them to represent the particular interests of the ward. The 'interest' view of representation works best in constituencies that are small enough for councillors to make personal contact with a significant proportion of the electorate.

### *Corporate representation*

With corporate representation, the representative body (i.e. the council) is seen as authorised to act for the electorate as a whole and to deliberate and make decisions on behalf of the voters. This is seen more often at higher levels of government with political parties, where a party acts as a team and seeks authorisation from voters across electorates for a particular policy framework. Wards sit uncomfortably alongside a corporate model of local government.

### *Mirror representation*

Mirror representation seeks to create a representative body whose composition reflects the make-up of the constituents. That is, specific groups are represented on the council in proportions reflecting their proportions in the electorate by people who come from those groups. With this model, voters would take ownership of the councillor that reflects their group most closely. Mirror representation is closely associated with proportional

representation, the basic principle of which is that 'the distribution of opinion in an elected body should correspond with the distribution of opinion among those who elected it' (VLGDIS 1984 in Burdess and O'Toole 2004). The relatively small number of councillors per council means that proportional voting is less likely to mirror the range of interests within the electorate.

These different models of representation have different implications for what is the most appropriate electoral system. Thus, interest representation is favoured by single-councillor wards to ensure accountability, but mirror representation is favoured by unsubdivided structures with proportional representation to most closely reflect the groups within a municipality rather than locations. Unsubdivided municipalities, where all voters vote for all councillors, or with divisions into heterogeneous wards that each reflect the make-up of the municipality as a whole, may best suit corporate representation.

The review of relevant legislation in Australia revealed almost no discussion of *how* elected members should represent their constituents. Arguably, an exception may be the *Local Government Act 1999* in South Australia, where Section 26 'Principles' states:

- xi. 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) (emphasis added).

In supporting documents provided by the Local Government Association of South Australia (LGA SA) (2008) conceptions of 'adequate' and 'fair' are considered by Dean Jaensch:

#### *Adequate*

The question of establishing the optimum number of elected members of a council involves balancing two opposing pressures. First, there is a need for sufficient elected members to:

- (1) Represent the continually growing number of roles and tasks of a council and of its elected members.
- (2) Provide a reasonable expectation that the various interests, groups and sectors within the population of the council area have a voice on the council.

Both components tend to more rather than fewer elected members. Second, the means and processes of decision-making need to be taken into account in relation to balancing efficiency and effectiveness. The former suggests a smaller membership; the latter a larger membership. A large membership can bring a breadth of interests and views to council decision-making, but it can also have a negative impact on efficiency. A large membership can be cumbersome, with protracted discussions. As well, the *Local Government Act 1999* requires that discussions of the number of elected members should take into account the situation in other councils of similar populations.

### *Fair*

This term implies that:

- (1) The Members will be elected through a democratic electoral process. This currently applies to all local government elections in South Australia.
- (2) The various interests, groups and sectors in the electorate will have the potential to obtain a voice on the council.
- (3) The elected members need to balance their twin roles of representing a parochial/local interest parallel with representing the interest(s) of the council-wide population (LGA SA 2008, p. 34).

The Victorian *Local Government Act 1989* has a similar clause, stating that the purpose of reviews of representation is 'to provide for fair and equitable representation' (S219A).

In practice, councillors represent their constituents in a range of these modes at any given time depending on the situation and task at hand. Nevertheless, some models of representation are more appropriate than others for a particular area given the governance structure, context, community and history. Local governments need to consider these conceptualisations of representation when they evaluate their constitutional arrangements.

Further investigation as to how councillors and senior staff understand representation was carried out during the second phase of this project. The accompanying report, 'Issues in Australian Local Representation: A view from Victoria' (Tan 2013) provides a description of councillor and senior staff perceptions of representation and the role of elected members.

## **4.1 Determining the number of councillors**

How local councillors represent residents has important implications for determining the number of elected members and the electoral or

decision making structures. However, as discussed above, there is very little research or literature which deals with this issue in any depth. This section highlights the thinking that has been done in Australia, supplemented by a consideration of work carried out in the UK, but much more analysis is required to enable local governments to make informed decisions about varying their councillor numbers.

This review found that Victoria (VEC 2009) and Tasmania (Local Government Board Tasmania 2012) provide the most guidance and detail in terms of addressing the question of adequate political representation. Guidance material from the Local Government Association of South Australia (LGA SA) provides similar information, however their legislation and guidelines place a stronger emphasis on ensuring that administrators and elected members understand the processes they must undertake in order to change the number of councillors.

### *Victoria*

The Victorian Electoral Commission's (VEC) 'Report on Local Government Electoral Activity 2008-09' provides an analysis of information and factors that need to be taken into consideration when looking at varying councillor numbers. The (VEC 2009) outlines the principles it uses to determine the appropriate number of councillors a local government should have. These are summarised here in some length because, aside from Tasmania, this is the only Australian discussion found on how the number of councillors should be determined.

In order to determine a number of councillors that would provide fair and equitable representation in a municipality, the VEC considered that it was essential to develop a set of rational considerations to be applied in a consistent, state-wide manner. The VEC considers that there are three major factors that should be considered:

- the diversity of the population;
- councillors' workloads; and
- the desirability of preventing tied votes.

### *Population diversity*

There should be the opportunity for voters to elect councillors representing the diversity of the municipality. That is, major communities of interest within a municipality should be understood by the council and represented according to their wishes. The primary indicator of a municipality's diversity is its population size and the type of municipality. Another indicator is the larger the number of communities of interest, both geographic and non-geographic, there are likely to be. The type of municipality

also needs to be taken into account when considering diversity, as a rural municipality with a geographically dispersed population and towns which have very different characters may have a larger diversity of needs than an equivalent sized population living in a densely-populated metropolitan area.

There may also be other factors leading to diversity in a municipality due to differences within the population, as a result of age, background or economic status. The more diverse a municipality is, the larger the number of councillors should be.

#### *Councillors' workloads*

The councillors' workloads need to be reasonable for them to effectively represent their constituents. The VEC considered the following to be the major factors affecting councillors' workloads:

- Number of voters
- Type of municipality (rural or metropolitan)
- Geographic size, shape and topography
- Population growth rate
- Social diversity of the municipality
- The presence of *high-needs or low-needs groups*

#### *Preventing tied votes*

A third factor considered is the risk of deadlocks when the council has to make decisions. Although the Victorian *Local Government Act 1989* permits any number of councillors between 5 and 12 inclusive, the VEC is generally reluctant to recommend a total number of councillors which is even.

The VEC believes that these principles are best practice for determining the appropriate number of councillors for a municipality. In the absence of any indication from the Government to the contrary, the VEC will continue to base its recommendations on these principles (2009 pp. 16-18).

#### *Tasmania*

Similarly, in its review of councillor numbers the Local Government Board in Tasmania (2012) detailed its framework for how it determined the appropriate number of elected members for local governments in the state. This framework comprises three stages:

### *Representational efficiency*

During this stage the Local Government Board compared councils in Tasmania with similar councils across Australia to establish a 'target range' for the number of people per councillor. The Board used the Commonwealth's Australian Classification of Local Governments (ACLG) in order to compare like councils on a state-wide and national basis to establish a target range for councillor numbers.

### *Local conditions*

This stage compares Tasmanian councils with other similar Tasmanian councils using six indicators to suggest where a particular council should sit within the range determined in Stage One.

### *Other issues*

Other issues and factors relevant to the number of councillors are considered at this point, including the views of the council itself.

During this process the board also considered the potential impact of any change on the following:

- a) Representation of the community including workload, committee structures, travel demands and geographic constraints, differences between communities, demographic challenges and diversity;
- b) The ability of the council to make decisions including, an even number of councillors, the committee structure, councils that act as regional centres and the removal of water and sewerage services from local government responsibility
- c) Any financial impacts
- d) The ability of the council to deliver services
- e) Electoral arrangements including consideration of introducing ward systems
- f) State-wide consistency

The Board hopes that the establishment of this framework will facilitate consistency in approach for further review processes and that it will also inform similar processes in other states (Local Government Board Tasmania 2012).

### *New South Wales*

During the 2001 'Inquiry into the Structure of Local Government in Eight Council Areas in the Inner City and Eastern Suburbs of Sydney' led by Kevin Sproats, the City of Sydney and Randwick City Council submitted that, for them, the ratio of representation

is not the central issue. What was more important was to create opportunities for increased community participation, better communications systems, utilising place management structures and creating better resourced councillors. Further, Randwick took the view that if these matters were addressed then it would be possible to reduce the number of councillors from fifteen to ten without any detrimental consequences. The Mayor of South Sydney made the point that whilst there is no set ideal number of councillors, an odd number of representatives is very useful for deliberation. He also stated that, in his observation, when Sydney City had 27 councillors it was unworkable (Sproats 2001).

The Inquiry found no information which enabled a definitive conclusion about the ideal number of councillors or the ideal representation ratio. It therefore concluded that what appears to be important is how opportunities are created which enhance democracy and allow the community to participate in information sharing and decision making (Sproats 2001, p. 39).

#### *United Kingdom*

While the scope of this review is not international, experience from the UK is highlighted here to inform thinking and debate on this issue. Copus, Crow and Clark (2005) in their examination of the UK literature on council size, stated that the ratio of representatives to constituents has a powerful bearing upon a councillor's caseload work or upon his or her pastoral work within the community. Different council types (with different numbers of members) make differing time demands on members; councils with the widest range of responsibilities make the most time demands. However, council size (geographical or demographic) is as much driven by political, ideological and policy preferences as it is by any attempts to find a size of authority that fits a specific purpose.

Copus, Crow, et al. (2005) then go on to identify factors to consider when determining councillor numbers:

- Population density and distribution
- Population socio-demographic characteristics – affluence and deprivation
- The rural and urban nature of councils and the issues they face
- The geographical size of villages, towns and cities
- An assessment of community identity and community cohesion
- Levels of homogeneity and diversity amongst communities
- Travel patterns, within and outside the council area
- The strength or weakness of the local economy



- Social, economic and political relationships with hinterlands areas
- Local ties and community identity
- Levels of political engagement amongst local communities
- Changes in exiting patterns of population dispersal
- The longevity of political control of councils
- Political stability, relationships between parties and between councillors and officers (p. 30)

### *Guidelines and legislation*

The majority of state and territory local government Acts provide some guidance as to the number of councillors a local government must have. Different approaches have been taken, ranging from prescriptive, specifying exactly how many councillors each local government area will have in legislation (TAS) or regulations (QLD), through to giving a range (NSW, VIC, WA). In the remaining jurisdictions the legislation is silent on the matter of how many councillors a local government area should have (NT, SA). In South Australia the Boundary Adjustment Facilitation Panel plays an important role in determining the number of councillors. In Victoria this role is played by the Victorian Electoral Commission.

