



Review of Constitutional Arrangements

**A report to the Minister for Local Government, Housing
and Community Development**

Pursuant to the provisions of
Section 9 of the Northern Territory Local Government Act 2008

August 2020

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1. INTRODUCTION

Pursuant to the provisions of Section 23(1)(c) of the Northern Territory Local Government Act 2008 (the Act), the Litchfield Council has undertaken a review of all aspects of its composition and structure so as to ensure the adequacy of the constitutional arrangements presently in force and, in particular, whether they provide the most effective possible representation for the council area. It is the intention of Council that the proposal presented herein will come into effect at the next scheduled Local Government periodic general election on the 28th August 2021.

The key issues addressed during the course of the review included:

- the level of elector representation (i.e. the number of elected members) required to provide effective representation of the electors and adequately perform the roles and responsibilities of Council;
- whether the council area should continue to be divided into wards or whether wards should be abolished;
- the identification of the optimum ward structure and determination of the level of representation for each ward;
- the titles of the elected members;
- the names/titles of any proposed future wards;
- the name of Council; and
- the municipal boundaries of Council
- This report is presented for consideration under the provisions of Section 9 of the Act.
- The report provides details pertaining to the review process; includes copies of all documents relevant to the review; outlines the review process undertaken by Council; and explains the rationale behind Council's decisions.

2. BACKGROUND

The Litchfield Shire Council was established in September 1985; but was subsequently changed to the Litchfield Council, effective as at the 1st July 2008. Council initially comprised the President (elected by the community) and four (4) Councillors. The Council area was divided into four (4) wards (i.e. Central, East, North and South wards); with each ward being represented by a single Councillor.

The first municipal Council election was held on the 25th October 2008.

Council undertook an "electoral review" in 2010/2011 at which time it resolved to make no changes to its then existing composition and/or ward structure (despite a significant imbalance in elector numbers between wards). However, the title of the principal member was changed from "President" to "Mayor".

At the completion of its last review (2014/2015), Council resolved to make no changes to its composition, structure, name and/or external boundaries.

Table 1 provides details of the elector representation within the current ward structure, including the number of elected members and electors per ward; and the difference in the elector ratios (i.e. the average number of electors represented by a councillor) between the existing wards.

Table 1: Elector distribution - current ward structure

Ward	Members	Electors	Elector Ratio	% Variance
Central	1	2,544	1:2,544	-17.57
East	1	2,996	1:2,996	- 2.92
North	1	2,945	1:2,945	- 4.58
South	1	3,860	1:3,860	+25.07
Total/Average	4	12,345	1:3,086	

Source: Northern Territory Electoral Commission (26 August 2019)

Council acknowledges that there is an imbalance in the elector numbers and elector ratios between the existing wards, especially in the case of the Central and South wards. Accordingly, Council has opted for a ward structure which provides a more equitable balance in elector numbers between wards; affords greater representation; and offers more lines of communication between Council and the local community.

The Litchfield Council formally commenced its current review in July 2019; and conducted the review with references to the provisions of Sections 11, 23 and 44 of the Act; the provisions of Regulation 63 of the Local Government (Electoral) Regulations 2008 (the Regulations); and elector data provided by the Northern Territory Electoral Commission.

The review undertaken by Council was concluded at a meeting held on the 19th August 2020, at which time it resolved to make no changes to the existing Council name and/or the existing municipal boundaries, but increase the number of elected members and adopt a new three ward structure.

3. PROPOSAL

Having duly completed a review of its composition and ward structure, pursuant to the provisions of Section 23 of the Act, the Litchfield Council proposes to make changes to both its composition and ward structure in order to achieve fair and adequate representation of the electors within the council area. This being the case, it is proposed that the following constitutional arrangements come into effect at the date of the next Local Government election (i.e. Saturday 28th August 2020).

- The principal member of the elected Council will be the Mayor, to be elected by the community at elections, as per the provisions of Section 44 of the Act.
- The elected members (other than the Mayor) will bear the title of Councillor.
- The elected Council will comprise the Mayor and six (6) Councillors (i.e. total of seven (7) elected members).
- The council area will be divided into three (3) wards, with each ward being represented by two (2) Councillors.
- The wards will be identified as North Ward, Central Ward and South Ward.
- The proposed ward structure is described hereinafter; and is depicted hereinafter (refer Map 1).

North Ward

All of the land/properties contained within the suburbs/localities of Glyde Point, Gunn Point, Holtze, Howard Springs, Knuckey Lagoon, Koolpinyah, McMinns Lagoon, Micket Creek, Murrumujuk, Robertson Barracks, Shoal Bay and Tree Point; and parts of the suburbs/localities of Black Jungle, Girraween, Herbert and Lambells Lagoon.

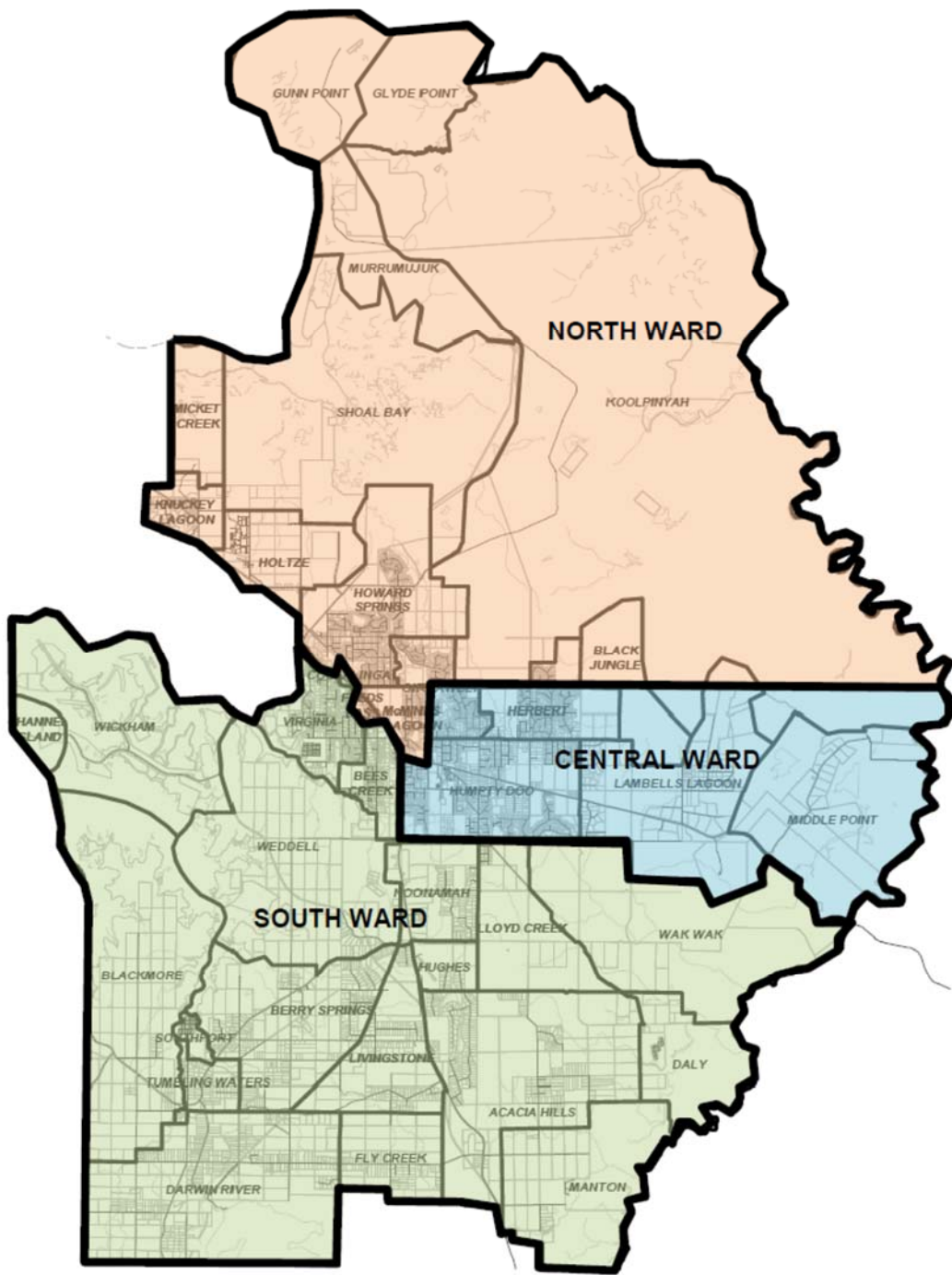
Central Ward

All of the land/properties contained within the suburbs of suburbs/localities of Humpty Doo and Middle Point; and parts of the suburbs/localities of Black Jungle, Girraween, Herbert and Lambells Lagoon.

South Ward

All of the land/properties contained within the suburbs/localities of Acacia Hills, Acacia Larrakia, Bees Creek, Berry Springs, Blackmore, Coolalinga, Darwin River, Donalds Lagoon, Fly Creek, Freds Pass, Hughes, Livingstone, Lloyd Creek, Manton, Noonamah, Southport, Tumbling Waters, Virginia, Weddell and Wickham.

Map 1: Proposed ward structure



Details pertaining to the distribution of electors between the proposed wards; and the elector ratios within the proposed wards, are provided in the following Table.

Table 2: Elector distribution - Proposed ward structure

Ward	Members	Electors	Elector Ratio	% Variance
North ward	2	4,028	1:2,014	- 2.12
Central Ward	2	4,234	1:2,117	+ 2.89
South Ward	2	4,083	1:2,042	- 0.78
Total/Average	6	12,345	1:2,057.5	

Source: Northern Territory Electoral Commission (26 August 2019)

In addition, Council resolved to retain its current name and not to seek any changes to its current municipal boundaries at this time. Notwithstanding the latter, Council believes that the inclusion of the northern part of Litchfield National Park, being all of the unincorporated land bounded by Route 30 (i.e. Litchfield Park Road in the west and south; and Batchelor Road to the Stuart Highway in the south) into the council area is worthy of consideration. This being the case, Council is open to review the external boundaries with the Northern Territory government, should there be opportunities to improve the financial sustainability of the Council and benefits to be gained by affected landowners.

4. REVIEW PROCESS

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

Date	Event
29 August 2019	Council engaged the services of C L Rowe and Associates Pty Ltd (the consultants) to assist with the conduct of the review.
9 July 2019	<p>The consultants conducted a workshop with Council; presented an "Information Paper"; and generally discussed the key issues of elected member numbers; the title of elected members; the division of the municipality into wards, or the abolition of wards; ward representation; and ward titles. The paper also provided (for comparison purposes) details pertaining to elector representation within the other municipal councils in the Northern Territory and councils of a similar type and size (elector numbers) from across the country.</p> <p>Council endorsed the review process which contained one public consultation stage. ("Information Paper" - Attachment A).</p>

Date	Event
14 November 2019	The consultants conducted a workshop with Council and further discussed the key issues and a range of ward structure options. Councillors gave in principle support in respect to the issues of the title of the elected members; the number of future elected members (5 or 6); the retention of wards; the preferred future ward structure; the Council name; and the Council boundary.
4 February 2020	Council discussed the draft “Consultation Paper” at a briefing session.
15 April 2020	The draft “Consultation Paper” (for public consultation purposes) was endorsed for community consultation. (“Consultation Paper” - Attachment B).
14 May 2020	A media release was published on Council’s website entitled “Representation of Our Community”. The article advised that public consultation was being undertaken over the 25-day period 15 th May 2020 – 8 th June 2020 inclusive
15 May 2020	<p>An article entitled “Electoral Review 2020” was posted on the “Your Say Litchfield” page.</p> <p>Copies of the “Consultation Paper”, the review questionnaire/survey and the review summary document entitled “Electoral Review Snapshot” were also provided on Council’s website.</p>
18 May 2020	Information relating to the review was posted on Council’s facebook page. This post presented a copy of the aforementioned “Your Say Litchfield” information item entitled “Electoral Review 2020”; and provided a link to the “Consultation Paper”.
30 May 2020	Mayor Bredhauer, Councillor Salter and the Manager, Operations and Environment, attended the Freds Pass Markets to discuss the review with community members.

Date	Event
31 May 2020	Councillor Barden and the Chief Executive Officer attended the Berry Springs Markets to discuss the review with community members.
6 June 2020	Deputy Mayor Simpson, Councillor Sayers – Hunt and the Director, Community and Corporate Services, attended the Fred’s Pass Markets to discuss the review with community members.
8 June 2020	At the close of the public notification period (25 days), 55 submissions were received via Council’s website.
8 July 2020	Council considered a report (“Submissions Report”) pertaining to the submissions at a briefing meeting; and Councillors supported the presentation of the final report to the August Council meeting. (Copy of “Submissions Report” - Attachment C)
19 August 2020	<p>Council made formal resolutions in regards to the issues of the Council name and boundaries; the title of the elected members; the number of elected members required to provide fair and adequate representation; the division of the council area into wards; ward names; and the level of ward representation.</p> <p>Council also considered and endorsed the report to the Minister for Local Government, Housing and Community Development.</p>

5. PUBLIC CONSULTATION

The public consultation process followed established Council protocol and included the following.

The display of an article on the “News” page on Council’s website which presented a media release entitled “Representation of Our Community” (dated 14th May). This provided general information regarding the review; an outline of the current structure and composition of Council; details pertaining to the two ward structure options being considered by Council; notification of the existence of the Consultation Paper; and details regarding the lodgement of public submissions.

The posting of an item entitled “Electoral Review 2020” on the “Your Say Litchfield” page on the 15th May 2020. This page provided general information regarding the review in general; the two ward structure options being considered; a link to the Consultation Paper; and information as to how to participate/make comment. The web page also contained a timeline for key points in the review process; and a questionnaire/survey for completion by interested community members.

Information relating to the review was also posted on Council’s facebook page on the 18th May 2020. This post presented a copy of the aforementioned “Your Say Litchfield” information item entitled “Electoral Review 2020”; and provided a link to the Consultation Paper.

Copies of the Consultation Paper, the review questionnaire/survey and the review summary document entitled “Electoral Review Snapshot” were also provided on Council’s website.

In addition, elected members and Council staff consulted members of the local community at the Freds Pass Market on the 30th May 2020 and 6th June 2020; and the Berry Springs Market on the 31st May 2020.

Copies of the aforementioned documents have been provided in Attachment C.

At the expiration of the twenty-five (25) day public consultation period (i.e. 15th May 2020 - 8th June 2020 inclusive), fifty-five (55) submissions were received via Council’s website.

A brief summary of the opinions expressed in the submissions is provided hereinafter; and a more detailed summary is provided in Attachment C.

Title of the principal member: **Mayor - 35**; President - 12; No response - 5; Either - 1; No - 1; Not president - 1.

Title of elected members: **Councillor - 43**; Alderman - 5; No response - 7.

