

Services Supplementary Reports



SUPPLEMENTARY REPORT BY CHAIRMAN

DATE OF MEETING:	26 March 2019
LOCATION:	Council Chambers
TIME:	7.00pm

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ITEM	SUBJECT	PAGE
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SECTION A

‘Matters referred to Council for its decision’

43:	<u>Review of the Ward Boundaries for the 2020 Local Government Elections</u>	
	File Number: 19/05151	4

RECOMMENDATION:

That:

1. Council reduce the number of Council wards from 3 to 2.
2. The ward names be Parks and Fairfield / Cabravale respectively for the 2 ward areas described in Attachment C of the report.
3. The City Manager consults with the Electoral Commission and the Australian Statistician regarding the ward boundaries for the 2 wards in accordance with the provisions of the Local Government Act.
4. The community be consulted on this matter at the appropriate time by Council.

SECTION C

‘Matters submitted to the Committee for decision subject to the right of referral’

There are no reports submitted for this section.

THAT CONCLUDES THE REPORT OF THE SERVICES SUPPLEMENTARY REPORTS.

CHAIRMAN

Services Supplementary Reports



SECTION A

‘Matters referred to Council for its decision’

**SUPPLEMENTARY REPORT BY CHAIRMAN
SERVICES SUPPLEMENTARY REPORTS**

Meeting Date 26 March 2019

Item Number. 43

SUBJECT: Review of the Ward Boundaries for the 2020 Local Government Elections
(SUPPLEMENTARY)

FILE NUMBER: 19/05151




REPORT BY: Bradley Cutts, Director Corporate Governance

RECOMMENDATION:

That:

1. Council reduce the number of Council wards from 3 to 2.
 2. The ward names be Parks and Fairfield / Cabravale respectively for the 2 ward areas described in Attachment C of the report.
 3. The City Manager consults with the Electoral Commission and the Australian Statistician regarding the ward boundaries for the 2 wards in accordance with the provisions of the Local Government Act.
 4. The community be consulted on this matter at the appropriate time by Council.
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SUPPORTING DOCUMENTS:

AT-A 	Current Ward Map	1 Page
AT-B 	North/South Ward Option	1 Page
AT-C 	East/West Ward Preferred Option	1 Page

CITY PLAN

This report is linked to *Theme 5 Good Governance and Leadership* in the Fairfield City Plan.

SUMMARY

At the Ordinary Council Meeting of 26 February 2019, Council requested a report on the merits of changes to the Fairfield Local Government Area ward system and taking into account the best interests of residents in any option considered.

The Council resolved that:

1. *Council Officers report on the merits of:*
 - I. *Abolishing all wards*
 - II. *Reducing wards from 3 to 2*
 - III. *Retaining 3 wards*
 - IV. *Increasing wards from 3 to 4*
2. *Council commits to a review of the ward system so that the interests of residents are recognised and elections are streamlined, efficient and as cost effective as possible.*
3. *The community be consulted on this matter once the options have been considered by Council.*

Background

In accordance with Section 210 of the *Local Government Act 1993* (NSW) (the Act) which enables Councils to make changes to ward boundaries, Council conducted a constitutional referendum in April 2000. As a result of the referendum, the Mayor of Fairfield City became popularly elected from September 2003 and the number of Councillors was reduced from 15 to 13 including the Mayor, which necessitated a change in the number of wards.

In February 2002, Council adopted a proposal to alter the Fairfield City local government ward boundaries from 5 wards to 3 wards, each with elected representation of 4 Councillors, in addition to the popularly elected Mayor to commence at the September 2003 election. The current 3 wards are Parks, Fairfield and Cabravale.

Additionally, the Council has an ongoing duty (Section 211 of the Act) to keep its ward boundaries under review. Before the end of the third year of each term of office, Council must submit details of any changes to the boundaries of its existing wards, which it proposes to make to the Electoral Commissioner and the Australian Statistician for their information.

Purpose

The ward system should be structured so that the interests of residents are recognised and elections are streamlined, efficient and as cost effective as possible. The choice of the number of wards (and therefore Councillors per ward) should reflect the role of a Councillor and how that is best achieved.

There have been dramatic shifts in the structure, framework and responsibilities of local government in recent times and these changes have generally increased the demands placed on Councillors. Therefore, the wards model should reflect the best representation for the community while having regard for the role of Council and Councillors and the associated demands and responsibilities of civic office.

Councils ward representation should ensure that:

- Residents and businesses have adequate representation and identifiable Councillors.
- Councillors can effectively represent the communities of interest.
- Residents and businesses have good access to Councillors.
- The responsibilities and demands on Councillors are evenly distributed.
- A better geographically balance is retained for communities of interest.