**Table 2: Legislation for determining the number of councillors**

|            | Number of councillors   |
|------------|---|
| <b>NSW</b> | At least 5 not more than 15<br><br>This number is changed through a referendum process.<br><br>No guidelines are provided by the Division of Local Government on how to determine the appropriate number of councillors.  |
| <b>NT</b>  | The number of councillors is not specified in <i>Local Government Act 2008</i> , but there are currently between 5 and 12<br><br>This number can be changed through the representation review process which requires approval by the Minister.  |
| <b>QLD</b> | The number of councillors is not specified in the <i>Local Government Act 2009</i> but rather in the <i>Local Government (Areas) Regulation 2008</i> . These regulations specify the LG area, classification, number of councillors and whether it is divided.  |
| <b>SA</b>  | The Role of Boundary Adjustment Facilitation Panel is detailed in the <i>Local Government Act 1999</i><br><br>This number is changed through the representation review process<br><br>Guidelines are provided by the LGA SA on what to consider when varying the number of councillors, although the weight of the information is procedural. |
| <b>TAS</b> | The number of elected members for each council is specified in schedule three of the <i>Local Government Act 1993</i> .   |

|            | Number of councillors   |
|------------|---|
| <b>VIC</b> | Between 5 and 12.<br><br>This number is changed through the representation review process.<br><br>Guidelines are provided by the Victorian Electoral Commission on what should be considered when altering the number of councillors. |
| <b>WA</b>  | Specifies a directly elected Mayor plus 5-14 councillors or 6-14 councillors if the Mayor is not directly elected.  |

Unique in Australia, Victoria also addresses the issue of representation ratios through a banding system which categorises local governments and sets parameters for the appropriate number of councillors they should have. The (VEC 2009) 'Report of local government electoral activity 2008-09, Part III, Report of local government electoral representation reviews conducted by the VEC between 2004 and 2008', provides useful background information on the thinking which underpins this banding system. In their view it is essential to work in terms of bands rather than voter to councillor ratios. According to the VEC, the variation in population sizes relative to the limitation that councils must only have between 5 and 12 councillors necessarily entails that it is not possible to create consistent voter to councillor ratios across municipalities.

Municipalities are grouped into four types, with the range of voter numbers and of councillors specified for each:

**Table 3: Councillor numbers by municipality type (VIC)**

| Type                      | Range of voter numbers | Range of councillor numbers |
|---------------------------|------------------------|-----------------------------|
| Metropolitan              | 48,005 to 121,009      | 7 to 11                     |
| Metropolitan/rural fringe | 39,003 to 135,806      | 7 to 11                     |
| Regional with urban area  | 9,141 to 159,993       | 7 to 12                     |
| Rural                     | 4,245 to 38,488        | 5 to 9                      |

Source: VEC (2009, p.20)

## 4.2 Wards and Boundaries

This review showed that across Australia local government areas can be either subdivided (with wards) or unsubdivided (without wards). Table 4 provides a summary of the relevant legislation.

**Table 4: Legislation on subdivision of local governments**

| Legislation on subdivision of local governments |   |
|---|---|
| <b>NSW</b>                                      | Local governments may have wards (Section 210). The decision to change the status quo must be put to a referendum. Each ward must have an equal number of councillors but the representation ratios among wards cannot vary by more than 10%.   |
| <b>NT</b>                                       | Local governments may be divided or undivided.  |
| <b>QLD</b>                                      | Local governments may be divided or undivided.<br><br>15 Division of local government areas:<br>(1) Each division of a local government area must have a reasonable proportion of electors.<br>(2) A <i>reasonable proportion of electors</i> is the number of electors that is worked out by dividing the total number of electors in the local government area (as nearly as can be found out) by the number of councillors (other than the mayor), plus or minus—<br>(a) for a local government area with more than 10,000 electors—10%;<br>or<br>(b) for any other local government area—20%.<br>16 Review of divisions of local government areas<br>A local government must, no later than 1 March in the year before the year of the quadrennial elections—<br>(a) review whether each of its divisions has a reasonable proportion of electors; and<br>(b) give the electoral commissioner and the Minister written notice of the results of the review. |
| <b>SA</b>                                       | Local governments may have wards. Each ward must have an equal number of councillors but the representation ratios among wards cannot vary by more than 10%. Local governments are required to carry out representation reviews every 8 years.  |
| <b>TAS</b>                                      | A municipal area may be divided into 2 or more electoral districts, although no jurisdictions are currently divided.  |
| <b>VIC</b>                                      | Local governments may be divided or undivided. The Victorian Electoral Commission carries out representation reviews every 12 years and makes recommendations   |
| <b>WA</b>                                       | The Governor, on the recommendation of the Minister, may divide local government areas into wards or amend ward boundaries.   |

In addition to the question of division, variation in representation ratios among wards or divisions is generally addressed within the legislation. Local government Acts in NSW, QLD, SA and VIC specify that variation of representation ratios among wards within a council area should be no greater than 10%. In practice this means that while local governments are encouraged to consider many factors

when looking at the number and distribution of their councillors, they are only obliged to ensure that representation ratios are within this limitation.

This means that triggers for review (for example in NSW) and decisions on boundaries and representation are, in the main, based on population. This was further confirmed during the second phase of research: councillors and senior staff in Victoria also perceived population to be the main driver for boundary reviews carried out by the VEC (Tan 2013).

In practice, however, this 10% variation rule constrains the possible boundaries for a ward. Wards have to be drawn such that quite narrow ranges of numbers of voters are in each one, regardless of particular circumstances. This has left the VEC having to choose between including a small part of one community of interest in a ward with a quite different community of interest (e.g. including a small rural area within an urban ward or vice versa) or selecting a completely different ward structure (VEC 2009).

New South Wales is unique in its requirement that the creation or abolition of wards must be determined through a constitutional referendum process (i.e. put to a general vote of the electorate). Any change in boundaries must also, as far as practicable, correspond to the boundaries of the appropriate districts and census districts (Section 210A 1a). Aside from the 10% variation rule there is no other trigger or advice given on what might require a change in ward boundaries or councillor numbers. The following excerpt from the *NSW Local Government Act 1993* outlines those matters that must be decided by a referendum.

*Part 3 Section 16 What matters must be dealt with at a constitutional referendum?*

A council may not do any of the following unless approval to do so has been given at a constitutional referendum:

- (a) divide its area into wards or abolish all wards in its area,
- (b) change the basis on which the mayor attains office (that is, by election by the councillors or by election by the electors),
- (c) increase or decrease the number of councillors in accordance with the limits under section 224,
- (d) change the method of ordinary election of councillors for an area divided into wards.

In South Australia the *Local Government Act 1999* provides a lot of detail on what needs to be considered in the alteration of local government boundaries. Councils or residents can make proposals which are then considered by the Boundary Adjustment Facilitation

Panel.<sup>1</sup> This Panel is an independent authority constituted under the *Local Government Act 1999*, Division 1. It makes recommendations to the Minister for State/Local Government Relations on structural reform proposals (amalgamation of councils or external or ward boundary alterations) submitted by councils, and on external boundary, composition or representative structure proposals initiated by members of the public. The key functions of the Panel are to:

- Consider proposals for the making of proclamations submitted by councils and members of the public and to make recommendations to the Minister on the basis of those proposals;
- Assist councils and members of the public in the development, formulation and implementation of proposals and submissions;
- Consider other matters relevant to the structural change provisions of the *Local Government Act 1999*.

Structural reform proposals are proposals that change the area of a council. This could entail a proposal to:

- (a) constitute a council or
- (b) amalgamate two or more councils or
- (c) abolish a council and incorporate its area into the areas of two or more councils or
- (d) alter the boundaries of a council area

The Panel can also consider proposals for changing the composition or representative structure of a council, that is, the number of elected members and wards that comprise a council. Councils or members of the public can initiate proposals. The Panel has no power to initiate its own proposals, nor does the Minister for State/Local Government Relations.

When considering any structural reform proposal the Panel must refer to the objects of the *Local Government Act 1999* as a whole, and in particular, the Principles contained within section 26 of the Act (see Box 1 below). The provisions of the Act are reproduced here at some length as they provide a great deal of detail of what must be considered when looking at changing ward boundaries. Interestingly, the first principle which must be considered is that the resources available to local communities should be used as economically as possible. Recognising the desirability of avoiding significant divisions within a community, and ensuring adequate and fair representation is number 11 on the list.

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<sup>1</sup> [www.localgovt.sa.gov.au/about\\_us/boundary\\_adjustment\\_facilitation\\_panel](http://www.localgovt.sa.gov.au/about_us/boundary_adjustment_facilitation_panel)

### **Box 1: Local Government Act 1999 [SA], Division 3 - 26 Principles**

- (1) The Panel should, in arriving at recommendations for the purposes of this Chapter (but taking into account the nature of the proposal under consideration), have regard to—
  - (a) the objects of this Act; and
  - (b) the roles, functions and objectives of councils under this Act; and
  - (c) the following principles:
    - (i) the resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
    - (ii) proposed changes should, wherever practicable, benefit ratepayers;
    - (iii) a council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
    - (iv) a council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
    - (v) a council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
    - (vi) a council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes;
    - (vii) 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;
    - (viii) a council area should incorporate or promote an accessible centre (or centres) for local administration and services;
    - (ix) the importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters;
    - (x) in considering boundary reform, it is advantageous (but not essential) to amalgamate whole areas of councils (with associated boundary changes, if necessary), and to avoid significant dislocations within the community;
    - (xi) 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);
    - (xii) the importance within the scheme of local government that a council be able to co-operate with other councils and provide an effective form of government to the community;
    - (xiii) a scheme that provides for the integration or sharing of staff and resources between two or more councils may offer a community or communities a viable and appropriate alternative to structural change options; and
  - (d) the extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
- (2) The Panel should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

### **Part 3—General provisions**

#### **33—Ward quotas**

- (1) In addition to the other requirements of this Chapter, the following matters must be taken into account, as far as practicable, in the formulation of a proposal that relates to the boundaries of a ward or wards:
  - (a) the desirability of reflecting communities of interest of an economic, social, regional or other kind;
  - (b) the population of the area, and of each ward affected or envisaged by the proposal;
  - (c) the topography of the area, and of each ward affected or envisaged by the proposal;
  - (d) the feasibility of communication between electors affected by the proposal and their elected representatives;
  - (e) the nature of substantial demographic changes that may occur in the foreseeable future;
  - (f) the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term).
- 2) A proposal that relates to the formation or alteration of wards of a council must also observe the principle that the number of electors represented by a councillor must not, as at the relevant date (assuming that the proposals were in operation), vary from the ward quota by more than 10 per cent.