Wards/No wards: **Wards - 38**; No wards - 11; No response - 6.

Number of wards: **Status quo - 29**; No wards - 7; Five wards (Option 2) - 5; Three wards (Option 1) - 3; Three wards (1 Councillor per ward) - 2; Six wards - 1; Odd number - 1; No response - 6.

Increase number of elected members: **No - 46**; Yes – 7, No response -2.

Potential ward names: North; South; East; West; Central; Wood; South Port; Humpty Doo; Suburb names; Geographical names; and Weddell.

Change Council name and/or boundaries: **No - 43**; Yes - 7; No response - 5.

Whilst the receipt of 55 submissions could not be considered to reflect the attitudes of a community which comprised more than 12,000 eligible electors, it was considered to constitute a reasonable level of participation by the local community, given that the previous reviews in 2010/2011 and 2014/2015, attracted no and 2 submissions respectively.

Councillors have reviewed and considered all submissions made in a workshop, before the preparation of the recommendations to the Minister of Local Government, Housing and Community Development.

6. PROPOSAL RATIONALE

6.1 PRIMARY ISSUES

Council's comments and opinions, as they relate to the issues relevant to the future composition and structure of the Litchfield Council, are provided hereinafter.

6.1.1 *Principal Member*

Section 42(2)(b) of the Act specifies that the principal member of Litchfield Council can have the title of Mayor or President (as determined by Council); and Section 44(1)(a) of the Act requires the principal member is to be elected by the community.

Council favours the retention of the title of Mayor, as this is considered to be consistent with the arrangements of the other municipal councils in the Northern Territory; and befits a council area which exhibits an increasing population and increasing residential development.

Of the submissions received which addressed this issue, 35 (63.6%) supported the retention of the title of Mayor.

6.1.2 *Elected Member's Title*

The elected members of the Litchfield Council have always held the title of Councillor.

Only two councils in the Northern Territory (i.e. the City of Darwin and the City of Palmerston) will continue to have Aldermen, given that Katherine Town Council has recently resolved to change the title of its elected members to Councillor as part of its recent electoral review. Further, the trend across the nation is away from the title of Alderman, with only two councils in Tasmania currently having Aldermen, although one of these (i.e. the City of Hobart) is already transitioning to councillors.

Council believes that the title of Councillor has long been known and accepted by the community; is appropriate for the elected members of a council of the status of Litchfield

Council; is contemporary; and is not gender specific. Further, Council has indicated that little or no practical benefit will likely be achieved by changing the title of the elected members at this time.

Of the submissions received which addressed this issue, 43 (78.2%) supported the retention of the title of Councillor.

6.1.3 Wards/No Wards

Notwithstanding the advantage of a no-ward structure (see Attachment A), Council favoured the retention of wards because:

- wards guarantee some form and level of direct representation to all parts of the council area and existing communities of interest;
- elected representatives of wards can focus on local issues as well as council-wide issues;
- elected representatives of wards may be known to their ward constituents (and vice versa);
- elected representatives of wards can have an affiliation with the local community and an understanding of the local issues and/or concerns;
- the task and expense of contesting a ward election may be less daunting to prospective candidates;
- Council only has to conduct elections and supplementary elections within the contested wards (potential cost saving); and
- ward based elections have the potential to deliver elected members from different parts of the council area, potentially resulting in a greater diversity of skill sets, experience, expertise and opinions amongst the elected members.

Further, Council was mindful that, of the submissions received which specifically addressed this matter, 38 (69.1%) favoured the continued division of the council area into wards.

6.1.4 Ward Structure

Having resolved to continue to divide the council area into wards, Council considered a number of ward structure options but resolved in favour of the proposed three ward structure because it:

- enables the sharing of duties and responsibilities by the ward councillors;

- provides the electors within the proposed wards with two direct lines of communication with Council (through the relevant ward councillors);
- affords continued representation of a proposed ward under circumstances whereby one ward councillor is absent;
- provides the desired diversity in skill sets, experience, opinions and backgrounds amongst the elected members so as to provide a range of viewpoints which may serve to improve the discussions and decision making by Council;
- rectifies the imbalance in the distribution of electors between wards under the existing ward structure;
- is a rational and relatively simple ward structure which will likely be accepted by the community; and
- should withstand anticipated fluctuations in elector numbers over the next four years.

Whilst the public submissions received did not provide definitive support for any new ward structure option, Council considered that the 29 submissions which supported the retention of the existing ward structure represented only a very small portion of the local community which comprises over 12,300 eligible electors. Further, Council was adamant that the retention of the existing ward structure would not provide fair and/or adequate representation, given the obvious inequitable distribution of electors between the existing wards.

6.1.5 Ward Identification

Council proposes to assign ward names/titles based on the location of the wards (i.e. North, Central and South), as has been the practice for many years. This means of ward identification is conventional and appears to have been accepted by the local community over a significant period of time.

The public submissions received were generally in favour of retaining the existing means of ward identification.

6.1.6 Elected Members

Litchfield Council currently has one of the lowest number of elected members of all of the councils in Australia.

Council believes that an increase in the number of elected members is warranted at this time. In reaching this decision Council was mindful that:

- the urban and rural living character of the council area continues to evolve and, as a consequence, the local population is increasing which, in turn, places more demands upon elected members;
- an additional two elected members should enhance the lines of communication between Council and the growing community, could conceivably result in direct representation of more communities ("communities of interest") and may provide greater potential for closer relationships between the elected members and their constituents;
- the introduction of additional elected members should serve to reduce the demands being placed upon the existing four councillors;
- additional members should provide the desired diversity in skill sets, experience, opinions and backgrounds amongst the elected members which, in turn, should provide a range of viewpoints which should serve to improve the discussions within, and the decision making of, Council;
- the greater the number of elected members, the greater the likelihood that the elected members will be more familiar with the experiences of, and issues confronting, the local community; and
- an increase in the number of elected members may provide greater opportunity for community scrutiny and may make the elected members more accountable to their immediate constituents.

Of the public submissions received during the review, 46 (83.6%) opposed an increase in the number of elected members. From the comments received, it appeared that the opposition to an increase in elected members was primarily based on cost; and the perceived performance and/or effectiveness of the existing members.

Council is aware that an increase in the number of elected members will come at a cost of an estimated \$35,000 per annum per councillor (inclusive of the annual base, electoral, additional meeting and professional development allowances). Notwithstanding this, Council believes that the introduction of additional elected members at this time will serve to enhance the level and quality of representation afforded to the community; and will enable Council to:

- better represent the interests of all residents and ratepayers of the council area;
- provide enhanced leadership and guidance;
- facilitate greater communication between the community and the council;
- participate more in the deliberations of the council and its community activities; and

- ensure that it acts honestly, efficiently and appropriately in carrying out its statutory responsibilities.

6.1.7 Level of Ward Representation

Council considered single-member and multi-member ward representation options.

Council accepted that single-member wards are generally small in area; allow the local community to elect their representative; afford the elected member the opportunity to be more accessible to their constituents; and enable the elected member to concentrate on issues of local importance. However, Council no longer favoured this level of ward representation because under such a structure it is generally difficult to identify suitable ward boundaries; maintain whole communities of interest within a ward; and/or achieve an equitable distribution of electors between wards (as is currently the case). The workload of the elected member can also be demanding; and absenteeism of the elected ward member (for whatever reason and/or period) would leave the ward with no formal/elected representation.

Council supported the introduction of a ward structure wherein each ward is represented by two ward councillors. It is considered that this arrangement:

- allows for the sharing of duties and responsibilities amongst the ward councillors;
- can achieve a greater diversity in the characteristics, skill set and opinions of the ward councillors;
- affords the ward councillors the ability to discuss ward and council-wide issues;
- may lessen the likelihood of ward parochialism amongst the elected members;
- affords continuous elected ward representation should a ward councillor be absent;
- may be perceived as providing more direct lines of communication between the ward councillors (and Council) and the local community; and
- has greater ability to maintain whole identified communities of interest within the one ward.

Council also accepted that varying levels of ward representation within a structure based on multi-member wards has no disadvantage provided the elector ratios within all of the wards are similar. However, Council believes that such structure can be seen to lack balance and/or equity, with the larger wards (in elector and elected member numbers) being perceived as potentially having a greater, more influential voice on Council.

The decision of Council to establish a ward structure with equal ward representation (i.e. two elected members per ward) ensures balance and continuity in elector representation throughout the council area.

6.1.8 Council Name

Litchfield Council was established in 1985, albeit initially as Litchfield Shire Council. The council name was changed to the present name in July 2008.

The council is named after Frederick Henry Litchfield who, as a member of an early survey and settlement party, explored areas of the Northern Territory including lands within and around the current council area.

Given the historical significance of the current name of Council (in regards to both the Northern Territory and the local area) and the fact that nothing extraordinary had seemingly occurred in recent times to prompt change, Council made it known during the review that it was not contemplating a change to its name at this time. Notwithstanding this, Council did seek the thoughts and suggestions of the community in respect to this matter.

Of the public submissions received which addressed this issue, 43 (78.2%) favoured no change to the Council name, whilst a number suggested changing the name of the Council back to a Shire.

Council believes that it would be inappropriate for its name to be changed to incorporate the word "Shire", given that Litchfield Council is a municipality (as determined and specified by the provisions of the Local Government Act 2008). Furthermore, a change in council name to incorporate "Shire" would be at odds with the actions of the then Minister for Local Government and Regions who, in December 2013, specifically changed the names/status of eight councils by changing them from shires to regional councils.

6.1.9 Council Boundaries

During the course of the review Council made it known that it was not contemplating a change to its name at this time; but was aware that some misunderstanding can arise in respect to the location of, and correlation between, Litchfield Council and Litchfield National Park.

Council has previously considered, but not acted upon, suggestions to expand the municipal boundaries so as to include the Marrakai area to the east and the Dundee area (or parts thereof) to the west. Further, as part of the latest review the inclusion of the northern part of Litchfield National Park, being all of the unincorporated land bounded by Route 30 (i.e. Litchfield Park Road in the west and south; and Batchelor Road to the Stuart Highway in the south,) was considered to be worthy of some consideration.

Notwithstanding the above, Council is reluctant (at this time) to consider extending the municipal boundaries to include any existing unincorporated land, given the likely associated additional costs, unless appropriate assistance or compensation is forthcoming from the Northern Territory Government. This position is consistent with the majority (78.2%) of the public submissions received which favoured no change to the current municipal boundaries.

Despite the aforementioned, and as previously stated, Council remains open to a review of its external boundaries with the Northern Territory government, should there be opportunities to improve the financial sustainability of the Council and benefits to be gained by affected landowners.

6.2 LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2008

Throughout the course of the review, specific attention was paid to those provisions of Regulations 63(2) and 63(3), given their relevance to the circumstances of the Litchfield Council. Brief comments pertaining to Council's findings and opinions in respect to the various issues covered by these provisions are provided hereinafter.

6.2.1 Communities of Interest - Regulations 63(2)(a) and 63(3)(d)

For the purpose of the review, Council determined "communities of interest" to be generally defined as aspects of the physical, economic and social systems which are central to the interactions of communities in their living environment. Accordingly, "communities of interest" can be identified by considering factors including neighbourhood communities; history and heritage communities; sporting facilities; community support services; recreation and leisure communities; retail and shopping centres; work communities; industrial and economic development clusters; and environmental and geographic interests. Further, an analysis of the demographic data and profile of the council area provides socio-economic indicators relevant to "communities of interest".

There are numerous geographic, cultural, social, heritage and demographic based communities of interest within the council area, as well as established and developing residential, commercial, industrial and retail land uses which are spread across thirty-six suburbs/localities and approximately 3,100km².

Given the complexities of the "community of interest" concept, Council sought to ensure (where practicable) that whole suburbs (i.e. perceived established communities of interest) were included (in their entirety) within a proposed wards, thereby protecting and maintaining the identity and character of the community within the suburb.

6.2.2 Communication and Travel - Regulation 63(2)(b)

The council area is not considered to be particularly large (approximately 3,100km²), nor is it remote, although some parts are a distance from the developed areas. Further, the higher populated residential precincts are generally consolidated within the central and north-western parts of the council area.

Given the aforementioned, it is considered that direct communication between Council and the majority of electors can be readily achieved. In addition, community access to information and communication technology through mobile telephones, the internet and electronic media has increased exponentially during the recent past, and these advances generally make communication between Council and the community an easier task.

6.2.3 Population Density and Trends - Regulation 63(2)(c) & (d)

When identifying the most appropriate future ward structure for the Litchfield Council, consideration was given to the following information, as allowances needed to be made to accommodate any identified or likely future fluctuations in elector numbers. All of the indicators suggest continued population growth (and therefore increased elector numbers) across the council area within the foreseeable future.

6.2.3.1 Elector Numbers

Elector data provided by the Northern Territory Electoral Commission during the course of the review indicated that the elector numbers within the council area:

- increased by 6,869 (264.45%) during the period May 1998 - March 2012;
- increased by a 896 (i.e. 11,046 to 11,942) or 8.11% during the period March 2012 - February 2015;
- increased by 326 or 2.72% during the period February 2015 – July 2017; and
- increased by 77 or 0.62% during the period July 2017 – August 2019.

6.2.3.2 Residential Development

Council identified the following to have the potential to impact future residential development (and therefore future elector numbers).may impact upon elector numbers in the foreseeable future and, as such, took these into consideration when developing its proposed ward structure.

- The *Litchfield Subregional Land Use Plan 2016* indicates a demand for an additional 500 dwellings over the next 5 – 10 years.

- The planning principles and area plan for the Howard Springs Rural Activity Centre seeks to encourage a range of housing choices that will include smaller residential allotments within the centre and small (4000m²) rural residential allotments as a land use buffer between commercial/residential development and the adjacent rural living precinct.
- The planning principles and area plan for the Coolalinga/Freds Pass Rural Activity Centre encourage a range of housing choices, including smaller lots that are more affordable and can provide lower maintenance living within walking distance of local services.
- The Humpty Doo Rural Activity centre also proposes additional residential development opportunities.
- The current economic circumstances and ground water restrictions in many areas of Humpty Doo and Berry Springs may be having a negative impact upon subdivisions and residential development and, as such, it has been suggested that development in the next five years may be limited to the Activity Centres.

6.2.3.3 Population

Australian Bureau of Statistics data (ABS 3218.0 Regional Population Growth, Estimated Resident Population) indicates that the estimated population for the council area:

- increased by 7,793 (15,281 – 23,614) or 49.25% during the period June 2003 - June 2015;
- increased by a further 1,648 (23,614 – 25,262) or 6.97% during the twelve month period June 2015 – June 2016; and
- increased a further 336 people (25,262 – 25,598) or 1.33% during the period June 2016 – June 2018.

Overall, this data indicates that the estimated population of the council area increased by 9,777 or 61.79% during the period June 2003 – June 2018, with a marked slowing of growth during the period June 2016 – June 2018.