To consider the merits of each of the options, the following guiding principles for the determination of the wards are proposed:

- Number of electors in each ward does not vary by more than 10% (Section 210(7) of the Act).
- Where possible, avoid splitting suburbs, town centres / principle shopping centres and Communities of interest.
- Where possible, Census Collector districts should not be split.
- Where possible, have well defined features as boundaries such as creeks and major roads.
- Candidature – a candidate can only nominate for 1 ward unless that candidate has also nominated for the election of Mayor.
- Voting system – each ward requires a separate election.

There is potential that with a greater number of wards that it will be more complex and difficult to consistently apply the guiding principles or criteria identified for the determination of the wards.

Consultation & Timing

It should be noted that the option “(1) *Abolishing all wards*” would require approval from a constitutional referendum. Section 210(5) of the Act states that “a council must not divide an area into wards or abolish all wards unless it has obtained approval to do so at a constitutional referendum.”

The remaining options of reducing wards from 3 to 2, retaining 3 wards and increasing wards from 3 to 4 have several set requirements and processes to change the number of wards under the Local Government Act 1993. These are detailed below:

- Council is able to alter ward boundaries pursuant to Section 210(3) of the *Local Government Act 1993* (NSW) (the Act).
- Council needs to pass a resolution reflecting the new ward numbers and that the City Manager consults with the Electoral Commission and the Australian Statistician regarding the ward boundaries for the preferred option in accordance with the provisions of the Act. Council should also resolve to name the wards for the areas described and attach a map of the proposed wards.

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- Before altering Council's ward boundaries, Council must:
 - (a) Consult the Electoral Commissioner and the Australian Statistician to ensure that, as far as practicable, the proposed boundaries of its wards correspond to the boundaries of appropriate districts (within the meaning of the *Electoral Act 2017*) and census districts, and to ensure that the proposed boundaries comply with Section 210(7) (that is, a ward must not result in a variation of more than 10 per cent between the number of electors in each ward in the area); and
 - (b) Prepare and publicly exhibit a plan detailing the proposed division or alteration (the *ward boundary plan*) (Section 210A(1) of the Act).
- Once Council has resolved the number of wards, Council should lodge a submission with the Electoral Commissioner and the Australian Statistician with the proposed wards and names.
- Based on history, it is likely that the Electoral Commissioner will call for submissions and set a deadline of 2 months from lodgement of the submission by Council. Presumably a decision will be made after the date of closing submissions in relation to the alteration.
- In addition, Council must give public notice of the following:
 - (a) The place at which the ward boundary plan may be inspected,
 - (b) The period for which the plan will be exhibited (being a period of not less than 28 days),
 - (c) The period during which submissions regarding the ward boundary plan may be made to Council (being a period of not less than 42 days after the date on which the ward boundary plan is placed on public exhibition) (Section 210A(2) of the Act).
- This could be done at the same time as the public exhibition by the Electoral Commissioner – this will need to be confirmed with the Electoral Commissioner as the updated electoral information is anticipated to be available in May 2019.
- Council must, in accordance with its notice, publicly exhibit the ward boundary plan together with any other matter that it considers appropriate or necessary to better enable the plan and its implications to be understood (Section 210A(3) of the Act).
- Any person may make a submission to Council regarding the ward boundary plan within the period referred to in the public notice (Section 210A(4) of the Act).
- Council must consider submissions made (Section 210A(5) of the Act).

- Council will receive a decision from the Electoral Commissioner and presumably the Australian Statistician that the ward alterations have been approved. The Act provides that a proclamation of the Governor can include a provision for or with respect to the alteration of ward boundaries, however it is not mandatory (Section 213 of the Act).
- Once the ward boundaries have been changed, the City Manager must give notice of that fact. The notice is to be given:
 - (a) By advertisement in a newspaper circulating generally in Council's area, and
 - (b) In writing displayed at the office of Council, and
 - (c) In writing delivered or sent to the Electoral Commission (Clause Section 277 (1) & (2) of the *Local Government (General) Regulation* 2005 (NSW) (the Regs).
- If, as a result of the changes to the ward boundaries, there are any wards that are new or that have altered boundaries, the notice must also include a written description of, and a map showing, the boundaries of the new wards or boundaries as so altered (Clause 277(3) of the Regs).
- The next election (other than a by-election) held after the change to the ward boundaries is to be held as if the change had not been made if it was made during the period of 6 months before the closing date, unless the Electoral Commission approves in special circumstances determined by the Commission (Clause 277A(2) of the Regs).
- A by-election held after an alteration of ward boundaries and before the next ordinary election is to be held as if the boundaries had not been altered (Section 210(6) of the Act).

Financial Implications

Each Council candidate can only nominate for 1 ward unless that candidate has also nominated for the election of Mayor. This means that Council is conducting a separate election process for each of its wards and an additional process for the popularly elected Mayor.

The number of wards therefore has a direct impact on the administration and costs to conduct the Council elections.

NSW Electoral Commission

Councils are required to consult the Electoral Commissioner before dividing a Council's area into wards (Section 210(A) of the Act). See below:

Section 210A Consultation, public notice and exhibition of proposals regarding ward boundaries.