In Queensland, the 2008 reform process provided that new councils would be unsubdivided unless all the affected/amalgamating councils unanimously agreed to be subdivided. In the end, 51 of 73 councils remained unsubdivided and the balance, 22 (including Brisbane) have single member electoral divisions. The unsubdivided councils have 'first past the post' elections for mayor and councillors while the subdivided councils have optional preferential elections for mayor and councillors. Historically, since 1991, there has been a trend to abolish electoral divisions. There are now 50 unsubdivided councils and the long term trend of moving to undivided councils would appear to have stabilised (LGAQ 2012).

In the Northern Territory, the Department of Housing, Local Government and Regional Services also provides some useful guidelines on what must be considered in terms of representation at ward level (see [Table 5](#)).

**Table 5: Northern Territory guidelines for representation**

| Legislation LGER r 63 (3)  | Issues for consideration   |
|--|--|
| <p><i>(a) the desirability of the number of electors for each ward being as near to equal as practicable at the next general election;</i></p> | <p>Uniform distribution of the numbers of electors in council wards supports councils in meeting one vote one value principles or an equal ratio of electors to representatives.</p> <p>Councils with wards containing non-uniform numbers of electors may lead to councils having greater variance in the ratio of electors to representative.</p> <p>It is considered desirable for the ratio between the number of electors per representative in a ward to be close to the average ratio of electors per representative for the council.</p>   |
| <p><i>(b) the desirability of keeping the area of each ward containing rural and remote areas as small as practicable;</i></p>                 | <p>The size of wards may affect the ability of representatives to represent electors due to travel and communication issues.</p> <p>Larger areas may include a variety of communities of interest to be represented by council.</p> <p>Challenges exist for representatives responsible for representing varied communities of interests, including language, cultural and communication issues.</p> <p>It is considered desirable that communities of interest are effectively represented by council.</p>  |
| <p><i>(c) the desirability of keeping the demographic and geographic nature of each ward as uniform as practicable;</i></p>                    | <p>The uniformity of the demographic and geographic nature of a ward may affect the number of identifiable communities of interest in the ward and the variance between them.</p> <p>It is considered desirable that communities of interest are effectively represented by council.</p>   |
| <p><i>(d) the desirability of including an identifiable community wholly within one ward if practicable.</i></p>                               | <p>An identifiable community can be a community of interest which may include a physical community (town, major/ minor community).</p> <p>Where a community of interest is divided between wards the ability of that community to elect a member to represent its interests may be reduced.</p> <p>Where a community of interest is divided between wards there may be challenges for elected members in effectively representing the whole community's interests on council.</p> <p>It is considered desirable that communities of interest are effectively represented on council.</p> |

Source: Department of Housing Local Government and Regional Services Northern Territory (no date)



### *Multi-member or individual wards*

Dean Jaensch (in LGA SA 2008) provided an analysis of the benefits and challenges of unsubdivided versus ward based structures, as well as single and multi-member representation. He explained that an election structure based on wards has the potential to emphasise the interests of the 'local', but it may lead to an under-representation of the interests of the whole council population. A structure based on 'election at large' contains the potential for council-wide issues to be recognised, as well as for members to maintain a focus on a sector or interest. A structure based on a combination of ward and at-large representation does offer a voice for both parochial/sector and whole population interests on the council. But it may tend to a superior/inferior division among council members.

Jaensch (in LGA SA 2008) went on to explain that if a ward structure is established, there needs to be a discussion about the merits of single member and multi-member representation. The former maximizes the identification of who is representing the ward, and provides a clear focus for the relevant electorate. It does provide the potential for a local/sectoral interest to have a clear channel of communication to the council. On the other hand, it leads to potential difficulties when the single representative is unavailable for whatever reason, and may not offer a breadth of coverage of competing interests within the ward.

Multi-member constituencies offer an opportunity for representation of different/competing interests, and provide for sharing of workloads, and for absences of one elected member. An at-large system would provide more than one channel for communication from citizens to the council, and will allow groups and interests to have a direct representation. Further, it grants to every elector the right to vote for all vacant council positions.

In a previous paper, Jaensch (2003) stated that the system which has the potential to provide the necessary balance, and which therefore can be considered as the best electoral basis for good governance, is a system based on election-at-large with multi-member representation.

In their article 'Administrators as Deliberative Representatives', Bryer and Sahin also support the argument for multi-member representation, stating that 'a single elected official will have great difficulty representing the wishes of the full array of his or her constituents when it comes time for a final vote on policy or resource allocation' (2012 p. 927).

In Victoria the legislation permits four types of structure:

- single-councillor wards;
- multi-councillor wards;
- combinations of single-councillor and multi-councillor wards;  
and
- unsubdivided municipalities.

Again the VEC (2009) offers a useful analysis of the pros and cons of these different arrangements, as described in Table 6.

**Table 6: Comparison of local government structures**

|                         | Positive Features  | Less Positive Features  |
|-------------------------|--|---|
| Unsubdivided Structures | Promotes the concept of a municipality-wide focus, with councillors being elected by and concerned for the municipality as a whole, rather than parochial interests. | May lead to significant communities of interest and points of view being unrepresented.<br><br>May lead to councillors being relatively inaccessible for residents of parts of the municipality |
|                         | Gives residents and rate payers a choice of councillors to approach with their concerns.   | May lead to confusion of responsibilities and duplication of effort on the part of councillors.<br><br>May be difficult for voters to assess the performances of individual councillors.        |
|                         | Each voter has the opportunity to express a preference for every candidate for the council election.   | Large numbers of candidates might be confusing for voters.  |
|                         | Removes the need to define internal ward boundaries.   |   |
|                         | Results in simple, less expensive voters' roll for elections as compared with separate voters' rolls for individual wards  |   |
| Single Councillor Wards | Councillors are more likely to be truly local representatives, easily accessible to residents and aware of local issues.   | Councillors may be elected on minor or parochial issues and lack a perspective of what policies benefit the municipality as a whole.  |
|                         | Major geographical communities of interest are likely to be represented.   | Ward boundaries may divide communities of interest and may be difficult to define.  |
|                         | It is less likely that one particular point of view or sectional interest will dominate the council  |   |
|                         |  | Voters may have a restricted choice of candidates in elections for individual wards.  |
|                         |  | Small populations in each ward may make ward boundaries more susceptible to change caused by demographic shifts.  |

|   | Positive Features   | Less Positive Features  |
|---|---|---|
| Multi-councillor Wards                            | This structure supports the accommodation of a whole community of interest (such as a sizeable town or group of suburbs) within a ward.   |   |
|   | Focus on issues may be broader than for single-councillor wards (though councillors may be more locally focussed than in an unsubdivided municipality).   | Very local issues may be overridden.<br><br>Groups may form within the council based on multi-councillor wards, leading to possible division between councillors. |
|   | Councillors may be more accessible than in an unsubdivided municipality.  | In very large wards, councillors may not be accessible for residents in parts of the ward.  |
|   | Electors have a choice of councillor to approach.<br><br>Councillors may share workloads more effectively.  | Duplication or gaps may occur if councillors do not communicate or share their workloads effectively.   |
|   | Ward boundaries are likely to be easy to identify and less susceptible to change as a result of population growth or decline than for single-councillor wards.  |   |
|   |   | It may be easier for candidates to be elected as part of a voting ticket than as individuals.   |
| Combinations of single and multi councillor wards | A large community of interest can be included within a multi-councillor ward, and a smaller community of interest can be included within a single-councillor ward. This structure accommodates differences in population across a municipality and allows small communities to be separately represented. | Electors in single-councillor wards may expect that their councillors will be more influential than their numbers suggest.  |
|   | Clear ward boundaries are more likely.  |   |

Source: VEC (2009)

### 4.3 Reviews of representative arrangements

In terms of requirements to carry out reviews of representative arrangements, here again the legislation varies across Australia. Regular representation reviews must be carried out in Victoria (every 12 years), in South Australia (every 8 years) and in the Northern Territory (once every term a council must review its constitutional arrangements). In addition, the Local Government Board in

Tasmania also recently carried out a review of councillor numbers (Local Government Board Tasmania 2012) .

### *Victoria*

In Victoria reviews of representation must be carried out every 12 years (219D of the *Local Government Act 1989*). Unlike the South Australian legislation, the *Local Government Act 1989* in Victoria does not prescribe the matters to be considered by the reviewer in recommending the number of councillors for a municipality. Instead, the VEC (2009) outlines the appropriate matters to take into account when considering the number of councillors:

1. *To ensure that the number of voters represented by each councillor is within 10% of the average number of voters per councillor for that municipality*

Populations are continually changing – they grow in some areas and decline in others. Over time, these changes can lead to some wards having larger or smaller numbers of voters. As part of a representation review, the VEC needs to correct any imbalances that have come about. The VEC also tries to make sure that the boundaries it sets will continue to provide equitable representation until the next review is due in eight years, by taking account of likely future changes.

2. *To take a consistent, state-wide approach to the total number of councillors*

Regarding the number of councillors, the VEC has adopted as a guide the numbers of councillors in similar-sized municipalities of similar categories within Victoria. In addition, the VEC considers any special circumstances that warrant the municipality having more or fewer councillors than similar municipalities.

3. *To ensure that communities of interest are as fairly represented as possible*

Every municipality contains a number of communities of interest. The electoral structure should be designed to take these into account where practicable. This is important for assisting the elected councillors to be effective representatives of the people in their particular municipality.