In addition, Australian Bureau of Statistics “Quick Stats” indicates that the estimated population for the council area increased from 15,895 in 2006 to 23,855 in 2016 (i.e. 7,960 or +50.07%), including an increase of 4,861 (25.59%) during the period 2011- 2016.

Council is aware that the accuracy and usefulness of the above aforementioned may be questionable, given the duration of time which has elapsed since the collection of the base data; the assumptions which have been made in respect to fertility, mortality and migration rates; and the changing circumstances of the Litchfield Council.

6.2.4 Physical Features - Regulation 63(2)(e)

The Litchfield Council area covers approximately 3,100 km² and is bounded by the Adelaide River to the east, Van Diemen Gulf in the north and the Cities of Darwin and Palmerston to the north-west. The municipality is primarily rural or rural-residential in character; exhibits tropical rural bushland; accommodates a mix of rural residential, horticultural, agricultural and industrial land uses; and has the Stuart and Arnhem Highways running through it.

All of the aforementioned physical features were taken into account when assessing the suitability and appropriateness of various ward structure options.

6.2.5 Equitable Distribution of Electors - Regulation 63(3)(a)

As indicated earlier, Council acknowledged that there is a significant imbalance in the elector numbers and elector ratios between the existing wards, especially in the case of the Central and South wards. The proposed ward structure addresses this disparity.

In addition, Council seeks to introduce the proposed new ward structure because it is a relatively simple configuration; maintains whole districts/localities (communities of interest) in their entirety within a ward; and allows for anticipated future growth in elector numbers (Howard Springs, Coolalinga, Freds Pass and Humpty Doo).

6.2.6 Demographic and Geographic Nature of the Wards – Regulation 63(3)(c)

The proposed ward structure was specifically developed to reflect the general characteristics of specific parts of the council area and to ensure that the established communities have the potential for direct representation on Council.

Whilst the proposed wards vary in area, they will all comprise areas of residential, rural-living and rural land uses, as well as industrial and/or commercial precincts.

7. CONCLUSION

Litchfield has completed a review of its constitutional arrangements, as required by the provisions of Section 23 of the Local Government Act 2008.

Having duly considered all matters relevant to the current elector representation within the council area; and undertaken consultation with the community, Council has formed the opinion that the following arrangements will provide the most effective possible future representation for the electors within the Litchfield Council.

- The elected Council will comprise the Mayor (elected by the community) and six (6) Councillors (i.e. total of seven (7) elected members).
- The council area will be divided into three (3) wards (as depicted as Map 1 herein), with each ward being represented by two (2) Councillors.
- The wards will be identified as North Ward, Central Ward and South Ward.

In addition, Council has resolved not to seek any changes to its name and/or municipal boundaries at this time. Notwithstanding this, as previously indicated, Council remains open and willing to enter into dialogue in relation to expanding the council boundary (e.g. to incorporate the northern portion of Litchfield National Park), should such action serve to provide better local governance in the local area and Northern Territory in general.

This report is referred to the Minister for Local Government, Housing and Community Development (pursuant to the provisions of Section 9 of the Local Government Act 2008) to demonstrate the comprehensive nature and process of the review undertaken by Council; and to present the proposed new wards structure for consideration and endorsement.

8. ATTACHMENTS

- **Attachment A – Information Paper – Constitutional Arrangements**
- **Attachment B – Review of Representation Arrangements**
- **Attachment C – Public Consultation Submissions**

INFORMATION PAPER

REVIEW OF CONSTITUTIONAL ARRANGEMENTS
(Elector Representation)

Litchfield Council

September 2019

1.0 LEGISLATIVE REQUIREMENTS

- 1.1 Section 23(1)(c) of the Local Government Act 2008 (the Act) requires that Council's municipal plan contain the most recent assessment of the adequacy of the existing constitutional arrangements and, in particular, whether they provide the most effective possible representation for the area.
- 1.2 Section 23(2) of the Act requires an assessment of Council's constitutional arrangements be undertaken at least once in the Council's term (i.e. every four years).
- 1.3 Regulation 63 of the Local Government (Electoral) Regulations 2008 (the Regulations) requires the following.

When carrying out an electoral review, Council must give proper consideration to:

- community of interests (economic, social and regional);
- communication and travel (with special reference to disabilities arising out of remoteness or distance);
- population trends;
- population density; and
- physical features.

If the council area is divided into wards, the council must also consider the following matters:

- the desirability of the number of electors for each ward being as near to equal as practicable at the next general election;
- the desirability of keeping the area of each ward containing rural and remote areas as small as practicable;
- the desirability of keeping the demographic and geographic nature of each ward as uniform as practicable;
- the desirability of including an identifiable community wholly within one ward if practicable.

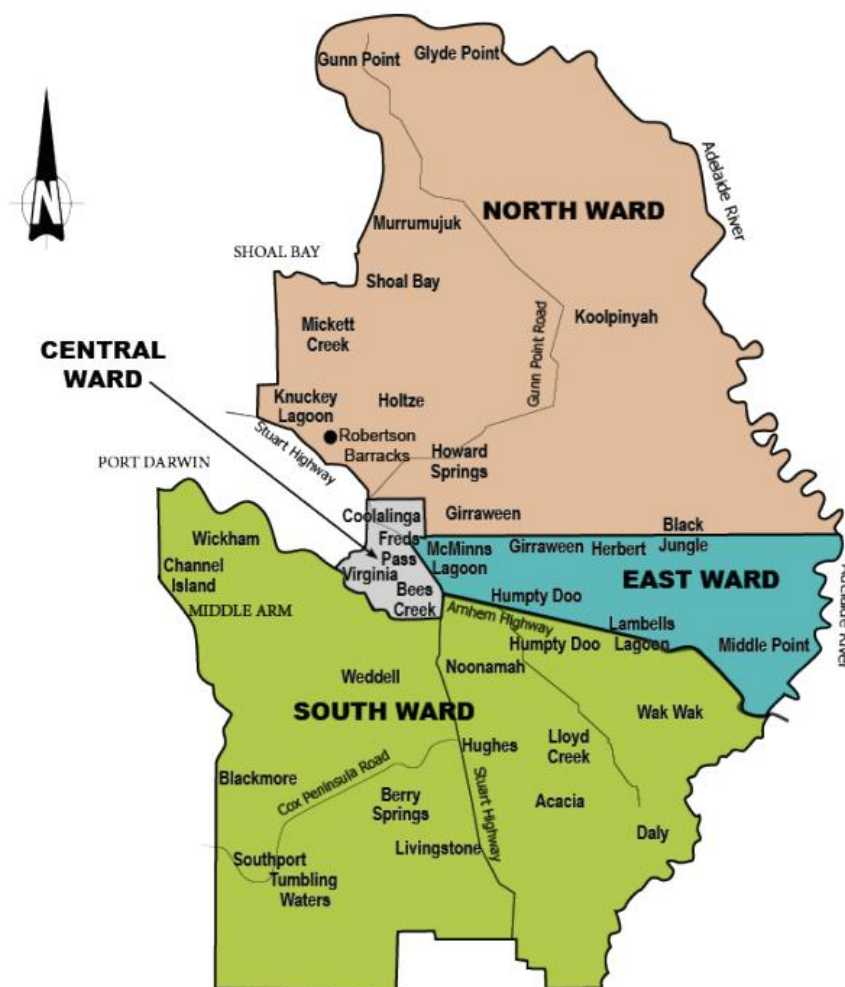
In carrying out its electoral review, Council must consult with the Electoral Commissioner.

- 1.4 Council should complete its electoral review at least twelve months before the next general election (i.e. by the end of August 2020).
- 1.5 The proposed Local Government Act 2019 will have all future electoral reviews (and final determinations in respect thereto) made by the Local Government Representation Committee which will comprise the CEO of LGANT, the Electoral Commissioner, the Surveyor-General and a person to be appointed by the Minister (likely to be the Auditor-General). This being the case, the current review will **likely be the last opportunity for Council to determine its future composition and structure.**

2.0 BACKGROUND

- 2.1 The Litchfield Shire Council was established in September 1985 but was changed to the Litchfield Council, effective as at the 1st July 2008. Council initially comprised the President (elected by the community) and four (4) Councillors. The Council area was divided into four (4) wards (i.e. Central, East, North and South wards), with each ward being represented by a single Councillor.
- 2.2 The first municipal Council election was held on the 25th October 2008.
- 2.3 Council undertook an "electoral review" in 2010/2011 at which time it resolved to make no changes to its then existing composition and/or ward structure (despite a significant imbalance in elector numbers between wards), but the title of the principal member be changed from "President" to "Mayor".
- 2.4 At the completion of its last review (2014/2015), Council resolved to make no changes to its composition, structure, name and/or external boundaries.

Figure 1: Current ward structure



3.0 REVIEW ISSUES

- 3.1 The title of the principal member of Council (i.e. Mayor or President).
- 3.2 The number of elected members required to adequately represent the community and perform the roles and responsibilities of Council.
- 3.3 The title of the elected members.
- 3.4 The division of the council area into wards or the abolition of wards.
- 3.5 The number and configuration of wards (if required).
- 3.6 The level of representation/elector ratio within each ward.
- 3.7 The name of the council area and any proposed wards.
- 3.8 Potential changes to the external boundaries of Council.

4.0 REVIEW PROCESS

- 4.1 The Act does not contain a prescribed process for an "electoral review".
- 4.2 An indicative review schedule, based on two initial workshops and one public consultation stage, is as follows.

October 2019:

Initial workshop with Council, including the provision of the "Information Paper".

November 2019:

Second workshop with Council focused on discussing and making "in principle" decisions on the key issues (i.e. the number of elected members; the retention or abolition of wards; ward structure options; ward representation; ward identification; the name of Council; and/or the external boundaries of Council).

November 2019 – January 2020:

Preparation of a draft "Discussion Paper" presenting Council's preferred future composition and structure, and all relevant supporting information, for consideration and comment by the community.

February 2020:

Presentation of the draft "Discussion Paper" to Council for consideration; discussion; amendment (if required); and endorsement for public consultation.

February – March 2020:

Public consultation.

March – April 2020:

Consideration of submissions and preparation of a "Submissions Report".

May 2020:

Council to consider the "Submissions Report"; and make its final decisions regarding its future composition and structure, taking into account the responses from the community. Preparation of the draft report to the Minister for Local Government, Housing and Community Development.

June 2020:

Council to adopt the final report to the Minister for Local Government, Housing and Community Development.

5.0 COMPOSITION OF COUNCIL

- 5.1 Section 42(2)(b) of the Act specifies that the principal member of Litchfield Council can have the title of Mayor or President (as determined by Council); and Section 44(1)(a) of the Act requires the principal member is to be elected by the community.
- 5.2 The Act does not stipulate the titles of elected members, nor does it identify the appropriate number of elected members or the elector ratio for a Council.
- 5.3 The elected members of the Litchfield Council have always held the title of "councillor".
- 5.4 Of the four other municipal councils in the Northern Territory, three (i.e. the City of Darwin, the City of Palmerston and the Katherine Town Council) comprise an elected Mayor (Lord Mayor in the case of the City of Darwin) and aldermen, whilst the Alice Springs Town Council comprises an elected Mayor and councillors.
- 5.5 The title of councillor is acceptable; is utilised by councils across the Northern Territory; is less formal than that of alderman; is more contemporary; is not gender specific; and is consistent with the title adopted by the majority of Councils throughout Australia.
- 5.6 The trend across the nation is away from the title of alderman, with six Councils in Tasmania being the only other Councils to currently comprise aldermen. It is understood that these Councils have already agreed to adopt the title of councillor (likely at the next scheduled election).
- 5.7 Regardless of their title, all elected members (not including the principal member) have the same roles and responsibilities. Section 35 of the Act specifies that the role of a member is:
 - to represent the interests of all residents and ratepayers of the council area;
 - to provide leadership and guidance;
 - to facilitate communication between the members of the council's constituency and the council;
 - to participate in the deliberations of the council and its community activities; and
 - to ensure, as far as practicable, that the council acts honestly, efficiently and appropriately in carrying out its statutory responsibilities.

6.0 ELECTOR REPRESENTATION

- 6.1 Regulation 63(3)(a) states that, if a council area is divided into wards, Council must consider the **desirability of the number of electors for each ward being as near to equal as practicable at the next general election**. This essentially seeks to provide adequate and fair representation in accordance with the fundamental democratic principle of "one person, one vote, one value".
- 6.2 Table 1 indicates that there is currently a significant imbalance in elector numbers/elector ratio between the existing Central and South wards. To achieve a more equitable distribution of electors the existing ward boundaries will have to be amended.

Table 1: Elector distribution - current ward structure (as at 26th August 2019)

Ward	Members	Electors	Elector Ratio	% Variance
Central	1	2544	1:2544	-17.57
East	1	2996	1:2996	- 2.92
North	1	2945	1:2945	- 4.58
South	1	3860	1:3860	+25.07
Total/Average	4	12345	1:3086	

- 6.3 Elector ratio is the average number of electors represented by a councillor.
- 6.4 Table 2 indicates that the total number of electors increased by only 77 (0.62%) during the period July 2017 – August 2019, with modest elector growth occurring in the Central, East and South wards, whilst a minor decrease occurred in the North ward.

Table 2: Elector variations per ward (July 2017 – September 2019)

Ward	July 2017	August 2019	Variation	% Variance
Central	2539	2544	+ 5	+0.20
East	2943	2996	+53	+1.80
North	3013	2945	- 68	-2.26
South	3773	3860	+87	+2.30
Total/Average	12268	12345	+77	+0.62

- 6.5 Elector data presented during the previous reviews indicated that elector numbers increased by 6,869 (264.45%) during the period May 1998 - March 2012; and increased by a further 896 (i.e. 11,046 to 11,942) or 8.11% during the period March 2012 - February 2015.
- 6.6 The elector data suggests that growth in elector numbers has slowed in recent years.
- 6.7 The Act provides no guidance in respect to what constitutes an acceptable variation in elector numbers and/or elector ratios between wards.

7.0 NUMBER OF ELECTED MEMBERS

- 7.1 In terms of the number of elected members, Litchfield Council is one of the smallest councils in Australia,
- 7.2 A comparison of Council's elector representation arrangements with those of the other municipal councils within the Northern Territory (refer Table 3) indicates that Litchfield Council is the largest council in area; has the least number of elected members; and exhibits a comparable elector ratio.