Before dividing a council's area into wards or altering a council's ward boundaries, the council must:

- 1. Consult the Electoral Commissioner and the Australian Statistician to ensure that, as far as practicable, the proposed boundaries of its wards correspond to the boundaries of appropriate subdivisions (within the meaning of the Parliamentary Electorates and Elections Act 1912 - Subdivision means subdivision of a district and includes also any unsubdivided district) and census districts, and to ensure that the proposed boundaries comply with Section 210 (7), and*
- 2. Prepare and publicly exhibit a plan detailing the proposed division or alteration (the ward boundary plan).*

Councils are required to complete an excel spreadsheet provided by the NSW Electoral Commission before public exhibition is commenced and update again after the ward alterations are approved by Council. This second submission is to provide the Commissioner with sufficient information to code electors correctly to the roll. In addition to the "The Ward Boundary Report" spreadsheet Councils must provide a plan of ward boundaries (the ward boundary plan). This plan needs to be provided to the Commissioner in both electronic form (Mid/Mif or other suitable format for Mapinfo and a PDF) and paper form. The plan should clearly show the LGA and ward boundaries and the 2011 SA1 boundaries. This information requested is required to assist the AEC to coded electors correctly into the enrolment system. Provision of incomplete or inaccurate information will potentially result in electors being coded into incorrect wards and not constitute "consultation" with-respect-to the Local Government Act.

Council Officers contacted the NSW Electoral Commission and were advised that the enrolment data contained on this website will be updated in May 2019 and that Council should use that updated information when reviewing and finalising the actual ward boundaries.

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Consideration of the Merits of each Option

Option	Advantage	Disadvantage
Abolish all Wards	All residents would vote for all Councillors who represent them	This would require approval from a constitutional referendum. Section 210(5) of the Act states that “a council must not divide an area into wards or abolish all wards unless it has obtained approval to do so at a constitutional referendum.”
Reducing from 3 to 2 Wards <u>(Attachment B- North/South)</u> <u>(Attachment C – East/ West)</u>	<ul style="list-style-type: none"> Residents can vote directly for a greater number of Councillors. Currently vote 4 Councillors, increases to 6 An East / West split makes it simpler to adjust ward boundaries in the future as the population grows, particularly if the Urban Investigation Area (UIA) proceeds More efficient elections as less wards reduces complexity and potentially informal votes Reduced costs to run elections – less wards reduces number of elections to administer 	<ul style="list-style-type: none"> Removes ‘localisation’ of the wards, where potentially Councillors may have greater insight into localised issues More geographically uneven wards in land size due to Parks ward rural nature
Retaining 3 Wards <u>(Attachment A)</u>	<ul style="list-style-type: none"> Reduced administration to make changes to ward boundaries Has worked well since 2004 	<ul style="list-style-type: none"> Residents may still change ward that they vote in as Council is still required to review ward boundaries to ensure that the boundaries comply with Section 210(7) (that is, a ward must not result in a variation of more than 10 per cent between the number of electors in each ward in the area) More costly to run elections for 3 wards compared to 2
Increasing wards from 3 to 4	<ul style="list-style-type: none"> ‘localises’ the wards, potentially allowing Councillors greater insight into localised issues 	<ul style="list-style-type: none"> Less of a sense of ‘Fairfield City’ in context of whole LGA May create some confusion about which Councillor can represent community concerns More costly to run elections for 4 wards compared to 3

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Option	Advantage	Disadvantage
		<ul style="list-style-type: none">• Inconsistent with the spirit of legislative changes where Councillors are intended to represent the whole community• Potentially harder to divide city into wards• Residents can vote directly for less Councillors. Currently vote 4 Councillors, reduces to 3

WARD NAMES

At the Ordinary Council Meeting of 26 February 2019, Council requested a report on the merits of changes to the Fairfield Local Government Area ward system and taking into account the best interests of residents in any option considered. This included that Council commits to a review of the ward system so that the interests of residents are recognised and elections are streamlined, efficient and as cost effective as possible.

Should Council be of a view to change from the present 3 wards, the most likely alternative would be to reduce to 2 wards (**Attachment C – East / West**). In order to assist the community in this transition the proposed ward names would incorporate the current names. The proposed ward names are:

- Parks – Western part of the City
- Fairfield / Cabravale – Eastern part of the City

CONCLUSION

The option to abolish all wards is not preferred as this would require approval from a constitutional referendum. Council may be advised to consider this constitutional referendum as part of the preparation for the 2020 elections to take effect from 2024 elections if it wishes to pursue this option.

Should Council be of a view to change from the present 3 wards, the most likely alternative would be to reduce the current wards from 3 to 2 so that the interests of residents are recognised and elections are streamlined, efficient and as cost effective as possible.

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Bradley Cutts
Director Corporate Governance

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