### *South Australia*

The *Local Government Act 1999* provides a great deal of detail and information on the requirements and process for carrying out reviews of representation (Division 2 – Powers of councils and representation reviews). Much of this detail focuses on ensuring that the community is adequately informed and involved. The steps which must be undertaken in the process are summarised here:

A 'Representations Options Paper' which examines the advantages and disadvantages of the various options that are available to the council must be developed and circulated. A public notice to inform residents of the preparation of the options paper and invite written submissions must be issued and a council must ensure that copies of the 'Representation Options Paper' are available for inspection.

Once the consultation period has expired a council must provide a 'Report' on the public consultation and council's response, in addition to setting out any proposal that it considers should be carried into effect under this section. Copies of this 'Report' must be available and public notice given of its release, in addition to inviting written submission.

The council must then finalise its 'Report' (including recommendations with respect to such related or ancillary matters as it thinks fit).

The 'Report' and copies of submissions must then be given to the Electoral Commission for review to determine whether the process fulfils the terms set out in the legislation. If so, the Commission will issue a certificate to that effect.

Any changes resulting from the review of representation will come into effect the next polling day, except in the case of changes to the roles of Mayor to Chairperson or vice versa, which require a poll (i.e. a vote by the electorate) to accept or reject the proposed change.

#### *Northern Territory*

The Department of Housing, Local Government and Regional Services in the Northern Territory (no date) has issued some useful guidelines to inform local governments on what should be considered when carrying out their reviews. The purpose of the Department's review of representation is to assess whether the council's constitutional arrangements provide the most effective possible representation for residents in the area. The question of the assessment of effective representation is not addressed. Under the *Local Government Act 2012*, Section 23(1)(c), municipal and shire councils are required to carry out a review at least once in the council's term (i.e. every 4 years). The guidelines state that in conducting these reviews councils may examine the following parts of their constitutions to determine if their residents would benefit from a change to the following arrangements.

1. Whether the council should have either, a popularly elected president/mayor or a president/mayor appointed by council.

This is only relevant to shire councils who may decide to have their principal member either appointed or elected to office.

2. Ward divisions:
  - a. A consideration of the division/ or not of the council into wardsWhere there are wards:
  - b. the number of wards in the council area
  - c. internal ward boundaries
3. The composition of council:
  - a. the number of elected representatives for the council areaWhere there are wards:
  - b. the number of representatives for each ward and the elector ratio in each ward
4. The names/titles of:
  - a. the council
  - b. the council area
  - c. principal member and elected membersWhere there are wards:
  - d. council wards
5. Changes to the council's external boundaries.

The guidelines also provide some useful discussion questions to assist councils in carrying out their review (reproduced as part of the Review in Appendix 2: NT Representation reviews).

Only the Minister of Local Government (and the Administrator) has the power to make changes to ward divisions, the composition of council, council boundaries and names and titles of the council. As part of the review, the council can recommend changes to its constitution and ask the Minister to consider the Gazettal of these changes.

#### *Tasmania*

In Tasmania Local Government Board carries out representation reviews. The Board is established under the *Local Government Act 1993*. Its role is:

- to conduct reviews of councils or reviews that concentrate on a specific topic or topics at the request of the Minister for Local Government;
- to carry out reviews of single and joint authorities; and
- to provide general advice to the Minister at his or her request.

The report of the Local Government Board (2012), 'Review of Councillor Numbers', provides a good description of the methodology

and consideration of factors which it undertook in order to determine the appropriate number of elected members for the local governments that were reviewed.

#### *Other states*

In Queensland, subdivisions must be reviewed before every local government election to ensure that they contain a 'reasonable proportion of voters'. In New South Wales reviews of representation are not required. The only condition is that subdivided councils must keep representation ratios under review and alter ward boundaries in order to stay within the 10% limitation of variation among ward representation ratios.

The NSW Local Government Boundaries Commission examines and reports matters referred to it by the Minister for Local Government regarding the boundaries of local government areas and the areas of operation of county councils. Section 263(3) of the *Local Government Act 1993* specifies factors that the Boundaries Commission must have regard to when considering amalgamation proposals. These are:

- (a) the financial advantages or disadvantages (including the economies or diseconomies of scale) of any relevant proposal to the residents and ratepayers of the areas concerned,
- (b) the community of interest and geographic cohesion in the existing areas and in any proposed new area,
- (c) the existing historical and traditional values in the existing areas and the impact of change on them,
- (d) the attitude of the residents and ratepayers of the areas concerned,
- (e) the requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level, the desirable and appropriate relationship between elected representatives and ratepayers and residents and such other matters as it considers relevant in relation to the past and future patterns of elected representation for that area,
- (e1) the impact of any relevant proposal on the ability of the councils of the areas concerned to provide adequate, equitable and appropriate services and facilities,
- (e2) the impact of any relevant proposal on the employment of the staff by the councils of the areas concerned,
- (e3) the impact of any relevant proposal on rural communities in the areas concerned,
- (e4) in the case of a proposal for the amalgamation of two or more areas, the desirability (or otherwise) of dividing the



- resulting area or areas into wards,
- (e5) in the case of a proposal for the amalgamation of two or more areas, the need to ensure that the opinions of each of the diverse communities of the resulting area or areas are effectively represented,
  - (f) such other factors as it considers relevant to the provision of efficient and effective local government in the existing and proposed new areas.

*Communities of interest*

The concept of ‘communities of interest’ is evident in Australian local government legislation and in guidelines provided for reviews of representative arrangements. The VEC (2009) provides a discussion about how to define communities of interest and use this as a tool for deciding which representational structure would work best:

The VEC considers that an essential part of providing fair and equitable representation consists in providing the opportunity for communities of interest to be represented according to their wishes. People with communities of interest are likely to have similar needs from their council, whereas people who do not share a community of interest are more likely to have different needs from their council. Therefore, the VEC considers it important that communities of interest be kept together and not separated by the electoral structure, to maximise their ability to be represented in accordance with their wishes (p. 27).

Putting these considerations together, the VEC developed general guidelines for treating communities of interest:

**Table 7: VEC Guidelines regarding community of interest**

| If:  | then fair representation may best be achieved by:  |
|--|--|
| a community of interest is compact geographically,                         | creating a ward with boundaries reflecting that community of interest.   |
| a community of interest is a widespread minority,                          | creating multi-councillor wards with proportional representation.  |
| there are numerous minority communities of interest within a municipality. | combining the communities of interest, so that any elected councillor would be responsible to all of these groups. |

Source: VEC (2009, p.29)

A comparative analysis of the boundary review processes prepared by Sansom (2009) is presented below (see [Table 8](#)). The table demonstrates the wide diversity of approaches taken across Australia to the issue of boundary reviews and addressing the issue of changes in representation ratios as a result of population change.

**Table 8: Boundary review process in Australia**

|            | Name of Body  | Membership  | Functions/Processes  |
|------------|---|---|--|
| <b>NSW</b> | Local Government Boundaries Commission                      | 4 appointed by government: chair nominated by minister; official nominated by director general of local government; 2 selected by minister from 8 nominees of LGA* and shires association | <ul style="list-style-type: none"> <li>▪ Role limited to advising minister, who must refer all proposals to the Commission for advice</li> <li>▪ <b>Must</b> hold public inquiry if proposal is for amalgamation of councils – <b>but</b> minister has option of an inquiry by the director general.</li> <li>▪ <b>May</b> hold public inquiry into other matters <b>if</b> minister approves.</li> <li>▪ Minister may accept/reject advice, and/or make minor modifications</li> </ul>  |
| <b>VIC</b> | Temporary advisory panels only                              | Up to 5 appointed by government. Minister selects chair   | <ul style="list-style-type: none"> <li>▪ No panel required for minor boundary changes or if affected council/s agree</li> <li>▪ Panel must be appointed for restructuring reviews</li> <li>▪ May conduct review as it sees fit</li> <li>▪ Minister acts as s/he sees fit after considering report</li> </ul>   |
| <b>QLD</b> | Local Government Electoral and Boundaries Review Commission | Single commissioner, but for amalgamations at least 2 more members required. In some cases one member must be a judge   | <ul style="list-style-type: none"> <li>▪ Commission, minister or council/s may initiate proposal</li> <li>▪ Public inquiry <b>and</b> referendum may be required</li> <li>▪ Commission makes the decision, not the minister</li> </ul> <p><b>NB</b> Special provisions in LG Act apply to amalgamations (as opposed to boundary change)</p>  |
| <b>WA</b>  | Local Government Advisory Board                             | 5 appointed by government: 2 by minister (chair plus departmental officer); 2 from 9 nominees of LGA*; 1 from 6 nominees of Local Government Managers Australia                           | <ul style="list-style-type: none"> <li>▪ Minister must seek advice</li> <li>▪ Proposals may be initiated by minister, councils, electors</li> <li>▪ Inquiry usually required</li> <li>▪ Board can commission investigations</li> <li>▪ Minister or 10% of affected electors (at least 250) may require referendum, which may be binding</li> <li>▪ Minister cannot amend Board's recommendation, only accept or reject</li> </ul>  |
| <b>SA</b>  | Boundary Adjustment Facilitation Panel                      | 4 appointed by government – 2 nominated by minister, 2 from 8 nominees of LGA*. Government appoints chair from members.<br><br>One member must be a woman.                                | <ul style="list-style-type: none"> <li>▪ Panel may engage its own consultants and advisers (subject to funding)</li> <li>▪ Panel has broad advisory/research role – not just advice to minister</li> <li>▪ Councils and electors can initiate proposals, ask Panel to undertake investigation, or seek its advice</li> <li>▪ Panel decides if inquiry is needed – usually required for amalgamations</li> <li>▪ Referendum if required by 10% of affected electors – and may be binding</li> <li>▪ Ultimately only minister can act – but councils concerned must agree</li> </ul> |

|            | Name of Body           | Membership  | Functions/Processes  |
|------------|------------------------|---|--|
| <b>TAS</b> | Local Government Board | 5 appointed by minister: chair plus 1 selected by minister; 1 by LGA; 1 by Local Government Managers Australia; 1 by head of department | <ul style="list-style-type: none"> <li>▪ Each council must be reviewed by Board at least every 8 years</li> <li>▪ Proposals may be initiated at any time by minister, councils, electors – must be referred to Board</li> <li>▪ Board conducts reviews as it sees fit – must involve ‘reasonable’ level of consultation</li> <li>▪ Minister can only act in accordance with Board’s advice – or decide not to act</li> </ul> |
| <b>NT</b>  | No regular arrangement | Minister <b>may</b> appoint a commission of inquiry for particular issues – membership at minister’s discretion                         | Minister acts as s/he sees fit.  |

Source: Sansom (2009)

## 5. Voting

Voting is the primary tool used in representative democracy enabling citizens to choose their elected members at local government level. The way voting is structured can have implications for citizens' ability to participate and the outcomes for candidates. The electoral framework influences how voters state their voting preferences and how these are tallied to identify the winning candidates.