Table 3: Elector details - Existing Northern Territory municipalities

Council	Members	Electors	Elector Ratio
Katherine (528 km ²)	6	6,175	1:1,029
Alice Springs (327 km ²)	8	15,169	1:1,896
Litchfield (3100 km ²)	4	12,345	1:3,086
Palmerston (95.6 km ²)	7	22,247	1:3,178
Darwin (112 km ²)	12	50,118	1:4,177

Source: Northern Territory Electoral Commission

- 7.3 A comparison with the elector representation arrangements of the regional councils within the Northern Territory is of little assistance, given that these councils generally cover large areas; exhibit open rural character/natural landscape; incorporate a number of smaller settlements/communities; and contain relatively small elector numbers.
- 7.4 A comparison with the elector representation of similar sized (elector numbers) councils across the nation (refer Table 4) indicates that Litchfield Council has the least number of elected members and, as a consequence, exhibits the highest elector ratio.

Table 4: Elector representation, various capital cities

Council	Crs	Electors	Elector Ratio
Inverell Shire (NSW – 8606 km ²)	9	11,943	1:1,327
Murray Shire (WA – 1710 km ²)	8	12,273	1:1,534
Benalla Rural City (Vic – 2375 km ²)	7	12,131	1:1,733
Burdekin Shire (Qld – 5052 km ²)	7	12,258	1:1,751
Mareeba Shire (Qld – 53,611 km ²)	7	13,356	1:1,908
Litchfield (NT - 3100 km ²)	4	12,345	1:3,086

Source: Various Electoral Commission election reports (2016 - 2018)

- 7.5 Neither the Act nor the Regulations provide any guidance as to what constitutes an appropriate number of elected members for a Council.
- 7.6 There needs to be sufficient elected members to lead and form the core of the Council committees; to share the demands placed upon them by their constituents; to provide adequate lines of communication between the community and Council; to reflect the desired diversity within Council; and to assure the range of viewpoints that spurs innovation and creativity in Council planning and decision-making.

- 7.7 There may be a perception that the performance of the Council has previously been detrimentally affected or compromised due to a lack of elected members.
- 7.8 The council area is unlikely to experience any extraordinary growth in elector numbers within the foreseeable future as a consequence of any significant new residential development projects (refer 11.12 – 11.17).
- 7.9 Any proposal at this time to increase the number of elected members will come at a cost (e.g. current elected member allowance of \$31,058.21 pa).
- 7.10 Arguments in favour of an increase in elected members include:
- enhancing the lines of communication between Council and the community;
 - the greater the number of elected members, the greater the likelihood that the elected members will be more familiar with the experiences of, and issues confronting, the local community;
 - the greater the number of elected members, the more diverse the skill sets, expertise, experience and opinions; and
 - an increase in the number of elected members may provide greater opportunity for community scrutiny and can make the elected members more accountable to their immediate constituents.
- 7.11 An increase in elector numbers will have the following impact in respect to the elector ratio.
- | | |
|--------------------|---------|
| Five councillors: | 1:2,469 |
| Six Councillors: | 1:2,058 |
| Seven Councillors; | 1:1,764 |
- 7.12 A reduction in the number of elected members may simply not be feasible or practicable, given the small number of existing elected members and the minimal benefits likely to be achieved.
- 7.13 Consideration should also be given to whether Council should comprise an even or odd number of elected members (not including the Mayor). Whilst there are no inherent disadvantages with either option, an odd number of elected members may serve to decrease the likelihood of a tied vote of Council and thereby avoid the need for the Mayor to exercise the right of a "casting" vote.

8.0 WARDS/NO WARDS

- 8.1 The Act and the Regulations indicate that a council area may or may not be divided into wards.
- 8.2 Where a council area is not divided into wards, the elected members are elected by the community "at large" to represent the whole of the council area.

8.3 The advantages of a ward structure include:

- wards guarantee some form and level of direct representation to all parts of the council area and existing communities of interest;
- ward councillors can focus on local issues as well as council-wide issues;
- ward councillors are likely to be known to their ward constituents (and vice versa);
- elected representatives of wards can have an affiliation with the local community and an understanding of the local issues and/or concerns;
- the task and expense of contesting a ward election may be less daunting to prospective candidates;
- Council only has to conduct elections and supplementary elections within the contested wards (potential cost saving); and
- ward based elections have the potential to deliver councillors from different parts of the council area, potentially resulting in a greater diversity of skill sets, experience, expertise and opinions amongst the elected members.

8.4 The disadvantages of a ward structure include:

- elected representatives of wards do not have to reside within the ward that they represent and, as such, may have no direct affiliation with the local community and/or empathy for the local issues and/or concerns;
- electors can only vote for councillors/candidates within their ward;
- candidates can be favoured by the peculiarities of the ward based electoral system (e.g. candidates elected unopposed or having attracted less votes than defeated candidates in other wards);
- elected representatives of wards may develop ward-centric attitudes and be less focussed on the bigger council-wide issues;
- ward boundaries are lines which are based solely on elector distribution and may serve to divide the community;
- despite comparable ward elector ratios, uneven levels of representation between wards and/or the physical sizes of wards can create a perception of imbalance in voting power within Council; and
- elected representatives of wards generally consider themselves to represent not only their ward but the council area as a whole and, as such, the need for wards is questionable.

8.5 The advantages of a "no wards" structure (i.e. the abolition of wards) include:

- "no wards" is the optimum form of democracy as the electors vote for all of the vacant positions on Council;
- the most supported candidates from across the council area will likely be elected;
- the elected members should be free of ward-centric attitudes;
- the lines of communication between Council and the community should be enhanced, given that members of the community will be able to consult with any and/or all members of Council, rather than feel obliged to consult with their specific ward members;
- the structure still affords opportunities for the small communities within the Council area to be directly represented on Council, if they are able to muster sufficient support for a candidate; and
- successful candidates generally have to attract no more votes than they would have received/required under a ward based election.

- 8.6 The disadvantages of a "no wards" structure include:
- the elected members could come from the more populated parts of the council area rather than from across the whole of the council area;
 - a single interest group could gain considerable representation on Council;
 - concern council-wide elections will not guarantee that elected members will have any empathy for, or affiliation with, all communities across the whole council area;
 - Council has to conduct elections and supplementary elections across the whole of the council area (at a significant expense);
 - under the "no wards" structure the more popular or known elected members may receive more enquiries from the public (i.e. inequitable workloads); and
 - potential candidates for election to Council may be deterred by the perceived difficulties and expense associated with contesting council-wide elections.
- 8.7 At present only three municipal councils (i.e. the City of Palmerston, Alice Springs Town Council and Katherine Town Council) and two small councils (i.e. Belyuen Community Government Council and Wagait Regional Council) have no wards.
- 8.8 Council can resolve to retain its current ward even though there is a significant imbalance in elector numbers and elector ratios between the wards. However, such a decision would have to be justified.
- 8.9 Alternative ward structure options based on a range of elected member numbers can be developed and considered with the view to identifying a ward configuration which will provide a more equitable balance of electors over the four (4) year period between reviews; and allows for any anticipated future fluctuations in elector numbers.

9.0 WARD REPRESENTATION

- 9.1 Single member wards are generally small in area and therefore afford the elected member the opportunity to be more accessible to their constituents and able to concentrate on issues of local importance. Due to the small size of the wards it is generally difficult to identify suitable ward boundaries; maintain an equitable distribution of electors between wards; maintain entire communities of interest within a ward; and sustain significant fluctuations in elector numbers. The work load of the elected member can also be demanding, and absenteeism by the elected member (for whatever reason and/or period) will leave the ward without representation.
- 9.2 Multi-councillor wards are generally larger in area and therefore the overall ward structure can be relatively simple. Elected member absenteeism can be easily covered; the work load of the individual elected members can be reduced; there are greater perceived lines of communication between the elected members and their constituents; there is greater potential to preserve whole communities of interest within a ward; a greater diversity in the characteristics, skill-set, experience and opinions of the elected may be achieved; and the likelihood of ward-centric attitudes is reduced given that the ward is represented by two or more individuals.

- 9.3 There are no inherent disadvantages associated with varying levels of representation between wards, however, such structures can be seen to lack balance and/or equity, with the larger wards (in elector and elected member numbers) being perceived as having a greater, more influential voice on Council, even if the elector ratios within the wards are consistent.

10.0 WARD IDENTIFICATION

- 10.1 The existing wards are identified in accord with their general location (i.e. central, east, north and south). This is a simple means of ward identification, and generally enables electors to readily identify, and affiliate with, the ward in which they reside.
- 10.2 The alternative means of ward identification are limited. The allocation of letters or numbers to each ward is acceptable alternative, but it is suggested that these methods lack imagination and fail to reflect the character and/or history of the council area. The same cannot be said for the allocation of names of local historical significance, but reaching consensus over the selection of appropriate names may prove to be difficult.

11.0 ASSESSMENT CRITERIA (REGULATION 63)

- 11.1 Regulation 63(2)(a) and 63(3)(d) require Council give proper consideration to **communities of interests** in the council area, including economic, social and regional interests; and the desirability of including an identifiable community wholly within one ward if practicable.
- 11.2 For the purpose of this review, "communities of interest" can be defined as aspects of the physical, economic and social systems which are central to the interactions of communities in their living environment. They can be identified by considering factors relevant to the physical, economic and social environment; regional communities; history and heritage communities; and environmental and geographic interests.
- 11.3 There are numerous geographic, cultural, social, heritage and demographic based communities of interest within the council area, as well as established and developing residential, commercial, industrial and retail land use components which are spread across thirty-six suburbs/localities.
- 11.4 Where practicable whole suburbs/localities (i.e. perceived established communities of interest) will be included within a single ward (in any future ward structure), thereby protecting and maintaining the identity and character of the community.
- 11.5 Regulation 63(2)(b) seeks consideration of the issues of **communication and travel** in the council area, with specific reference to disabilities arising out of remoteness or distance.
- 11.6 The council area is not particularly large nor is it remote. Further, community access to information and communication technology through mobile telephones, the internet and electronic media has increased exponentially during the recent past, and these advances generally make communication between Council and the community an easier task.

- 11.7 Regulations 63(2)(c and d) require Council give proper consideration to the **trend of population changes** in the area; and the **density of population** in the area.
- 11.8 Australian Bureau of Statistics data (ABS 3218.0 Regional Population Growth, Estimated Resident Population) indicates that the estimated population for the council area:
- increased by 7,793 (15,281 – 23,614) or 49.25% during the period June 2003 - June 2015;
 - increased by a further 1,648 (23,614 – 25,262) or 6.97% during the twelve month period June 2015 – June 2016; and
 - increased a further 336 people (25,262 – 25,598) or 1.33% during the period June 2016 – June 2018.
- 11.9 Overall, the above data indicates that the estimated population of the council area increased by 9,777 or 61.79% during the period June 2003 – June 2018, with are marked slowing of growth during the period June 2016 – June 2018.
- 11.10 Australian Bureau of Statistics “Quickstats” indicates that the estimated population for the council area increased from 15,895 in 2006 to 23,855 in 2016 (i.e. 7,960 or +50.07%), including an increase of 4,861 (25.59%) during the period 2011- 2016.
- 11.11 Elector data provided by the Northern Territory Electoral Commission indicates that elector numbers within the council area:
- increased by 6,869 (264.45%) during the period May 1998 - March 2012;
 - increased by a 896 (i.e. 11,046 to 11,942) or 8.11% during the period March 2012 - February 2015;
 - increased by 326 or 2.72% during the period February 2015 – July 2017; and
 - increased by 77 or 0.62% during the period July 2017 – August 2019.
- 11.12 The aforementioned indicates that the increase in population and/or elector numbers has slowed in recent years.
- 11.13 The *Litchfield Subregional Land Use Plan 2016* indicates a demand for an additional 500 dwellings over the next 5 – 10 years.
- 11.14 The planning principles and area plan for the Howard Springs Rural Activity Centre seek to encourage a range of housing choices that will include smaller residential allotments within the centre and small (4000m²) rural residential allotments as a land use buffer between commercial/residential development and the adjacent rural living precinct.
- 11.15 The planning principles and area plan for the Coolalinga/Freds Pass Rural Activity Centre encourage a range of housing choices, including smaller lots that are more affordable and can provide lower maintenance living within walking distance of local services.
- 11.16 The Humpty Doo Rural Activity centre (currently on hold) also proposes additional residential development opportunities.
- 11.17 The Noonamah Ridge rezoning proposal (currently under consideration) seeks to create up to 4,200 additional allotments at Lloyd Creek, including residential allotments (800m² - 3,999m²); multiple dwelling allotments; rural/residential allotments (4,000m² - 9,999m²); rural living allotments (1ha – 7.99ha) and rural allotments (8ha+).

- 11.18 It is understood that current economic circumstances and ground water restrictions in many areas of Humpty Doo and Berry Springs are having a negative impact upon subdivisions and residential development. This being the case, it has been suggested that development in the next five years may be limited to the Activity Centres and some development of Noonamah Ridge.
- 11.19 The aforementioned future residential development opportunities should be taken into account (to some degree) when determining the future composition of Council and any potential future ward structure.
- 11.20 Regulation 63(2)(e) requires Council consider the **physical features** of the council area.
- 11.21 Litchfield Council covers approximately 3,100 km² and is bounded by the Adelaide River to the east, Van Diemen Gulf in the north and the Cities of Darwin and Palmerston to the north-west. The municipality is primarily rural or rural-residential in character; exhibits tropical rural bushland; accommodates a mix of rural, residential, horticultural, agricultural and industrial land uses; and has the Stuart and Arnhem Highways running through it.
- 11.22 Regulation 63(3) requires that, if the council area is **divided into wards**, the council must consider a number of specified matters. These matters have been previously addressed (refer 8.0 WARDS/NO WARDS).

12.0 COUNCIL NAME AND BOUNDARIES

- 12.1 The opportunity exists for Council to consider possible future changes to its name and/or external boundaries, as well as the likely impacts thereof on future elector representation (including the configuration of any future ward structure option).
- 12.2 During the previous review Council received submissions suggesting the expansion of the council boundaries to include the Marrakai area in the east; and the land up to the "Litchfield Loop Road" or beyond (i.e. the Dundee area) in the west.
- 12.3 At the time of the previous review Council was made aware that the City of Palmerston wanted to:
- realign the boundary of Radford Road to the western side of the road (which would have resulted in this road being under the care, control and ownership of the Litchfield Council);
 - procure the Industrial land opposite Pinelands from Litchfield Council; and
 - extend the municipal boundary in the east, along Howard Springs Road to Gunn Point Road and then in a westerly direction to link up with the existing municipal boundary.
- 12.4 The previous proposal by the City of Palmerston was unsuccessful.
- 12.5 Council did not pursue a name change or an amendment to its external boundaries at the previous electoral review.



Review of Representation Arrangements

(Electoral Representation Review)

Section 23 of the Local Government Act 2008)

January 2020

Disclaimer

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LITCHFIELD COUNCIL



COMMUNITY EFFORT
IS ESSENTIAL



Electoral Review Summary



Why did we do this review?

- Litchfield Council is required under its legislative obligations to conduct a review of the electoral representation in Council's municipality.
- Currently, the structure of Council is four wards with one Councillor per ward. This structure with the current ward boundaries has the South ward underrepresented with elector to community ratios.