While there is quite a lot of literature and research available which looks at the advantages and constraints of different voting systems and election cycles, very little of this focuses on the local government level in Australia. This section sets out the voting systems used by the different states.

Legislative requirements for voting at local government level vary among the different states. In Victoria, Queensland, New South Wales and the Northern Territory it is compulsory to participate in local government elections. In South Australia, Tasmania and Western Australia it is optional. In terms of vote counting there are two basic systems: majority and proportional. In addition to the discussion here, Appendix 3 provides a summary overview of the voting arrangements in each state and the Northern Territory.

In single-member wards majority voting takes place. The winner receives either an absolute or simple majority of the vote. Majority preferential voting selects the candidate with an absolute majority (more than half the votes). A first past the post system identifies the candidate with a simple majority. They have more votes than any other candidate (Burdess and O'Toole 2004).

In Australia there are two versions of preferential voting: full and optional. Under full preferential voting each a voter indicates their preference for each candidate. First, all the number 1 votes are counted for each candidate. A candidate is immediately elected if they get more than 50 per cent of the number 1 votes in this first round of counting. If no candidate has an absolute majority, the candidate with the fewest votes is excluded. The votes from the excluded candidate are then transferred to the other candidates according to the second preferences indicated on the ballot papers. If still no candidate has an absolute majority, the same process takes place. The remaining candidate with the fewest votes is excluded and these votes are transferred. This process continues until someone is elected (Department of Foreign Affairs and Trade 2008).

With optional preferential voting voters can indicate preferences for one candidate or for all of them. This system can produce similar outcomes to full preferential voting. However, it is also possible for

the winning candidate to secure fewer than half of the votes (Department of Foreign Affairs and Trade 2008).

(Sanders 2009) compared the Northern Territory's full or exhaustive preferential local government electoral system to more common Australian electoral systems. He found that the Northern Territory local government system inappropriately transfers the fifty per cent plus one vote counting rule for single member elections to multi-member elections. The effect of this inappropriate transfer is a form of 'winner takes all' majoritarianism in multi-member elections, in which large voting groups repeatedly win multiple seats and small voting groups repeatedly miss out. His paper argues for minority quotas under Single Transferable Vote Proportional Representation as the best and most appropriate vote counting rule for multi-member elections.

The aim of proportional representation voting is to secure a proportional representation of political opinion through the use of quotas. In the Australian local government system, preference and proportional voting are the main approaches in use. Only Western Australia uses first-past-the post. Proportional representation is based on the calculation of a 'quota,' and the distribution of surplus votes of each elected candidate to continuing candidates until all vacancies are filled. Thus, it is applicable only to multi-member electorates. And 'the larger the number of positions, the more exactly seats will be allocated in proportion to votes cast' (Halligan 1985 in Burdess and O'Toole 2004, p. p. 69).

Proportional representation systems are designed produce 'proportional' election results. Candidates and parties should win seats roughly in proportion to the size of their vote. Proportional representation is not a single method of election. There are a number of variations of proportional representation, including the single transferable vote. This system is designed to ensure that votes are for individual candidates rather than for party lists (Department of Foreign Affairs and Trade 2008).

#### *Vote counting and election cycles*

Some electoral systems seem to fit better with some types of representation than others. For example, majority systems incorporate 'interest' representation better because the local member is the only representative for a designated area. The majority system has a closer relationship to 'interest' representation as sanctions based on personal and local issues are more likely to be applied. Proportional voting is often understood as being one way to foster mirror representation enabling community interests to be reflected in the locally elected council. A corporate view of representation does not rely on any one system. However, the type of system can skew representation in two significant ways. Proportional systems may lead to unstable coalitions of minority groups who are often unable to

agree. On the other hand, majority systems may skew the corporate representation towards limited interests in the community (Burdess and O'Toole 2004).

In their article 'Representative democracy in Australian local government', (Hearfield and Dollery 2009) take Burdess and O'Toole's analysis a little further, providing a more detailed picture of how vote counting has changed as a result of reform and the implications for community representation in each state. They also discuss the impact of changing election cycles.

During the review of councillor numbers carried out in Tasmania, a number of councillors raised concern about the impact a reduction in councillor numbers would have on diversity amongst elected members. It would increase the quota required for election and therefore possibly indirectly exclude people from smaller communities and minority groups. In response to these concerns, the Local Government Board proposed that a change to an 'All In All Out' election cycle (whereby all councillors come up for election every 4 years as opposed to half every 2 years) would reduce the quota required, and could therefore mitigate some concerns about diversity. It was also suggested that an 'All In All Out' system would be fairer as all councillors would be held accountable at the same time for the council's actions over the four-year period preceding an election (Local Government Board Tasmania 2012).

During their review the Local Government Board found that councillors were frustrated about the level of disruption caused by having mayoral and council elections every two years, meaning that councils are effectively in election mode for one of every two years. Many councillors, both new and experienced, were concerned about the time it takes new councillors to get 'up to speed' with the work of the council and it was suggested that a move to four-yearly 'All In All Out' elections could assist with this by ensuring all councillors were involved in the planning cycle in the first year following an election and could follow this through for the duration of a four-year term.

A common thread of concern was that an 'All In All Out' system could result in a complete or majority spill of councillors, leading to a loss of significant history and knowledge from the council as well as a difficult task for council management in getting an entirely or significantly new council up to speed. The Local Government Board Local Government Board Tasmania (2012) noted the view that a complete or majority spill would be a concern, but it acknowledged that experience interstate suggests that such an occurrence would be extremely rare. In addition, the Board Local Government Board Tasmania (2012) was of the view that if a council is so unpopular in the community that the electors chose to elect a completely new council, then the opinions of the electors should be respected.

The Board stated that 'All In All Out' elections would deliver significant benefits to the community and the local government sector by improving the diversity of councils and the ability of councils to plan strategically (Local Government Board Tasmania 2012).



## 6. Mayor and deputy mayor

Internationally and in Australia, there is increasing interest in the role of the mayor. The national picture is very mixed in terms of legislation and practice, with some mayors being directly elected and others being appointed by their fellow councillors. Table 10 presented in this section sets out whether mayors are elected at large or by fellow councillors and whether the legislation identifies a particular role for them.

In terms of the literature (Jaensch 2003) touches on the method of election of the mayor or chairperson in his analysis of local government representation in South Australia. He explains that two modes are currently used in South Australian *Local Government Act 1999*: by the electorate, at-large (mayor); by the elected members of the council from within their membership (chairperson). The role of a mayor or chairperson is multi-faceted, involving, *inter alia* acting for the council in the public arena at formal and informal functions; presiding over council meetings; formally acting as the link between the elected council and its corporate sector; the public face of the council; and the focus of the relationship between the council and the state Minister or government.

Given the range of these roles and functions, there is a strong argument for a mayor elected at-large. However, the potential does exist for a mayor (elected-at-large) to act in his or her own right without the support of the council. The South Australian *Local Government Act 1999* attempts to enable a council to manage this situation by enabling it to resolve to withdraw the roles afforded to the mayor, except that of chairing the council meeting.

In addition, the Australian Centre of Excellence for Local Government has also recently published a paper written by Graham Sansom (2012) on the role and responsibilities of mayors in Australian Local Government. This publication contains a useful summary of the legislation governing the election of mayors and their roles. For ease of reference this table is reproduced in Appendix 4 of this review.

While the focus of this review of legislation is Australia it is nonetheless useful to look at research and analysis from other contexts. James Svara, Professor at Arizona State University has written widely on the benefits and constraints of directly elected executive mayors. In a paper presented at the 2006 'Second Transatlantic Dialogue on a Performing Public Sector' held in Leuven, Belgium, Svara compares two forms of leadership, the council-manager form and the mayor-council forms of government. In the mayor-council form, the mayor is an elected executive who directs the administrative organisation. The council-manager form is the form used predominately in Australia, whereby an elected council

chooses an unelected employee to fill the role of manager (i.e. the General Manager or Chief Executive Officer). The council can remove the manager if he or she fails to achieve standards and benchmarks set by council.

Svara (2006) argues that the council-manager form of government is notable for the high level of accountability that it achieves. In formal terms, there is a clear line of reporting and control from staff and departments to a chief executive officer, from the chief executive to the mayor and city council, and from the elected officials on the council to citizens. A full discussion of this analysis is beyond the scope of this paper but it is noteworthy, and should be kept in mind during our consideration of the role of mayors and councillors within the Australian context.

## 7. Councillor role and remuneration

Across Australia the scope of councillors' roles and responsibilities varies. Some councillors see their role as representing particular community interests; others see themselves as part of the council's board of directors. In addition, the remuneration of councillors is dealt with differently. For example, in Queensland, elected members are expected to dedicate their time and expertise on a full time basis and as a result receive a commensurate payment. In other states councillors are expected to fulfil their positions on a voluntary basis and are paid a smaller allowance in recognition of their contribution. These two approaches appear to reflect different levels of importance placed on the role of councillors within the broader political framework.

The roles of councillors as described in the legislation is included in the analysis of the election of mayors by (Sansom 2012) presented in Appendix 4 of this review.

Another interesting analysis of the role of councillors and in particular the relationship between mayors and chief executive officers (CEOs) has recently been produced by (Martin and Aulich 2012). In their paper 'Political Management in Australian Local Government', the authors argue that the working relationship between the mayor as the leader of the council and the chief executive officer leading the council organisation is one of the most important in local government. The breakdown in this relationship can have long lasting, negative impacts on the capacity of a local government to deliver value to its community. Martin and Aulich explain that despite this, there is little research which illuminates this relationship, and certainly little that is based on the Australian local government scene.

They explore the dimensions of what is known about this relationship, examine a number of models that define the relationship, and consider whether the relationship is influenced by structural issues, such as the method of election of the mayor at large or by the council itself. They ask how much the relationship between mayors and CEOs should be structured by rules and guidelines and how much it should rest on the integrity and common sense of the people involved.

This remainder of this section provides a brief overview of the legislative provisions for determining councillor remuneration in the different states.