What did we conclude?

- The trend and density of the population has increased by almost 50% over the past 17 years, meaning the current Councillors are representing more people than ever before.
- It is important for Council to consider community representation and consult with the constituents on how they could be better represented.



Key facts

- Litchfield Council has the least number of elected representatives of all municipal councils in the Northern Territory
- Compared to Council's with similar population across Australia, Litchfield residents are significantly underrepresented.
- Any proposed changes to Council's ward structure will be considered by the Minister and if approved, will come into effect August 21 at the next Local Government election.



What do we recommend?

- Council has two recommendations on how the community could be better represented through their Councillors:

Option 1:

3 wards, two Councillors per ward = 6 Councillors

Option 2:

5 wards, 1 Councillor per ward = 5 Councillors



Have your say

- Visit Your Say Litchfield to read the full Electoral Review Consultation Paper that provides a more detailed and explanatory information regarding the process of the electoral review and clarifies the items that were discussed as part of the review, such as; Council name, composition and boundaries to name a few
- Register on Your Say Litchfield to provide your comments, alternatively, you can email council@litchfield.nt.gov.au

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1. INTRODUCTION

Litchfield Council is undertaking an “electoral review” in accordance with the requirements of Section 23 of the Local Government Act (the Act) 2008. The review must:

- assess the constitutional arrangements presently in force;
- determine whether the current constitutional arrangements provide the most effective possible elector representation for the council area;
- be undertaken at least once in the Council’s term; and
- be completed by the end of June 2020 (as required by Council).

The public consultation presently being undertaken by Council affords all interested members of the community the opportunity to express their views in respect to the proposed future composition and structure of Council, as detailed herein.

It should be noted that any proposed amendments to the existing composition and/or structure of Council will come into effect at the next Local Government election in August 2021.

Key issues relevant to the review include:

- The title of the principal member of Council (i.e. Mayor or President).
- The number of elected members required to adequately represent the community and perform the roles and responsibilities of Council.
- The title of the elected members.
- The division of the council area into wards or the abolition of wards.
- The number and configuration of wards (if required).
- The level of representation/elector ratio within each future ward.

This report addresses key issues of the review, and provides information pertaining to the provisions of relevant legislation; elector data; elector representation ratios; levels of ward representation; comparisons with the constitutional arrangements other similarly sized councils; demographic trends; population projections; and potential residential development opportunities which may impact upon future elector numbers. Two potential future ward structures are also presented for consideration by the community.

Whilst the Act affords Council the opportunity to review its current name and municipal boundaries, changes in respect to these issues are not being contemplated at this time. Notwithstanding this, Council welcomes the thoughts and suggestions of the community in regards to these matters.

Information pertaining to the issues relevant to the future composition and structure of Council, and the rationale behind Council’s proposal, is provided hereinafter for consideration and comment.

2. REVIEW PROCESS

Council must ensure that all aspects of its composition and structure, including the division or potential division of the council area into wards, are comprehensively reviewed at least once in every term of Council (i.e. every four years). In order to ensure that the review will be comprehensive and transparent, Council has adopted the following process.

2.1 Council Workshops

The elected members have considered and discussed all issues relevant to the review at three workshops which were conducted in October and November 2019.

This Consultation Paper outlines the proposed future composition of Council; presents two potential future ward structure options (based on a total of five and/or six councillors, plus the Mayor); and provides information in respect to all of the key review issues, so as to enable interested members of the community to make an informed submission regarding Council's proposal and ward structure options (and/or alternatives thereto).

2.2 Public Consultation

This is the current stage of the review process.

The community is being made aware of the electoral review and the future composition and structure which Council proposes to bring into effect at the next periodic election in August 2021.

The public consultation stage will be 28 days in duration, commencing on Friday 15th May 2020 and concluding at 5.00pm on Monday 8th June 2020.

Interested members of the public are invited to make submissions via the following means.

Online:	https://www.litchfield.nt.gov.au/council/public-consultations
In Person:	Civic Centre, 7 Bees Creek Road, Freds Pass
By Mail:	Litchfield Council, PO Box 446, Humpty Doo NT 0836
Email:	council@litchfield.nt.gov.au
Phone:	8983 0600

All submissions received will be duly considered by Council at a future meeting of Council (date to be determined).

2.3 Final Decision

Following consideration of the public submissions Council will determine the outcome of the review. It is envisaged that the public will be notified of the outcome of the review at the scheduled Council meeting in July 2020.

The decisions and all supporting information relevant to the review process (including copies of all public submissions) will be contained within a report which will be forwarded to the Minister for Local Government, Housing and Community Development.

Any proposed changes to Council's composition and/or ward structure will be considered by the Minister and, if approved, will come into effect at the next Local Government election (i.e. August 2021).

3. BACKGROUND AND CURRENT STRUCTURE

The Litchfield Shire Council was established in September 1985; but was subsequently changed to the Litchfield Council, effective as at the 1st July 2008. Council initially comprised the President (elected by the community) and four (4) Councillors. The Council area was divided into four (4) wards (i.e. Central, East, North and South wards); with each ward being represented by a single Councillor (Figure 1).

The first municipal Council election was held on the 25th October 2008.

Council undertook an "electoral review" in 2010/2011 at which time it resolved to make no changes to its then existing composition and/or ward structure (despite a significant imbalance in elector numbers between wards). However, the title of the principal member was changed from "President" to "Mayor".

At the completion of its last review (2014/2015), Council resolved to make no changes to its composition, structure, name and/or external boundaries.

Table 1 provides details of the elector representation within the current ward structure, including the number of elected members and electors per ward; and the difference in the elector ratios (i.e. the average number of electors represented by a councillor) between the existing wards. It clearly indicates the imbalance in the number of electors between the existing wards, especially in the case of the Central and South Wards (i.e. 1,316 electors difference).

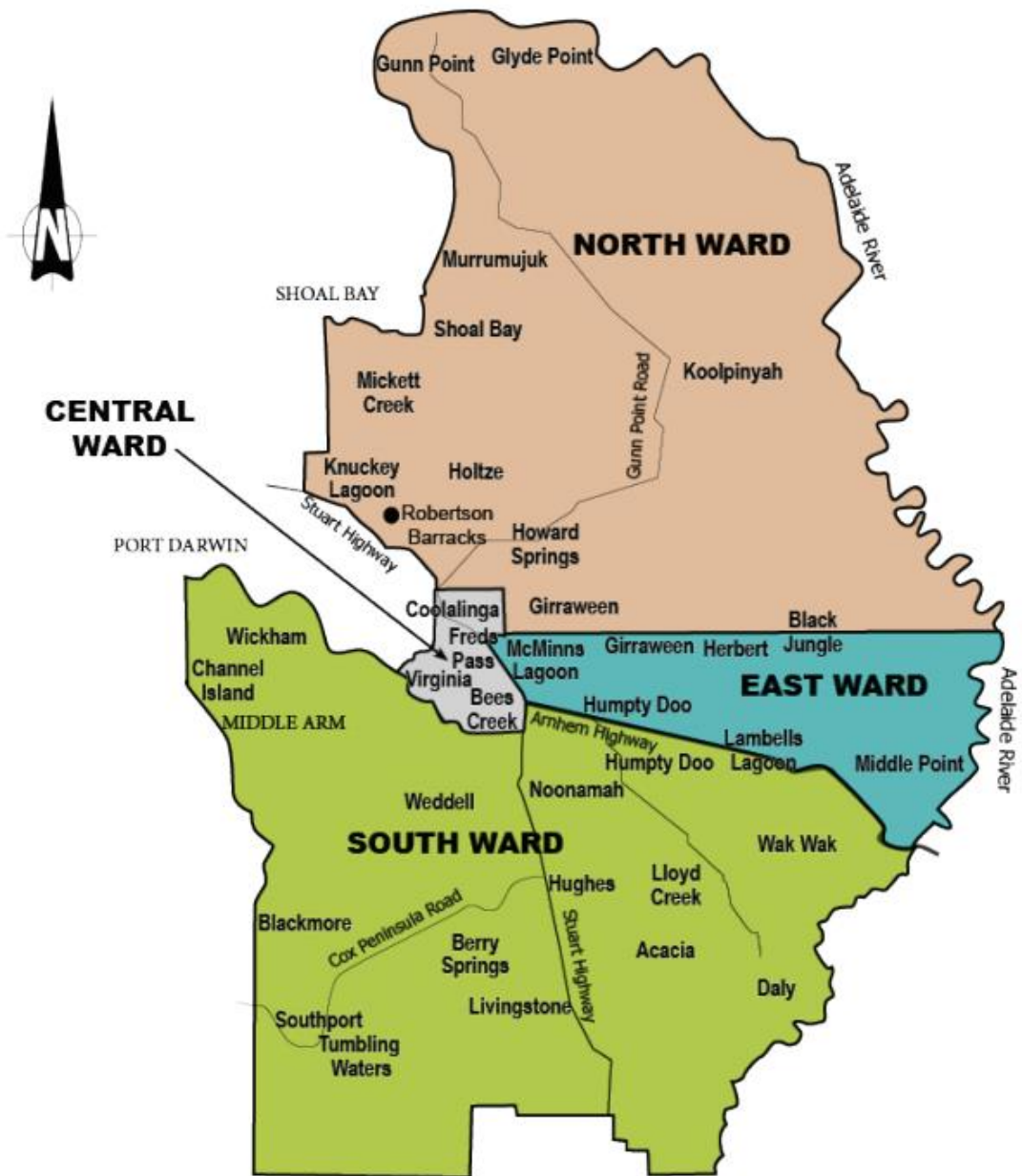
Table 1: Elector distribution - current ward structure

Ward	Members	Electors	Elector Ratio	% Variance
Central	1	2,544	1:2,544	-17.57
East	1	2,996	1:2,996	- 2.92
North	1	2,945	1:2,945	- 4.58
South	1	3,860	1:3,860	+25.07
Total/Average	4	12,345	1:3,086	

Source: Northern Territory Electoral Commission (26 August 2019)

Alternatives to the existing ward structure need to be considered with the view to identifying a ward structure which affords the desired level of representation; provides a more equitable distribution of electors between wards; and allows for anticipated future fluctuations in elector numbers. Such action would be in accord with Regulation 63(3)(a) which states that, if a council area is divided into wards, Council must consider the desirability of the number of electors for each ward being as near to equal as practicable at the next general election. Essentially, this provision seeks to provide adequate and fair representation in accordance with the fundamental democratic principle of "one person, one vote, one value".

Figure 1: Current ward structure



4. PROPOSED FUTURE COMPOSITION AND STRUCTURE

The elected members of Council propose that the future composition and structure of Litchfield Council should be as follows.

- The principal member of Council shall continue to be the Mayor (elected by the community).
- The elected members of Council (other than the Mayor) shall continue to bear the title of “Councillor”.
- The future Council shall comprise the Mayor and five (5) or six (6) Councillors (to be determined after the conclusion of public consultation so as to enable community opinion to be taken into account).
- The council area shall continue to be divided into wards, in accordance with one of the two ward structure options presented hereinafter (subject to community feedback/support).
- The naming/identification of any future wards shall be determined after public consultation so as to enable community input.

It should be noted that any future amended composition and/or structure of Council will come into effect at the next periodic Local Government election in August 2021.

4.1 Ward Structure Option 1 (Three wards/six councillors)

4.1.1 Description

Division of the council area into three wards, with each ward being represented by two (2) councillors.

Ward 1: The suburbs/localities of Glyde Point, Gunn Point, Holtze, Howard Springs, Knuckey Lagoon, Koolpinyah, McMinns Lagoon, Micket Creek, Murrumujuk, Robertson Barracks, Shoal Bay and Tree Point; and parts of the suburbs/localities of Black Jungle, Girraween, Herbert and Lambells Lagoon.

Ward 2: The suburbs/localities of Humpty Doo and Middle Point; and parts of the suburbs/localities of Black Jungle, Girraween, Herbert and Lambells Lagoon.

Ward 3: The suburbs/localities of Acacia Hills, Acacia Larrakia, Bees Creek, Berry Springs, Blackmore, Coolalinga, Darwin River, Donalds Lagoon, Fly Creek, Freds Pass, Howard Springs, Hughes, Livingstone, Lloyd Creek, Manton, Noonamah, Southport, Tumbling Waters, Virginia, Weddell and Wickham.

4.1.2 Elector Distribution

Ward	Members	Electors	Elector Ratio	% Variance
1	2	4,022	1:2,011	- 2.27
2	2	4,234	1:2,117	+ 2.89
3	2	4,089	1:2,045	- 0.64
Total/Average	6	12,345	1:2,057.5	

4.1.3 Comments

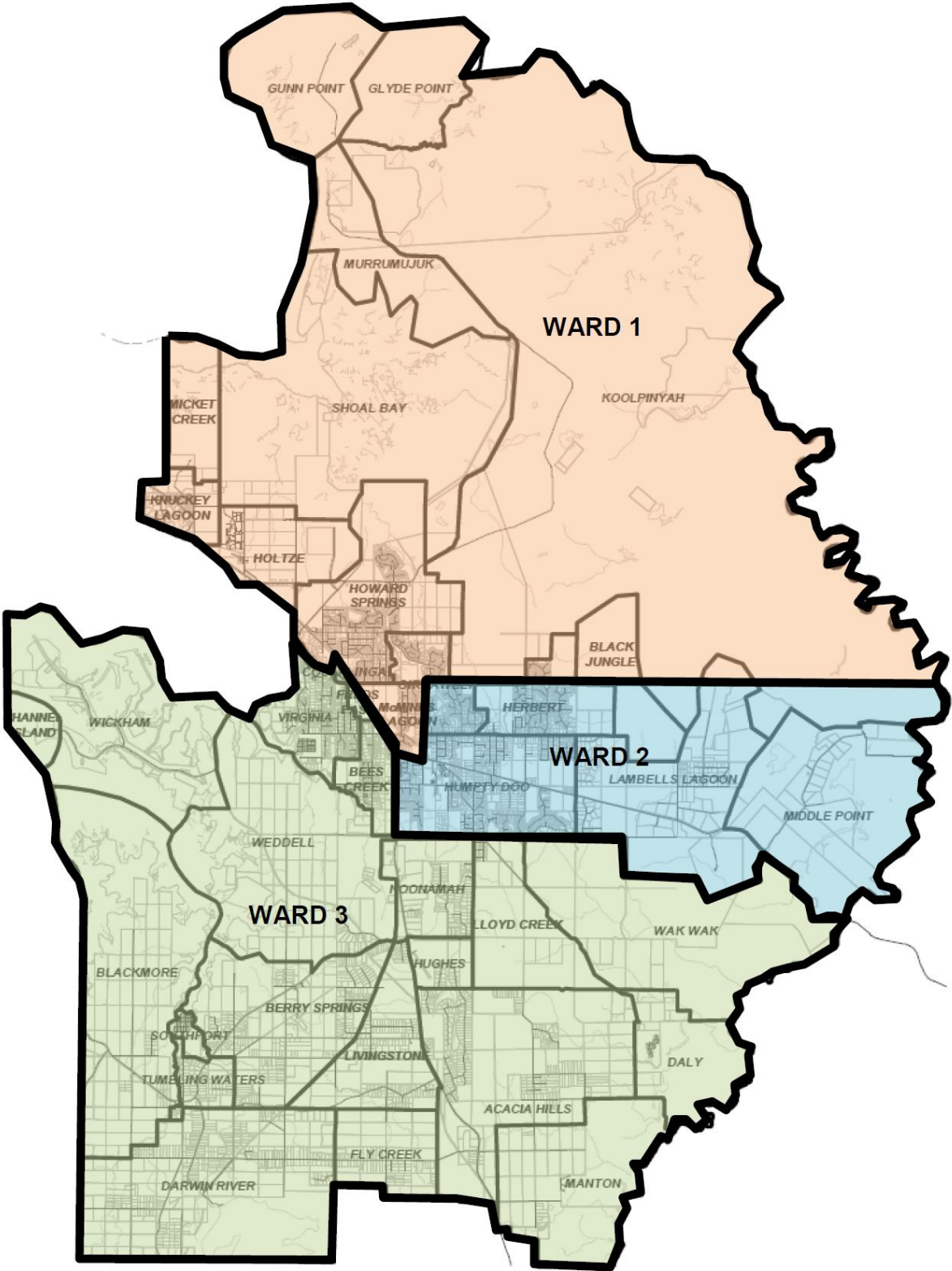
Option 1 is a simple three ward structure which:

- exhibits a relatively equitable distribution of elector numbers between the proposed wards;
- allows for considerable elector growth in proposed wards 1 and 3, wherein the majority of future residential growth is anticipated (i.e. Coolalinga, Howard Springs, Humpty Doo, Lloyd Creek (“Noonamah Ridge”) and, to a lesser degree, Berry Springs); and
- mostly maintains whole suburbs/localities within a ward.

Whilst the increase in the number of councillors to six will obviously come at a cost to Council and the community, it is considered that the two additional elected members will:

- enable an equitable level of representation across the proposed wards (i.e. two councillors per ward) which will ensure the continued representation of a ward under circumstances whereby one ward councillor is absent;
- provide greater lines of communication between Council and the electors, both across the council area and within a proposed ward;
- enable the ward councillors to share the roles and responsibilities of being a ward councillor (which can be worsened by the size of the ward);
- afford a more diverse range of skill sets, expertise, experience and opinions amongst the elected members which should assist to facilitate robust discussion and decision making within Council; and
- afford greater opportunity for persons aspiring to become an elected member of Council.

WARD STRUCTURE OPTION 1 – THREE WARDS, TWO COUNCILLORS PER WARD



4.2 Ward Structure Option 2 (Five wards/five councillors)

4.2.1 Description

Division of the council area into five wards, with each ward being represented by a councillor.

Ward 1: The suburbs/localities of Glyde Point, Gunn Point, Holtze, Knuckey Lagoon, Koolpinyah, Micket Creek, Murrumujuk, Robertson Barracks, Shoal Bay and Tree Point; and parts of the suburbs/localities of Black Jungle, Girraween, Howard Springs and Lambells Lagoon.

Ward 2: The suburbs/localities of Blackmore, Coolalinga, Freds Pass, Virginia, Weddell and Wickham; and part of the suburb/locality of Howard Springs.

Ward 3: The suburbs/localities of Bees Creek and McMinns Lagoon; and part of the suburb/locality of Humpty Doo.

Ward 4: The suburb/locality of Herbert; and the part suburbs/localities of Girraween and Humpty Doo.

Ward 5: The suburbs/localities of Acacia Hills, Acacia Larrakia, Berry Springs, Darwin River, Donalds Lagoon, Fly Creek, Hughes, Livingstone, Lloyd Creek, Manton, Middle Point, Noonamah, Southport, Tumbling Waters, Virginia, Weddell and Wickham; and part of the suburbs/localities of Black Jungle and Lambells Lagoon.

4.2.2 Elector Distribution

Ward	Members	Electors	Elector Ratio	% Variance
1	1	2,515	1:2,515	+ 1.86
2	1	2,392	1:2,392	- 3.12
3	1	2,573	1:2,573	+ 4.21
4	1	2,544	1:2,544	+ 3.03
5	1	2,321	1:2,321	- 6.00
Total/Average	5	12,345	1:2,469	

4.2.3 Comments

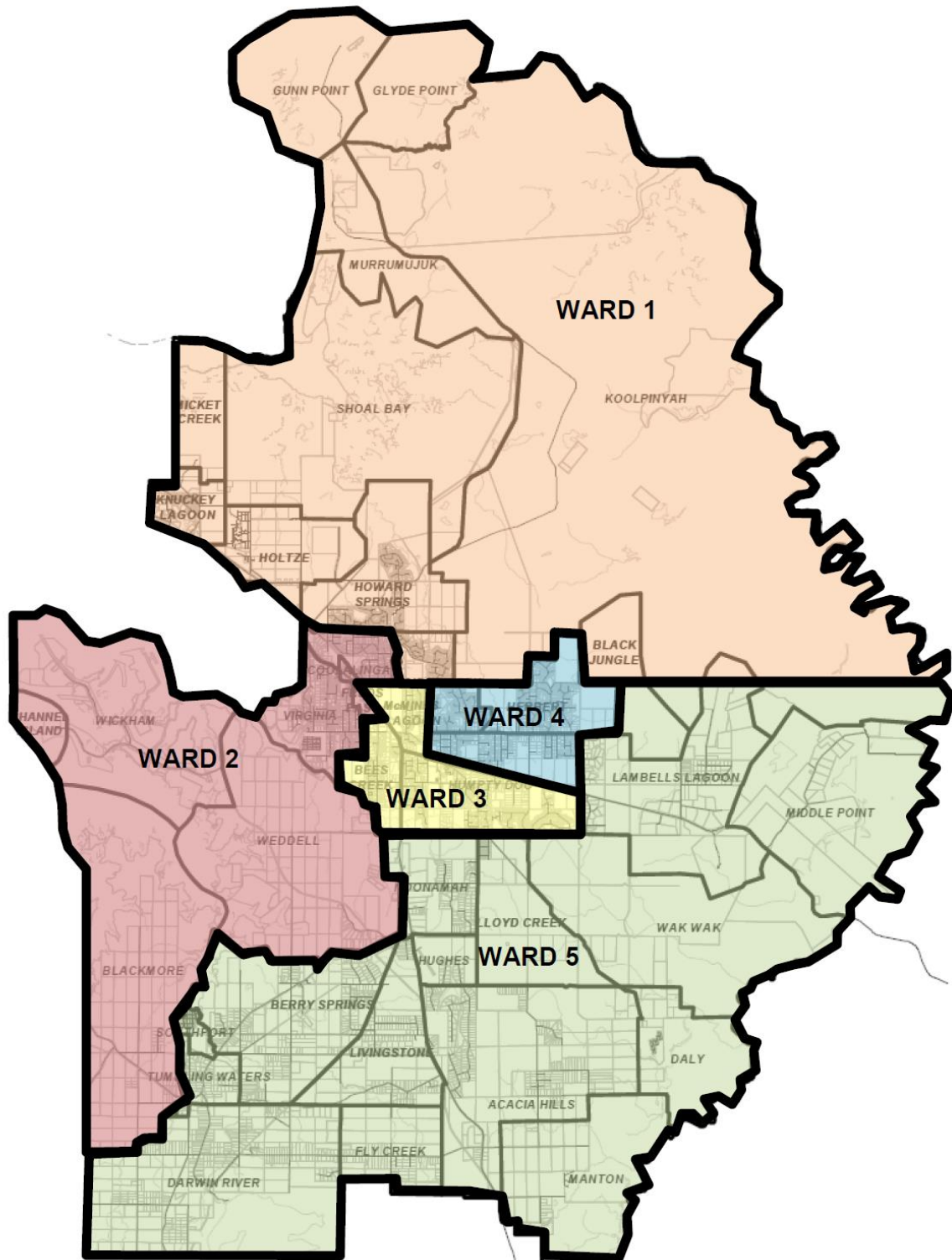
Option 2 is a five ward structure wherein each of the proposed wards has the same level of representation (i.e. a single councillor). An additional councillor will incur some additional cost to Council and the community; but the lines of communication between Council and the community will be greater than the current arrangement.

The ward structure:

- exhibits a relatively equitable distribution of elector numbers between the proposed wards;
- allows for elector growth across the council area (especially in wards 1, 2 and 5);
- mostly maintains whole suburbs/localities within a ward, although the central, more populated suburbs/localities of Girraween, Howard Springs and Humpty Doo are divided;

- proposes wards of varying sizes (area) and, as such, the councillors representing proposed wards 1, 2 and 5 may have a more difficult task given that they have more ground to cover; and
- does not ensure continued direct representation of a ward in the event that a councillor is absent.

WARD STRUCTURE OPTION 2 – FIVE WARDS, ONE COUNCILLOR PER WARD



5. COMPOSITION OF COUNCIL

5.1 Principal Member

Section 42(2)(b) of the Act specifies that the principal member of Litchfield Council can have the title of Mayor or President (as determined by Council); and Section 44(1)(a) of the Act requires the principal member is to be elected by the community.

Council favours the retention of the title of Mayor for the principal member, as this is consistent with the arrangements of the other municipal councils in the Northern Territory; and befits a council area which exhibits an increasing population; increasing residential development; and an ever developing urban character.

Issue: Should the principal member of Litchfield Council have the title of Mayor or President?

5.2 Alderman or Councillor

The Act does not identify the title to be given to an elected member (other than the principal member).

The elected members of the Litchfield Council have always held the title of "Councillor".

Of the four other municipal councils in the Northern Territory, two (i.e. the City of Darwin and the City of Palmerston) have aldermen; Alice Springs Town Council has councillors; and Katherine Town Council is promoting a change from aldermen to councillors as part of its current electoral review. Further, the trend across the nation is away from the title of alderman, with only two councils in Tasmania currently having aldermen, although one of these (i.e. the City of Hobart) is already transitioning to councillors.

The title of councillor is generally well accepted by the communities within councils across the country; is less formal than "alderman"; is more contemporary; is not gender specific; and is consistent with the title adopted by the majority of Councils throughout Australia.

Regardless of their title, all elected members (except the principal member) have the same roles and responsibilities. Section 35 of the Act specifies that the role of a member is:

- to represent the interests of all residents and ratepayers of the council area;
- to provide leadership and guidance;
- to facilitate communication between the community and the council;
- to participate in the deliberations of the council and its community activities; and
- to ensure, as far as practicable, that the council acts honestly, efficiently and appropriately in carrying out its statutory responsibilities.

Council believes that the title of "Councillor" has long been known and accepted by the community; is appropriate for the elected members of a council of the status of Litchfield Council; is contemporary; and is not gender specific. Further, Council believes that little or no practical benefit will be achieved by changing the title of the elected members at this time.

Issue: Should the elected members of Council continue to have the title of Councillor?

6. ELECTOR REPRESENTATION

Regulation 63(1) of the Local Government (Electoral) Regulations 2008 requires Council to assess “whether the constitutional arrangements presently in force for electoral representation provide the most effective possible representation for the local government area of the council.” This being the case, the review needs to identify (in part) the number of elected members who are required to provide adequate and fair representation of the electors of the council area; and to perform the roles and responsibilities of Council.

Litchfield Council comprises five elected members (i.e. the Mayor and four councillors), this being the equal smallest number of elected members of all of the councils throughout Australia.

As there is no established formula or guideline to assist in determining an appropriate level of elector representation for Litchfield Council, the community will have to call upon their experiences in dealing with, and their expectations of, Council; as well as take some guidance from the structures of other councils. Similarly, the elected members will have had to draw upon their practical experience in dealing with their constituents and their understanding of the demands of the office; as well as consider the structures of other councils within the Northern Territory and, to a lesser degree, from across the nation.

A comparison of Council’s elector representation arrangements with those of the other municipal councils within the Northern Territory (refer Table 2) indicates that Litchfield Council is the largest in area; has the least number of elected members; and exhibits a comparable elector ratio.

Table 2: Elector details - Existing Northern Territory municipalities

Council	Members	Electors	Elector Ratio
Katherine (528 km ²)	6	6,175	1:1,029
Alice Springs (327 km ²)	8	15,169	1:1,896
Litchfield (3,100 km ²)	4	12,345	1:3,086
Palmerston (95.6 km ²)	7	22,247	1:3,178
Darwin (112 km ²)	12	50,118	1:4,177

Source: Northern Territory Electoral Commission

As for the elector representation arrangements of the regional councils within the Northern Territory, comparisons with these councils is of little or no assistance, given that regional councils generally cover expansive areas of open rural land/natural landscape and contain relatively small elector numbers which are either contained within small communities or spread sparsely across the council area. These circumstances are not similar to those of Litchfield Council.

Finally, comparisons with the elector representation arrangements of similar sized (elector numbers) councils from across the nation (refer Table 3) is also considered to be of little value, given that no two councils are identical in terms of their location, topography, character, demographics, socio-economic circumstances, area, size (i.e. elector numbers and population) and/or community interests. This being the case, it is difficult to draw any sound conclusions from the arrangements pertaining to the cited council, other than to note that Litchfield Council has the least number of elected members and, as a consequence, exhibits the highest elector ratio.

Table 3: Elector representation, various capital cities

Council	Crs	Electors	Elector Ratio
Inverell Shire (NSW – 8,606 km²)	9	11,943	1:1,327
Murray Shire (WA – 1,710 km²)	8	12,273	1:1,534
Benalla Rural City (Vic – 2,375 km²)	7	12,131	1:1,733
Burdekin Shire (Qld – 5,052 km²)	7	12,258	1:1,751
Mareeba Shire (Qld – 53,611 km²)	7	13,356	1:1,908
Litchfield (NT – 3,100 km²)	4	12,345	1:3,086

Source: Various Electoral Commission election reports (2016 – 2018)

There needs to be sufficient elected members to:

- ensure a meeting quorum can be readily achieved;
- lead and form the core of the Council committees;
- participate in discussion and decision making within the Council chamber;
- meet and share the demands placed upon them by their constituents;
- provide adequate lines of communication between the community and Council; and
- provide the desired diversity in skill sets, experience and backgrounds so as to ensure a range of viewpoints necessary to spur discussion, innovation and creativity in Council planning and decision-making.

As the Council is likely to experience some growth in population (and therefore elector numbers) within the foreseeable future (refer 8.3 Demographic and Population Trends), an increase in the number of elected members at this time may be appropriate and prudent, as it will address the current and anticipated future demands of the elected members.