### *New South Wales*

The NSW the *Local Government Act 1993* sets out the provisions for the Local Government Remuneration Tribunal (Chapter 9, Division 4).

Under the Act the Tribunal's role is to determine the categories of councils (s.239) and the minimum and maximum fee range for councillors and mayors in each of those categories. Councils decide what fee, within this range, they will pay themselves. Section 240 of the Act requires the Tribunal to determine categories according to the following matters:

- the size of areas
- the physical terrain of areas
- the population of areas and the distribution of the population
- the nature and volume of business dealt with by each council
- the nature and extent of the development of areas
- the diversity of communities served
- the regional, national and international significance of the council
- such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government
- such other matters as may be prescribed by the regulations.

A review of the Tribunal's Annual Reports shows that the Local Government and Shires Association of NSW, has consistently recommended that councillor fees be set as a percentage of the annual salary paid to NSW Members of Parliament, as is done in Queensland (Local Government Remuneration and Discipline Tribunal 2012, 2011, 2008). The Tribunal has not implemented this recommendation. It is of the view that the scope and range of responsibilities for councillors and mayors do not justify any correlation with the salary of a member of parliament. This view was first articulated in the Tribunal's initial Report and Determination in 1994 which stated:

...the comparison with politicians (is not) valid on the basis that Councils are local government and that the mayor is the "political head". Councils are not statute-making bodies. Their constitution, powers, authorities, duties and functions are determined in accordance with the 1993 Act.

In other words, Members of Parliament (MPs) are empowered to make laws. Councillors and mayors are not. Another factor against a comparative remuneration was the number of MPs vis-à-vis councillors and mayors. The Tribunal expressed its view on this matter in its 2007 report:

...The Tribunal notes that there are 152 mayors whereas there are 93 Members of the Legislative Assembly. The Tribunal also notes that mayors are assisted by up to 12 councillors as well as the General Manager and staff of the Council. The Tribunal cannot readily perceive any appropriate nexus between the fees of MPs and Mayors. However if this issue is presented

again as part of the 2008 review, the Tribunal will look at it again (Local Government Remuneration Tribunal NSW 2008).

On the question of full-time paid employment versus volunteer service, the 2008 Annual Report affirmed the principle that council representation is voluntary in nature and that it is not appropriate to equate the office of councillor with a position in paid employment. The fees are not to be considered salaries or wages but are provided to acknowledge the contribution councillors make to their local community. The Act refers to councillors and mayors receiving a fee which implies a payment for services, and Section 251 of the Act confirms that the role is not employment and that the fee is not a salary (Local Government Remuneration Tribunal NSW 2008).

### *Northern Territory*

In the Northern Territory the *Local Government Act 2008* states that a member of a council is entitled to be paid an allowance by the council. This allowance is to be at a rate fixed by the council (subject to guidelines issued by the Minister) for the relevant financial year(s). 71). The allowances for mayors/presidents, deputy mayors/presidents and councillors are different as they recognise the varying roles, contributions and demands of these positions.

Elected members are automatically paid a base allowance and an electoral allowance. Extra meeting and professional development allowances are also claimable. When attending courses or conferences for professional development, ordinary elected members can claim both an extra meeting allowance and a professional development allowance (Department of Housing Local Government and Regional Services Northern Territory 2009).

In 2009, the NT's Department of Housing, Local Government and Regional Services published a 'Discussion Paper' to inform thinking on the issue of member allowances.<sup>2</sup> This paper contains a useful discussion of the criteria for categorising councils for the purposes of setting member allowances, as well as canvassing which agency could possibly play a role in setting allowances (for example, the Minister or a Panel). Most usefully, for the purposes of this review, Appendix B provides a 'Jurisdictional Table of Council Member Allowances', which compares councillor remuneration across the states. This comparative table is reproduced below for ease of reference, although it should be noted that this information was compiled in 2009 and needs updating in terms of the amounts presented particularly with regard to Western Australia where the system has recently been reviewed.

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[www.dhlgrs.nt.gov.au/\\_data/assets/pdf\\_file/0003/86367/discpaper\\_elected\\_member\\_review.pdf](http://www.dhlgrs.nt.gov.au/_data/assets/pdf_file/0003/86367/discpaper_elected_member_review.pdf)

**Table 9: Comparison of mayor and councillor allowances**

| State/Territory | Mayoral allowance<br>(min-max)   | Councillor Allowance<br>(min-max)              |
|-----------------|--|--|
| NT              | \$20 695 - \$103 472   | \$3 722 - \$18 609                             |
| NSW             | NSW \$7 480 - \$170 150<br>On top of councillor allowance  | \$7 040 - \$31 000                             |
| VIC             | \$48 400 - \$77 300  | \$6 800 - \$24 000                             |
| QLD             | \$44 300 - \$202 500   | \$12 660 - \$120 230                           |
| SA              | Maximum \$60 000<br>City of Adelaide: \$104 510  | Maximum \$15 000<br>City of Adelaide: \$14 930 |
| WA*             | Maximum \$14 000 per annum in<br>attendance fees<br>PLUS<br>\$600 - \$12 000 or 0.002% of the local<br>government's<br>operating revenue (capped at \$60<br>000) | Maximum \$7 000 per<br>annum sitting fees      |
| TAS             | \$18 253 - \$71 127<br>On top of councillor allowance  | \$7 301 - \$28 451                             |

Source: Department of Housing Local Government and Regional Services Northern Territory (2009)

\*a Determination of the Salaries and Allowances Tribunal in WA on Local Government Elected Council Members recently reviewed these fees and increased them substantially so they are more in line with the national picture (Salaries and Allowances Tribunal 2013).

### Queensland

The *Local Government (Operations) Regulation 2010* requires the Local Government Remuneration and Discipline Tribunal to determine by 1 December each year the remuneration to be paid in the following calendar year to mayors, deputy mayors and councillors for all councils in Queensland (except Brisbane City Council). In addition, sections 176 and 183 of the Local Government Act give the Tribunal responsibilities for:

- establishing categories of local governments
- deciding which category each local government belongs to
- deciding the remuneration payable to councillors in each of those categories
- hearing and deciding the most serious complaints of misconduct against councillors
- undertaking any other functions that the Minister directs.

For the purpose of establishing categories of local government, Section 39 of the Regulation requires the Tribunal to have regard to defined criteria, as follows:

- the size, and geographical and environmental terrain, of local government areas

- the population of local government areas, including the areas' demographics, the spread of population serviced by the local governments and the extent of the services the local governments provide
- the size of local governments and the workload associated with particular sizes, including whether councillors of the local governments hold office on a full-time or part-time basis
- the diversity, including cultural diversity, of local governments' communities
- the extent of development of local government areas, including economic and community development, infrastructure and industry
- other matters the Tribunal considers relevant to the effectiveness, efficiency and sustainability of local governments

The most recent report of the Tribunal stated that it 'has decided to maintain the practice of setting remuneration levels for councillors based on percentages of a "reference rate" which is related to the annual base salary payable to a Member of the Queensland Legislative Assembly (MP). For 2013 the reference rate used to calculate remuneration levels was increased from \$137,149 to \$140,578' (Local Government Remuneration and Discipline Tribunal 2012).

### *South Australia*

Section 76 of the South Australia *Local Government Act 1999* specifies that a member of a council is entitled to an allowance as determined by the Remuneration Tribunal. Similar to NSW, the Tribunal sets out categories of councils and what each member, including principal members, should be paid.

### *Tasmania*

In Tasmania the level of councillor allowances is determined by an independent review process agreed between the Local Government Association of Tasmania and the state government. Councillor allowances are indexed on 1 November every year in accordance with the wage price index figure for Tasmania for the June quarter of that year compared with the June quarter of the previous year.

In 2008, the state government appointed members of the Tasmanian Industrial Commission as a Board of Inquiry into Local Government Elected Members Allowances to review and report upon appropriate allowances for mayors, deputy mayors and councillors. This Board considered issues of attraction/retention, councillor workloads, relativity of remuneration between mayors and councillors, and comparisons with other states when making their determination.

Interestingly, this Board also considered the voluntary nature of the councillor role. Historically council representation has been driven by the notion of community service. Candidates offered themselves for

election motivated by a desire to contribute something to the community. Remuneration was not an issue. Individuals served in a voluntary capacity with any allowances payable designed to reimburse expenses reasonably incurred. However, in the view of the Board council service may be distinguished from volunteerism in two important respects. First, the complexity of issues and the workload expected is considerably beyond that reasonably expected of individuals serving in an honorary capacity. Second, councillors are subject to public scrutiny and criticism. In large measure this would not apply to individuals acting in a voluntary capacity (Leary, Abey and McAlpine 2008).

### *Victoria*

In Victoria, councillors are entitled to receive remuneration in the form of an allowance. Mayors are entitled to receive a higher allowance. The Victorian Government sets upper and lower limits for all allowances paid to councillors and mayors. For this purpose, as in several other states, councils are divided into categories based on income and population.

Soon after being elected, each council (with the exception of the City of Melbourne, which has its allowances separately fixed) determines the precise annual amount that will be paid to its mayor and councillors, within the limits of the categories set by the government. Reviews are required to take place by 30 June in the year following a general election and the allowance level determined remains in effect until the time of the next election.

Allowance levels are subject to annual automatic adjustments that are announced in the Victoria Government Gazette by the Minister for Local Government (Department of Planning and Community Development 2012).

### *Western Australia*

Councillors and mayors in Western Australia are paid on a different basis than the rest of the country. Here each council member has a right to be paid meeting attendance fees. The fee for attending a meeting is not a salary but recognition of the amount of time and effort members must put into preparing for council and committee meetings. Fees for individual meetings apply unless council decides to pay an annual fee. Mayors and presidents are entitled to an annual allowance in addition to the meeting attendance fee.

Council members cannot claim fees for attending committee meetings unless they are formally appointed members of that committee. Meeting attendance fees are taxable. Budgets and annual financial reports (accessible by the public) are required to disclose the total amount of fees, expenses and allowances paid to council members



but not the individual amounts paid to each council member (Department of Local Government WA 2011).