Other arguments in favour of an increase in elected members include:

- enhancing the lines of communication between Council and the community;
- the greater the number of elected members, the greater the likelihood that the elected members will be more familiar with the experiences of, and issues confronting, the local community;
- the greater the number of elected members, the more diverse the skill sets, expertise, experience and opinions; and
- an increase in the number of elected members may provide greater opportunity for community scrutiny and can make the elected members more accountable to their immediate constituents.

An increase in elector numbers will result in a decrease in the elector ratio (i.e. the average number of electors represented by a councillor) to 1:2,469 (five councillors) or 1:2,058 (six councillors). Whilst these potential elector ratios are still slightly higher than those of the cited councils in Table 3, elector representation is enhanced because the individual elected members effectively represent fewer electors which, in theory, should

reduce the demands placed upon the elected members and increase the availability of the member to his/her constituents.

On the downside, an increase in the number of elected members will come at a cost of an estimated \$40,000 per annum per councillor (inclusive of the annual base, electoral, additional meeting and professional development allowances).

A **decrease** in the number of elected members may simply not be feasible or practicable, given the small number of existing elected members and the minimal benefits likely to be achieved.

The final issue which may impact upon the number of elected members is whether Council should comprise an even or odd number of elected members. Whilst there is no inherent disadvantage with either option, an even number of councillors should, under most circumstances, overcome the potential for a tied vote of Council, given that the Mayor has both a deliberative vote (and a casting vote if required).

Whilst the existing number of councillors has served the Litchfield Council well over the years, Council believes that an increase in the number of elected members is warranted at this time.

The urban and rural living character of the council area continues to evolve and, as a consequence, the local population is increasing which, in turn, places more demands upon the handful of elected members. In addition, Council believes that an additional one or two elected members are required to enhance the lines of communication between Council and the growing community; reduce the demands being placed upon the elected members; and to provide the desired diversity in skill sets, experience, opinions and backgrounds amongst the elected members so as to provide a range of viewpoints which should serve to improve the discussions and decision making by Council.

Issue: Should Litchfield Council increase the number of elected members in order to achieve the most appropriate and effective representation of the local community and, if so, should the number of elected members be increased to one (to the Mayor and five “councillors”) or two (to the Mayor and six “councillors”)?

7. WARD STRUCTURE

7.1 Wards/No Wards

The provisions of Section 9 of the Act and Regulation 63(3) infer that a council area may or may not be divided into wards.

7.1.1 Wards

The advantages of a ward structure include:

- wards guarantee some form and level of direct representation to all parts of the council area and existing communities of interest;
- elected representatives of wards can focus on local issues as well as council-wide issues;
- elected representatives of wards may be known to their ward constituents (and vice versa);
- elected representatives of wards can have an affiliation with the local community and an understanding of the local issues and/or concerns;
- the task and expense of contesting a ward election may be less daunting to prospective candidates;

- Council only has to conduct elections and supplementary elections within the contested wards (potential cost saving); and
- ward based elections have the potential to deliver councillors from different parts of the council area, potentially resulting in a greater diversity of skill sets, experience, expertise and opinions amongst the elected members.

The disadvantages of a ward structure include:

- elected representatives of wards do not have to reside within the ward that they represent and, as such, may have no affiliation with the local community and/or empathy for the local issues and/or concerns;
- electors can only vote for councillors/candidates within their ward;
- candidates can be favoured by the peculiarities of the ward based electoral system (e.g. candidates elected unopposed or having attracted less votes than defeated candidates in other wards);
- elected representatives of wards may develop ward-centric attitudes and be less focussed on the bigger council-wide issues;
- ward boundaries are lines which are based solely on elector distribution and may serve to divide the community rather than foster civic unity;
- despite comparable ward elector ratios, uneven levels of representation between wards and/or the physical sizes of wards can create a perception of imbalance in voting power within Council; and
- elected representatives of wards generally consider themselves to represent not only their ward but the council area as a whole and, as such, the need for wards is questionable.

7.1.2 No Wards

The abolition of wards would result in all elected members representing the council area as a whole, rather than a ward.

The advantages of a "no wards" structure include:

- "no wards" is the optimum form of democracy as the electors vote for all of the vacant positions on Council;
- the most supported candidates from across the council area will likely be elected;
- the elected members should be free of ward-centric attitudes;
- the lines of communication between Council and the community should be enhanced, given that members of the community will be able to consult with any and/or all members of Council, rather than feel obliged to consult with their specific ward members;
- the structure still affords opportunities for the smaller communities to be directly represented on Council, if they are able to muster sufficient support for a candidate and vote; and
- successful candidates generally have to attract no more votes than they would have received/required under a ward based election.

The disadvantages of a "no wards" structure include:

- the elected members could come from the more heavily populated parts of the council area rather than from across the whole of the council area;
- a single interest group could gain considerable representation on Council;
- concern council-wide elections will not guarantee that elected members will have any empathy for, or affiliation with, all communities across the whole council area;
- Council has to conduct elections and supplementary elections across the whole of the council area (at a significant expense);
- under the "no wards" structure the more popular or known elected members may receive more enquiries from the public (i.e. inequitable workloads); and
- potential candidates for election to Council may be deterred by the perceived difficulties and expense associated with contesting council-wide elections

At present only three municipal councils (i.e. the City of Palmerston, the Alice Springs Town Council and Katherine Town Council) and two small regional councils (Wagait Regional Council and Belyuen Community Government Council) have no wards.

Council proposes to maintain the division of the municipality into wards as it ensures a level of direct representation of all electors and the individual communities and/or suburbs within the council area.

Issue: Should Litchfield Council continue to be divided into wards?

7.2 Ward Representation

7.2.1 Single Member Wards

- Single member wards:
- allow the local community to elect their representative;
- afford the elected member the opportunity to be more accessible to their constituents; and
- enable the elected member to concentrate on issues of local importance (rather than just the bigger council-wide picture).

On the downside the work load of the elected member can be demanding and absenteeism of the elected ward member (for whatever reason and/or period) will leave the ward without direct representation (as there is no legislative provisions for a short-term proxy member).

7.2.2 Multi-Member Wards

Multi-member wards (i.e. wards with two or more elected members):

- allow for the sharing of duties and responsibilities amongst the elected members;
- can achieve a greater diversity in the characteristics, skill-set and opinions amongst the elected members;
- lessen the likelihood of ward parochialism;
- increase the lines of communication between the community and Council (within a ward);

- afford continuous ward representation should a member be absent; and
- can be larger in area and therefore can afford the opportunity to maintain whole identified communities of interest within the one ward.

Varying levels of ward representation within a structure based on multi-member wards has no disadvantage provided the elector ratio within all of the wards is similar. However, such a structure can be seen to lack balance and/or equity, with the larger wards (in elector and elected member numbers) being perceived as having a greater, more influential voice on Council.

Council's preference is for a three ward structure, with each ward being represented by two councillors. This will enable the sharing of duties and responsibilities by the ward councillors; will provide local residents with two lines of communication with Council; and will provide continued representation under circumstances whereby one ward councillor is absent.

The second option of Council is the five ward structure, with each ward being represented by a councillor. This level of ward representation has been acceptable over the years; and the increase in the number of wards enables the future wards to be smaller in area, thereby reducing the number of electors represented by each councillor and hopefully reducing the demands placed upon the individual elected members. Unfortunately, this level of ward representation does not afford continuous and/or direct representation of the ward when the councillor is absent.

Issue: Should Litchfield Council be divided into three wards (Option 1, pages 6 and 7), five wards (Option 2, page 8 and 9) or remain the same?

7.3 Ward Identification

Council currently assigns ward names/titles based on the location of the wards (i.e. North, South, East and Central) to identify the existing wards. This means of ward identification is conventional and appears to have been accepted by the local community over a significant period of time.

The alternative means of ward identification are limited. The allocation of letters and numbers are acceptable means of ward identification but they lack character and lack relevance to the council area. On the other hand, names of heritage significance; local physical features; and/or names of previous Council members who served the community well, are all appropriate means of identification.

Council is seeking the assistance of the local community to provided suggested names for, and/or means of identifying, any future wards.

Issue: What names/titles should be assigned to any future wards?

8. ASSESSMENT CRITERIA

Regulation 63(2) stipulates that, when carrying out an electoral review, a Council must give proper consideration to the following matters.

- Communities of interest in the area including economic, social and regional interests.
- Types of communication and travel in the area with special reference to disabilities arising out of remoteness or distance.
- The trend of population changes in the area.
- The density of population in the area.
- The physical features of the area.

In addition, the provisions of Regulation 63(3) require Council take into account the following when the council area is to be divided into wards.

- The desirability of the number of electors for each ward being as near to equal as practicable at the next general election.
- The desirability of keeping the area of each ward containing rural and remote areas as small as practicable.
- The desirability of keeping the demographic and geographic nature of each ward as uniform as practicable.
- The desirability of including an identifiable community wholly within one ward if practicable.

8.1 Communities of Interest

For the purpose of electoral review proposals, “communities of interest” can be defined as aspects of the physical, economic and social systems which are central to the interactions of communities in their living environment. They can be identified by considering factors relevant to the physical, economic and social environment; regional communities; history and heritage communities; and environmental and geographic interests.

There are numerous geographic, cultural, social, heritage and demographic based communities of interest within the council area, as well as established and developing residential, commercial, industrial and retail land uses which are spread across thirty-six suburbs/localities and approximately 3,100km².

Given the complexities of the “community of interest” concept, a simple solution is to ensure (where practicable) that whole suburbs (i.e. perceived established communities of interest) are included within a single ward, thereby protecting and maintaining the identity and character of the community within the suburb.

8.2 Communication and Travel

The council area is not considered to be particularly large, nor is it remote, although parts are some distance from the developed areas. Further, community access to information and communication technology through mobile telephones, the internet and electronic media has increased exponentially during the recent past, and these advances generally make communication between Council and the community an easier task

8.3 Demographic and Population Trends

Australian Bureau of Statistics data (ABS 3218.0 Regional Population Growth, Estimated Resident Population) indicates that the estimated population for the council area:

- increased by 7,793 (15,281 – 23,614) or 49.25% during the period June 2003 - June 2015;
- increased by a further 1,648 (23,614 – 25,262) or 6.97% during the twelve month period June 2015 – June 2016; and
- increased a further 336 people (25,262 – 25,598) or 1.33% during the period June 2016 – June 2018.

Overall, this data indicates that the estimated population of the council area increased by 9,777 or 61.79% during the period June 2003 – June 2018, with are marked slowing of growth during the period June 2016 – June 2018.

In addition, Australian Bureau of Statistics “Quickstats” indicates that the estimated population for the council area increased from 15,895 in 2006 to 23,855 in 2016 (i.e. 7,960 or +50.07%), including an increase of 4,861 (25.59%) during the period 2011- 2016.

Elector data provided by the Northern Territory Electoral Commission indicates that elector numbers within the council area:

- increased by 6,869 (264.45%) during the period May 1998 - March 2012;
- increased by a 896 (i.e. 11,046 to 11,942) or 8.11% during the period March 2012 - February 2015;
- increased by 326 or 2.72% during the period February 2015 – July 2017; and
- increased by 77 or 0.62% during the period July 2017 – August 2019.

The aforementioned indicates that the increase in population and/or elector numbers has slowed in recent years.

Further, a review of relevant strategic planning documents has revealed the following.

The *Litchfield Subregional Land Use Plan 2016* indicates a demand for an additional 500 dwellings over the next 5 – 10 years.

The planning principles and area plan for the Howard Springs Rural Activity Centre seeks to encourage a range of housing choices that will include smaller residential allotments within the centre and small (4000m²) rural residential allotments as a land use buffer between commercial/residential development and the adjacent rural living precinct.

The planning principles and area plan for the Coolalinga/Freds Pass Rural Activity Centre encourage a range of housing choices, including smaller lots that are more affordable and can provide lower maintenance living within walking distance of local services.

The Humpty Doo Rural Activity centre (currently on hold) also proposes additional residential development opportunities.

Finally, Council is aware that:

the Noonamah Ridge rezoning proposal (currently under consideration) seeks to create up to 4,200 additional allotments at Lloyd Creek, including residential allotments (800m² - 3,999m²); multiple

dwelling allotments; rural/residential allotments (4,000m² - 9,999m²); rural living allotments (1ha – 7.99ha) and rural allotments (8ha+); and

the current economic circumstances and ground water restrictions in many areas of Humpty Doo and Berry Springs may be having a negative impact upon subdivisions and residential development and, as such, it has been suggested that development in the next five years may be limited to the Activity Centres and some development of Noonamah Ridge.

The aforementioned future residential development opportunities need be taken into account, to some degree, when determining the future composition of Council and any potential future ward structure.

8.4 Physical Features

Litchfield Council covers approximately 3,100 km² and is bounded by the Adelaide River to the east, Van Diemen Gulf in the north and the Cities of Darwin and Palmerston to the north-west. The municipality is primarily rural or rural-residential in character; exhibits tropical rural bushland; accommodates a mix of rural, residential, horticultural, agricultural and industrial land uses; and has the Stuart and Arnhem Highways running through it.

The prominent physical features which should be taken into account when considering and/or developing a potential future ward structure include, but should not be limited to, the extensive local road network; suburb/locality boundaries; and existing watercourses.

9. COUNCIL NAME AND BOUNDARIES

The opportunity exists for Council to consider possible future changes to its name and/or municipal boundaries, as well as the likely impacts thereof in terms of future elector representation (including the configuration of any future ward structure options), as part of its current review.

Whilst Council is not contemplating a change to its name at this time, it is aware of some misunderstanding can arise in respect to the location of, and correlation between, Litchfield Council and Litchfield National Park. This is not considered to be a significant issue, but the opportunity does exist to discuss any suggested alternative names which may benefit the character and heritage of the council area.

Council has previously considered suggestions to expand the municipal boundaries so as to include the Marrakai area to the east and the Dundee area (or parts thereof) to the west. The inclusion of the northern part of Litchfield National Park, being all of the unincorporated land bounded by Route 30 (i.e. Litchfield Park Road in the west and south; and Batchelor Road to the Stuart Highway in the south) is another option worthy of some consideration.

As part of the review, Council has discussed the external boundaries of the municipality. Council is open to review the external boundaries with the NTG, should there be opportunities to improve financial sustainability for Local Government.

Council is not contemplating any changes to either its name or external boundaries at this time, but is prepared to consider the suggestions and comments of the community regarding these matters.

Issue: Should consideration be given to changing the Council name and/or the municipal boundary?