For the most part then, councillor allowances or fees are determined in similar ways across Australia. They are set either through a tribunal process (NSW, QLD and WA) or by the state government (NT, TAS, VIC, WA). Only in Queensland are councillor allowances determined as a percentage of state Member of Parliament salaries. Other states have considered this approach (e.g. NSW, TAS) but have chosen not to adopt it, stating that the levels of responsibility are not comparable and that councils are not statute-making bodies. This highlights an interesting point in the perception of the importance and power of local government in comparison to state government. The two perform very different functions and roles within the community, both are necessary but arguably the largely part-time and voluntary role of councillors conveys the view that local government's role is less valuable.

## 8. Summary

This review has looked at the legislation governing four aspects of local democracy across the Australian states and the Northern Territory: representation, voting, the role of the mayor and deputy mayor and finally the role and remuneration of councillors. The review has revealed a great deal of diversity across the nation as to how these questions are dealt with.

Aside from broad principles and guidelines this review found relatively little in terms of thinking or research on how to determine the number of councillors. Both the Victorian Electoral Commission and the Local Government Board in Tasmania describe principles for determining this number. These include population (number of people as well as diversity), councillor workloads and the prevention of tied votes. Most local government acts or accompanying regulations provide some guidance as to the number of councillors local governments must have. Different approaches have been taken ranging from prescriptive, specifying exactly how many councillors each local government area will have (TAS, QLD) to giving a range (NSW, VIC, WA). In the Northern Territory and South Australia the legislation and associated regulations are silent on this matter.

More research must be done to fully understand the implications of these different approaches and how they interact with structural provisions for local representation (e.g. ward based structures versus unsubdivided councils, single or multi-member wards etc.).

In terms of voting, the picture is mixed across Australia. In Victoria, Queensland, New South Wales and the Northern Territory voting at local government level is compulsory. In the other states it is optional. In all jurisdictions local governments have a 4 year term but vote counting procedures differ. It is beyond the scope of this paper to examine these inter-relations in more detail and their implications for local representation but the question remains.

The roles of mayors and councillors are also crucial for effective local representation. The description of their roles varies in the legislation but what is perhaps most pertinent is the perception of elected representatives themselves of their role. There is an initial exploration of this question in the accompanying report *Issues in Australian Local Representation: A view from Victoria* (Tan 2013) which documents the outcomes of interviews with councillors and senior staff on this theme.

While this review sketches out the legislative landscape which governs local representation across Australia it is limited to a description of the existing framework. More work needs to be done to understand the implications of these difference for local representation particularly in a context of reform whereby the

number of local governments and councillors is being reduced in the name of financial sustainability and efficiency.

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## **Appendix 1: Purpose of Local Government**



|     |  |
|-----|--|
| NSW | <p><b>8 The council's charter</b></p> <p>(1) A council has the following charter:</p> <ul style="list-style-type: none"> <li>• to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively</li> <li>• to exercise community leadership</li> <li>• to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism</li> <li>• to promote and to provide and plan for the needs of children</li> <li>• to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development</li> <li>• to have regard to the long term and cumulative effects of its decisions</li> <li>• to bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible</li> <li>• to engage in long-term strategic planning on behalf of the local community</li> <li>• to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights</li> <li>• to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government</li> <li>• to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants</li> <li>• to keep the local community and the State government (and through it, the wider community) informed about its activities</li> <li>• to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected</li> <li>• to be a responsible employer.</li> </ul> |
| NT  | <p><b>11 Principal role of council</b></p> <p>The role of a council is:</p> <ol style="list-style-type: none"> <li>(a) to act as a representative, informed and responsible decision-maker in the interests of its constituency; and</li> <li>(b) to develop a strong and cohesive social life for its residents and allocate resources in a fair, socially inclusive, and sustainable way; and</li> <li>(c) to provide and coordinate public facilities and services; and</li> <li>(d) to encourage and develop initiatives for improving quality of life; and</li> <li>(e) to represent the interests of its area to the wider community;</li> <li>(f) to exercise and carry out the powers and functions of local government assigned to the council under this Act and other Acts.</li> </ol>  |
| QLD | <p><b>4 Local government principles underpin this Act</b></p> <p>(2) The <b>local government principles</b> are—</p> <ol style="list-style-type: none"> <li>(a) transparent and effective processes, and decision-making in the public interest; and</li> <li>(b) sustainable development and management of assets and infrastructure, and delivery of effective services; and</li> <li>(c) democratic representation, social inclusion and meaningful community engagement; and</li> <li>(d) good governance of, and by, local government; and</li> <li>(e) ethical and legal behaviour of councillors and local government employees.</li> </ol>   |
| SA  | <p><b>6 Principal role of a council</b></p> <p>A council is, under the system of local government established by this Act, established to provide for the government and management of its area at the local level and, in particular—</p> <ol style="list-style-type: none"> <li>(a) to act as a representative, informed and responsible decision-maker in the interests of its community; and</li> <li>(b) to provide and co-ordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner; and</li> <li>(c) to encourage and develop initiatives within its community for improving the quality of life of the community; and</li> <li>(d) to represent the interests of its community to the wider community; and</li> <li>(e) to exercise, perform and discharge the powers, functions and duties of local government under this and other Acts in relation to the area for which it is constituted.</li> </ol>  |

|     |  |
|-----|--|
| TAS | <p><b>20. Functions and powers_</b></p> <p>(1) In addition to any functions of a council in this or any other Act, a council has the following functions:</p> <ul style="list-style-type: none"> <li>(a) to provide for the health, safety and welfare of the community;</li> <li>(b) to represent and promote the interests of the community;</li> <li>(c) to provide for the peace, order and good government of the municipal area.</li> </ul>  |
| VIC | <p><b>What is the role of a Council?</b></p> <p>(1) A Council is elected to provide leadership for the good governance of the municipal district and the local community.</p> <p>(2) The role of a Council includes—</p> <ul style="list-style-type: none"> <li>(a) acting as a representative government by taking into account the diverse needs of the local community in decision making;</li> <li>(b) providing leadership by establishing strategic objectives and monitoring their achievement;</li> <li>(c) maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner;</li> <li>(d) advocating the interests of the local community to other communities and governments;</li> <li>(e) acting as a responsible partner in government by taking into account the needs of other communities;</li> <li>(f) fostering community cohesion and encouraging active participation in civic life.</li> </ul> |
| WA  | <p><b>2.7 Role of council</b></p> <p>(1) The council —</p> <ul style="list-style-type: none"> <li>(a) governs the local government’s affairs; and</li> <li>(b) is responsible for the performance of the local government’s functions.</li> </ul>  |

## **Appendix 2: NT Representation reviews**

| Legislation LGER r 63 (2)   | Discussion Questions   | Additional Information  |
|---|--|---|
| (a) community of interests in the area including economic, social and regional interests;                                       | <p>What are the communities of interest in the shire?</p> <p>Are communities of interest located in the same ward?</p> <p>How can their voice be represented on council?</p>   | <p>A community of interest may share an identity and feeling of belonging; similar characteristics of residents, history, culture, economic activities or shared use of facilities and services.</p> <p>Examples may include: physical communities, such as outstations of major and minor communities, town camps or suburbs, cultural communities, such as traditional owners, language groups, family or clan groupings, multi-cultural groups, business communities such as pastoralists, tourism operators and resource centres.</p> |
| (b) types of communication and travel in the area with special reference to disabilities arising out of remoteness or distance; | <p>How does remoteness affect the level of representation received by electors in any of the council's areas?</p> <p>How do difficulties with travel and communication affect elected members ability to represent electors in any of the council's areas?</p> <p>What strategies does the council have to support elected members in representing electors in remote council areas?</p> <p>What are the main travel routes within the council area?</p>   |   |
| (c) the trend of population changes in the area;  | <p>Do population trends show that there will be a change in population within the council area/ and or wards in the next 4 years?</p> <p>Are there a high number of 14–17 year olds that are upcoming voters?</p> <p>Is there likely to be any population movement within the council area in the next 4 years? For example movements to Territory Growth Towns or areas with new enterprises, such as mining?</p> <p>How can council best represent the projected population in the next 4 years?</p> | <p>Information of population trends can be obtained from the Australian Bureau of Statistics.</p>   |
| (d) the density of population in the area;  | <p>What are the populations and density of populations of communities of interest in the area?</p> <p>Are they concentrated or dispersed?</p> <p>How does the density of communities of interest affect the level of representation electors receive? For example: Do concentrated or dispersed communities require a higher/ lower ratio of elector representation in the council?</p>  | <p>Elector ratio is the number of electors per elected member. The NTEC has provided data to councils on the number of electors per representatives.</p>  |
| (e) the physical features of the area.  | <p>What are the major geographical features in the council area?</p> <p>How do these features affect the distribution of communities of interests?</p> <p>How might these features affect representation?</p>  | <p>The physical features of the council area, including rivers, ranges, tablelands, native title areas, national parks may relate to communities of interest. These features may also impact on communication and travel in the council areas on a seasonal or ongoing basis.</p>   |

Source: Department of Housing Local Government and Regional Services Northern Territory (no date)

## **Appendix 3: Voting at local government elections**



|     | Compulsory | Time frame             | Eligibility to vote   | System   | Postal   |
|-----|------------|------------------------|---|--|--|
| NSW | Yes        | 4 years all out all in | <ul style="list-style-type: none"> <li>• a resident of the council/ward (residential roll)</li> <li>• an owner of rateable land in the council/ward (non-residential roll)</li> <li>• an occupier or rate paying lessee of rateable land in the council/ward (non-residential roll).</li> </ul>   | <p><b>Directly elected mayor:</b> optional preferential.</p> <p><b>Councillor:</b> optional preferential, if only one councillor is to be elected, or proportional, if 2 or more councillors are to be elected.</p>        | No   |
| NT  | Yes        | 4 years all out all in | <ul style="list-style-type: none"> <li>• 18 years of age or older</li> <li>• An Australian Citizen (or a British Subject enrolled on 25 January 1984) and</li> <li>• Has lived at their current address for the last month.</li> </ul>  | Local Government elections use Single Transferable Vote Proportional Representation (STVPR).   | Yes  |
| QLD | Yes        | 4 years all out all in | <ul style="list-style-type: none"> <li>• 18 years of age or older</li> <li>• an Australian Citizen or a British Subject who was enrolled on 25 January 1984 or, for Queensland elections, eligible to be on the State electoral roll on 31 December 1991</li> <li>• has lived at their address for at least one (1) month.</li> </ul>   | For Local Governments that are divided into separate divisions elections will be conducted using the Optional Preferential Voting system. All other (undivided) Local Governments will use the First Past the Post system. | Yes, during the 2012 elections 30 councils used full postal voting.              |
| SA  | No         | 4 years all out all in | <p>Voters on the roll for Commonwealth and State elections are automatically enrolled for Local Government elections. Those not enrolled for Commonwealth and State elections, and who want to vote in a Local Government election, can apply for enrolment if they are:</p> <ul style="list-style-type: none"> <li>• 18 years or older (or will turn 18 by the time the polls close) and have been a resident for at least one month before the polls close (resident non-citizens are entitled to enrol under this provision).</li> <li>• The sole owner of land in the council area (e.g. a landlord)</li> <li>• A sole occupier of land in the council area, other than a resident (i.e. a business lessee).</li> </ul> | Proportional Representation,   | Yes, local government elections are conducted using secret ballot postal voting. |

|     | Compulsory | Time frame   | Eligibility to vote   | System   | Postal  |
|-----|------------|--|---|--|---|
| TAS | No         | 4 years, half in half out every 2 years.<br><br>Mayor and deputy: 2 year term. | <ul style="list-style-type: none"> <li>• you own or occupy land in a municipal area but you are not eligible to be on the electoral roll* for that area, or</li> <li>• you are the nominated representative of a corporate body which owns or occupies land in the municipal area.</li> </ul> <p>*This means that non-citizens are able to vote.</p>  | All elections for councillor positions use a system directly modelled on the Hare-Clark method of proportional representation used in the Tasmanian House of Assembly elections. | Full postal ballot every 2 years.               |
| VIC | Yes        | 4 years all out all in   | <p>It is <b>compulsory</b> to enrol and vote for your principal place of residence if you are an Australian citizen, or a qualified British subject*; and are aged 18 years or over; and have lived at your current address in Victoria for at least one month.</p> <p>* A qualified British subject for the Electoral Roll in Victoria is one who was on an Australian electoral roll between 26 October 1983 and 26 January 1984.</p> | Full preferential  | Postal or attendance, most councils use postal. |
| WA  | No         | 4 years, half in half out every 2 years.                                       | To be eligible to vote in local government elections, you need to be either a resident, an eligible non-resident owner or non-resident occupier of rateable property in the local government district or a nominee of a body corporate that owns or occupies rateable property in the district or ward. You must also be correctly enrolled to vote in State or Commonwealth elections and be at least 18 years of age on election day. | First Past the Post  | Postal or attendance                            |



## **Appendix 4: Election and role of mayors/councillors**

|            | Method of Election and Term   | Designated Role   |
|------------|---|---|
| <b>NSW</b> | <p>The Mayor is elected:</p> <ul style="list-style-type: none"> <li>▪ by and from the Councillors, or</li> <li>▪ by all the electors, if agreed by a local constitutional referendum.</li> </ul> <p>Popular election is for the full 4-year term of the council.</p> <p>Election by Councillors takes place annually.</p> <p>NB: In 2008, 27 out of 148 mayors (18%) were elected by electors. Lord Mayor of the City of Sydney <i>must</i> be directly elected.</p>                | <p>The role of all <i>Councillors</i> is:</p> <ul style="list-style-type: none"> <li>▪ to provide a civic leadership role in guiding the development of the community strategic plan</li> <li>▪ to direct and control the affairs of the council</li> <li>▪ to review the performance of the council</li> <li>▪ to represent the interests of the residents and ratepayers</li> <li>▪ to provide leadership and guidance to the community</li> <li>▪ to facilitate communication between the community and the council.</li> </ul> <p>The additional role of the <i>Mayor</i> is:</p> <ul style="list-style-type: none"> <li>▪ to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council</li> <li>▪ to exercise such other functions as the council determines</li> <li>▪ to preside at meetings of the council</li> <li>▪ to carry out civic and ceremonial functions.</li> </ul> |
| <b>NT</b>  | <p>The Principal Member of a council has the title <i>Mayor</i> or <i>President</i>.</p> <p>The Principal Member of a council is:</p> <ul style="list-style-type: none"> <li>▪ in the case of a municipal council - directly elected</li> <li>▪ in the case of a shire council - elected by and from the Councillors, or directly elected.</li> </ul> <p>A shire council is taken to have chosen to appoint its Principal Member unless a change is made by special resolution.</p> | <p>The role of all <i>members of a council</i> is:</p> <ul style="list-style-type: none"> <li>▪ to represent the interests of all residents and ratepayers of the council area</li> <li>▪ to provide leadership and guidance</li> <li>▪ to facilitate communication between the members of the council's constituency and the council</li> <li>▪ to participate in the deliberations of the council and its community activities</li> <li>▪ to ensure, as far as practicable, that the council acts honestly, efficiently and appropriately in carrying out its statutory responsibilities.</li> </ul> <p>The additional role of the <i>Mayor or President</i> is:</p> <ul style="list-style-type: none"> <li>▪ to chair meetings of the council; and</li> <li>▪ to speak on behalf of the council as the council's principal representative; and</li> <li>▪ to carry out civic and ceremonial functions.</li> </ul>  |

|     | Method of Election and Term   | Designated Role   |
|-----|---|---|
| QLD | All Mayors are directly elected for the full 4-year term of the council.  | <p>All <i>Councillors</i> have the following responsibilities:</p> <ul style="list-style-type: none"> <li>▪ ensuring the local government achieves its corporate and community plans</li> <li>▪ providing high quality leadership</li> <li>▪ participating in policy development</li> <li>▪ being accountable to the community for the local government's performance.</li> </ul> <p>The <i>Mayor</i> has the following extra responsibilities--</p> <ul style="list-style-type: none"> <li>▪ leading and managing meetings...</li> <li>▪ proposing the adoption of the budget</li> <li>▪ liaising with the chief executive officer on behalf of the other councillors</li> <li>▪ leading, managing, and providing strategic direction to, the chief executive officer</li> <li>▪ directing the chief executive officer, in accordance with the local government's policies</li> <li>▪ conducting a performance appraisal of the chief executive officer</li> <li>▪ ensuring that the local government promptly provides the Minister with information about the local government area</li> <li>▪ representing the local government at ceremonial or civic functions.</li> </ul> <p>NB: The Lord Mayor of Brisbane has additional executive responsibilities as set out in the text</p> |
| SA  | <p>The Principal Member of a council is the Mayor or Chairperson. Mayors are directly elected for the full 4-year term of the council. Chairpersons are elected by and from the councillors: the term of office must not exceed 4 years.</p> <p>NB: In 2011 Mayors were directly elected in 49 councils and by Councillors in 18.</p> | <p>The role of all <i>members of a council</i> is:</p> <ul style="list-style-type: none"> <li>▪ to participate in the deliberations and civic activities of the council</li> <li>▪ to keep the council's objectives and policies under review</li> <li>▪ to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review</li> <li>▪ to represent the interests of residents and ratepayers</li> <li>▪ to provide community leadership and guidance</li> <li>▪ to facilitate communication between the community and the council.</li> </ul> <p>The additional role of the <i>Principal Member</i> is:</p> <ul style="list-style-type: none"> <li>▪ to preside at meetings</li> <li>▪ if requested, to provide advice to the chief executive on implementation of council decisions</li> <li>▪ to be the principal spokesperson of the council</li> <li>▪ to exercise other functions as the council determines</li> <li>▪ to carry out civic and ceremonial duties.</li> </ul> <p>NB: The Lord Mayor of Adelaide has additional executive responsibilities as set out in the text</p>   |

|            | Method of Election and Term   | Designated Role   |
|------------|---|---|
| <b>TAS</b> | <p>The Mayor and Deputy Mayor of all councils are directly elected for 2-year terms (half the Councillors are elected every 2 years) – unless there is no nomination, in which case the Councillors elect one of their number.</p>  | <p>All <i>Councillors</i> have the following functions:</p> <ul style="list-style-type: none"> <li>▪ to represent and act in the best interests of the community</li> <li>▪ to facilitate communication with the community;</li> <li>▪ to develop and monitor the implementation of strategic plans and budgets</li> <li>▪ to determine and monitor the application of policies, plans and programs</li> <li>▪ to facilitate planning and development in the best interests of the community</li> <li>▪ to appoint and monitor the performance of the general manager</li> <li>▪ to determine and review the council's resource allocation and expenditure activities</li> <li>▪ to monitor provision of services</li> <li>▪ to represent accurately the policies and decisions of the council.</li> </ul> <p>The additional functions of a <i>Mayor</i> are:</p> <ul style="list-style-type: none"> <li>▪ a leader of the community of the municipal area</li> <li>▪ chairperson and spokesperson of the council</li> <li>▪ to liaise with the general manager on the activities of the council and its performance</li> <li>▪ to oversee the councillors in their functions.</li> </ul> |
| <b>VIC</b> | <p>All Mayors are elected by and from the councillors for a term of up to 2 years, except for the Cities of Melbourne and Geelong, where the Mayor is directly elected for 4 years.</p> <p>The Mayor and Deputy Mayor of the City of Melbourne must stand for election as a team.</p> | <p>The <i>Mayor</i> of a Council takes precedence at all municipal proceedings within the municipal district, and must take the chair at all meetings of the Council at which he or she is present.</p> <p>No other functions are specified for either the Mayor or Councillors.</p> <p>Melbourne city Council may delegate some minor additional functions to the Lord Mayor.</p>  |

|           | Method of Election and Term   | Designated Role   |
|-----------|---|---|
| <b>WA</b> | <p>When a council is first established, the Governor specifies whether the first Mayor or President is to be directly elected or elected by and from the Councillors.</p> <p>A local government may change from election by the councillors to popular election a special majority vote.</p> <p>A poll of electors is required to change from popular election to election by the councillors.</p> <p>The Lord Mayor of Perth must be directly elected.</p> | <p>All <i>Councillors</i> are to:</p> <ul style="list-style-type: none"> <li>▪ represent the interests of electors, ratepayers and residents</li> <li>▪ provide leadership and guidance to the community</li> <li>▪ facilitate communication between the community and the council.</li> </ul> <p>In addition, the <i>Mayor or President</i>:</p> <ul style="list-style-type: none"> <li>▪ presides at meetings</li> <li>▪ carries out civic and ceremonial duties</li> <li>▪ speaks on behalf of the local government</li> <li>▪ performs such other functions as are prescribed by law</li> <li>▪ liaises with the CEO on the local government's affairs and the performance of its functions.</li> </ul> |