10. SUMMARY

The Litchfield Council is undertaking a review of the current constitutional arrangements in accordance with the provisions of Section 23(1) of the Local Government Act 2008, so as to assess the adequacy of the constitutional arrangements presently in place and, in particular, whether they provide the most effective possible elector representation for the council area. It is Council's intention that the review be completed by mid 2020; and that any agreed amendments to the future structure and/or composition of Council be put into effect at the Local Government elections in August 2021.

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

- the composition of Council, more specifically the number of elected members required to adequately and fairly represent the electors and communities within the council area and to perform the roles and responsibilities of Council;
- the title of the principal member (i.e. Mayor or President);
- the title of the elected members (i.e. Councillor or Alderman);
- whether or not the council area should be divided into wards;
- if the council area is to be divided into wards, the identification of a ward structure which exhibits a reasonably equitable distribution of electors between the proposed wards and provides opportunities for the representation of all existing communities; and
- the title of any proposed future wards.

Having considered all relevant matters, Council is seeking the comments and opinions of the community in respect to the aforementioned matters.

At this time, the elected members of Council generally favour:

- the retention of the titles of Mayor and Councillor for the principal member and elected members respectively;
- the continued division of the council area into wards (albeit in a different configuration to the existing ward structure); and
- the division of the council area into three wards, with each ward being represented by two councillors (resulting in two additional members).

Notwithstanding the above, Council still considers the five ward option presented herein as being worthy of further consideration. This alternative would have each proposed ward represented by a Councillor; and would result in one additional elected member.

Further, whilst Council is not contemplating changes to its current name and/or the existing municipal boundaries at this time, it invites the suggestions and comments of the community in respect to these matters.

Council is now seeking feedback from the community.

Interested members of the community are invited to make a submission expressing their views on the key issues and information contained within this report, as well as the proposed future composition and structure of Council outlined therein. A questionnaire (which is available on the

Council website or in hard copy at the Council offices) has been prepared to assist members of the community to make a submission.

Submissions, which should be addressed to the Chief Executive Officer, can be forwarded to PO Box 446, Humpty Doo NT 0836 or emailed to council@litchfield.nt.gov.au, will be accepted until 5.00pm on Monday 8 June 2020.

Alternatively, submissions can be made on-line (<https://www.litchfield.nt.gov.au/council/public-consultations>).

Further information regarding the electoral review can be obtained by contacting David Jan Governance and Risk Advisor, on telephone (08) 8983 0600 or david.jan@litchfield.nt.gov.au.

SUBMISSIONS REPORT

REVIEW OF CONSTITUTIONAL ARRANGEMENTS (Elector Representation)

PUBLIC CONSULTATION SUBMISSIONS

A report prepared for the
Litchfield Council

June 2020

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1. INTRODUCTION

Section 23 of the Northern Territory Local Government Act 2008 (the Act) requires each council to make an assessment of the adequacy of the constitutional arrangements currently in force, in order to determine whether they provide the most effective possible representation for the council area.

The review conducted by the Litchfield Council commenced in October 2019; and in April 2020 Council resolved to proceed to public consultation regarding the future composition and structure of Litchfield Council, based on the following proposal.

- The principal member of Council continues to be the Mayor (elected by the community).
- The elected members of Council (other than the Mayor) continue to bear the title of Councillor.
- The future Council comprise the Mayor and either five (5) or six (6) councillors (to be determined after the conclusion of public consultation so as to enable community opinion to be taken into account).
- The council area continue to be divided into wards based on one of the two ward structure options presented for consideration by the community.
- The naming/identification of any future wards will be determined after public consultation so as to enable community input.

The review has progressed to the point where the public consultation stage has been completed. A total of 55 submissions were received from the community.

Council must now give consideration to the submissions and determine what changes, if any, it proposes to bring into effect in respect to its future composition and structure.

It should be noted that any amendments to the existing composition and/or structure of Council will come into effect at the date of the next Local Government election in 2021.

2. PUBLIC CONSULTATION

Neither the Northern Territory *Local Government Act 2008* nor the *Local Government (Electoral) Regulations 2008* contain provisions that specify what constitutes appropriate public consultation in regards to the subject electoral review. This being the case, Council initiated a process which followed established Council protocol and included the following.

The display of an article on Council's website which presented a media release entitled "Representation of Our Community" (dated 14th May). This media release was distributed to all relevant media outlets. This provided general information regarding the review; an outline of the current structure and composition of Council; details pertaining to the two ward structure options being considered by Council; notification of the existence of the Consultation Paper; and details regarding the lodgement of public submissions.

The posting of an item entitled "Electoral Review 2020" on the "Your Say Litchfield" page on the 15th May 2020. This page provided general information regarding the review in general; the two ward structure options being considered; a link to the Consultation Paper; and information as to how to participate/make comment. The web page also contained a timeline for key points in the review process; and a questionnaire/survey for completion by interested community members.

Information relating to the review was also posted on Council's facebook page on the 18th May 2020. This post presented a copy of the aforementioned "Your Say Litchfield" information item entitled "Electoral Review 2020"; and provided a link to the Consultation Paper.

Copies of the Consultation Paper, the review questionnaire/survey and the review summary document entitled "Electoral Review Snapshot" were also provided on Council's website.

In addition, elected members and Council staff consulted members of the local community at the Freds Pass Market on the 30th May 2020 and 6th June 2020; and the Berry Springs Market on the 31st May 2020. Information of the review was also included in the Mayor's regular radio interviews.

Copies of documents relevant to the aforementioned are provided in Attachment A.

The public consultation process commenced on the 15th May 2020 and concluded on the 8th June 2020. During this period 55 submissions were received. Copies of the submissions were provided to Councillors.

A brief summary of the opinions expressed in the submissions is provided hereinafter; and a more detailed summary is provided in Attachment B.

1. Title of the principal member: **Mayor - 35**; President - 12; No response - 5; Either - 1; No - 1; Not president - 1.
2. Title of elected members: **Councillor - 43**; Alderman - 5; No response - 7.
3. Wards/No wards: **Wards - 38**; No wards - 11; No response - 6.
4. Number of wards: **Status quo - 29**; No wards - 7; Five wards (Option 2) - 5; Three wards (Option 1) - 3; Three wards (1 Councillor per ward) - 2; Six wards - 1; Odd number - 1; No response - 6.
5. Increase number of elected members: **No - 46**; Yes - 7, No response - 2.

6. Potential ward names: North; South; East; West; Central; Wood; South Port; Humpty Doo; Suburb names; Geographical names; and Weddell.

7. Change Council name and/or boundaries: **No - 43**; Yes - 7; No response - 5.

The receipt of 55 submissions cannot be considered to reflect the attitudes of a community comprising more than 12,000 eligible electors; however, it is a reasonable level of participation by the local community. Interestingly, by comparison, during the review which was undertaken in 2010/2011, Council received no submissions, whilst during the last review (2014/2015) Council received only 2 submissions.

3. FUTURE COMPOSITION AND STRUCTURE

Council has now reached the stage of its review process where it must identify what changes, if any, it proposes to make to its current composition, ward structure, name and/or municipal boundary. More specifically, Council must make formal decisions in respect to all of the following issues.

A considerable amount of information regarding the key issues has previously been provided to the elected members (refer the "Information Paper" dated September 2019 and the "Consultation Paper" dated January 2020). Members are requested to review this information should they desire to give further consideration to any issue.

Should Council opt for significant variations to either of the options which were presented in the Consultation Paper, or favour an entirely different ward structure, consideration may have to be given to undertaking further public consultation so as to inform the community of Council's changed position; and afford the opportunity for community comment on the specific variations.

3.1 TITLE OF THE PRINCIPAL MEMBER

Section 42(2)(b) of the Act specifies that the principal member of Litchfield Council can have the title of Mayor or President (as determined by Council); and Section 44(1)(a) of the Act requires the principal member is to be elected by the community.

Council has previously indicated that it favours the retention of the title of Mayor, as this is considered to be consistent with the arrangements of the other municipal councils in the Northern Territory; and befits a council area which exhibits an increasing population and increasing residential development.

Of the submissions received which addressed this issue, 35 (70.0%) supported the retention of the title of Mayor.

3.2 TITLE OF THE ELECTED MEMBERS

The elected members of the Litchfield Council have always held the title of Councillor.

Only two councils in the Northern Territory (i.e. the City of Darwin and the City of Palmerston) will continue to have Aldermen, given that Katherine Town Council has recently resolved to change the title of its elected members to Councillor as part of its current electoral review. Further, the trend across the nation is away from the title of Alderman, with only two councils in Tasmania currently having Aldermen, although one of these (i.e. the City of Hobart) is already transitioning to councillors.

Council has previously expressed the belief that the title of Councillor has long been known and accepted by the community; is appropriate for the elected members of a council of the status of Litchfield Council; is contemporary; and is not gender specific. Further, Council has indicated that little or no practical benefit will likely be achieved by changing the title of the elected members at this time.

Of the submissions received which addressed this issue, 43 (89.58%) supported the retention of the title of Councillor.

3.3 DIVISION OF THE COUNCIL AREA INTO WARDS

Council previously agreed "in principle" that the council area continue to be divided into wards, primarily because wards afford direct representation of all electors, individual communities and/or suburbs within the council area. In addition, it was considered that elected representatives of wards can focus on local issues as well as council-wide issues; may be known to their ward constituents (and vice versa); and can have an affiliation with the local community and an understanding of the local issues and/or concerns.

On the other hand, the "no wards" option "is considered to be the optimum form of democracy because it allows the eligible electors to vote for all of the vacant positions on Council. In addition, the abolition of wards should result in the most supported candidates from across the council area being elected; and the elected members being free of ward-centric attitudes.

Of the relevant submissions received, 38 (77.55%) favoured the continued division of the council area into wards.

3.4 NUMBER OF WARDS

The Consultation Paper, the "Electoral Review Snapshot" and the media release ("Representation of Our Community") all presented two ward structure options for consideration by the local community. Option 1 was a three ward structure, with each of the proposed wards being represented by two ward councillors (i.e. a total of 6 councillors); and Option 2 was a five ward structure, with each of the proposed wards being represented by a single ward councillor (i.e. a total of 5 councillors).

Council previously expressed its preference for the three ward structure (Option 1), as this would:

- enable the sharing of duties and responsibilities by the ward councillors;
- provide local residents with two direct lines of communication with Council (through the relevant ward councillors);
- afford continued representation under circumstances whereby one ward councillor is absent; and
- provide the desired diversity in skill sets, experience, opinions and backgrounds amongst the elected members so as to provide a range of viewpoints which may serve to improve the discussions and decision making by Council.

Council's second option proposed single councillor wards, this being a level of ward representation which has been accepted over the years. The proposed increase in the number of wards would enable the future wards to be smaller in area, thereby reducing the number of electors represented by each councillor and hopefully reducing the demands placed upon the individual elected members. Unfortunately, this level of ward representation does not afford continuous and/or direct representation of the ward by the duly elected ward councillor under circumstances whereby the ward councillor is absent. Notwithstanding this, such an absence for small periods of time would generally be covered by the other elected members.

The questionnaire/survey provided on Council's website extended the available ward structure options to include "remain the same". Reference to this option was chosen based on criticism Council has received from prior consultation processes. This though effectively changed the focus of the review consultation from gauging support for future change based on an increase in the number of ward councillors to 5 or 6, to a poll for the support for change versus the retention of the existing structure.

Under these circumstances there is generally a tendency for the local community members who oppose change to be more involved in the consultation process.

Of the survey responses which favoured the division of the council area into wards, 29 (59.18%) preferred the status quo (i.e. 4 wards); whilst 5 (10.2%) preferred the five ward/5 councillor structure (Option 2) and 3 (6.12%) preferred the 3 ward/6 councillor structure (Option 1). There was also minimal support for a six ward/6 councillor structure and a 3 ward/3 councillor structure.

The survey results create a dilemma. The clear majority of respondents expressed support for the ward structure to “remain the same”. These responses have been interpreted as expressing support for the retention of the existing 4 ward/4 councillor structure; even though the existing structure exhibits a significant imbalance in the distribution of electors between wards (refer Table 1). Alternatively, these submissions could be construed as simply favouring a four ward structure.

This retention of the existing ward structure would be at odds with the democratic principle of “one person, one vote, one value”; and the provisions of Regulation 63(3) of the *Local Government (Electoral) Regulations 2008* which require Council to take into account “the desirability of the number of electors for each ward being as near to equal as practicable at the next general election”.

Table 1: Elector distribution - current ward structure

Ward	Members	Electors	Elector Ratio	% Variance
Central	1	2,518	1:2,518	-17.04
East	1	2,946	1:2,946	- 2.94
North	1	2,855	1:2,855	- 5.94
South	1	3,822	1:3,822	+25.92
Total/Average	4	12,141	1:3,035	

Source: Northern Territory Electoral Commission (14th June 2020)

The conundrum now facing Council is to decide what constitutional arrangements provide the most effective possible elector representation for the council area.

Essentially, Council now has three ward structure options to consider, these being the 3 and 5 ward structures presented in the Consultation Paper and the existing 4 ward structure.

The survey provides no definitive support for either of the two options preferred by the elected members. However, 29 submissions supporting the retention of the existing ward cannot be considered to be an overwhelming endorsement from the local community which comprises over 12,000 eligible electors. Further, it is suggested that the retention of the existing ward structure in no way provides fair and/or adequate representation.

In addition, the retention of the existing ward structure may be difficult to justify, given the obvious significant imbalance in the distribution of elector numbers; and Council’s previous decision to introduce a new ward structure based on an increase in the number of elected members. Further, Council was previously presented with two variations of the existing 4 ward structure, both of which achieved a more equitable balance of elector numbers between the wards (refer Attachment C). Neither of these ward structures were favoured by Council and, as such, have not been presented to the community.

It is suggested that Council consider the three ward structure options in conjunction with the issue of the future number of elected members.

3.5 NUMBER OF ELECTED MEMBERS

The Litchfield Council has one of the lowest numbers of elected members of all of the councils in Australia.

Council has previously expressed the belief that an increase in the number of elected members is warranted at this time. In reaching this decision Council was mindful that:

- the urban and rural living character of the council area continues to evolve and, as a consequence, the local population is increasing which, in turn, places more demands upon the handful of elected members;
- an additional one or two elected members are required to enhance the lines of communication between Council and the growing community;
- the introduction of additional elected members should serve to reduce the demands being placed upon the existing four councillors;
- additional members should provide the desired diversity in skill sets, experience, opinions and backgrounds amongst the elected members which, in turn, should provide a range of viewpoints which should serve to improve the discussions within, and the decision making of, Council;
- the greater the number of elected members, the greater the likelihood that the elected members will be more familiar with the experiences of, and issues confronting, the local community; and
- an increase in the number of elected members may provide greater opportunity for community scrutiny and may make the elected members more accountable to their immediate constituents.

Of the relevant survey responses received, 46 (86.79%) opposed an increase in the number of elected members. From the comments received, it appears that the opposition to an increase in elected members is primarily based on cost; and the perceived poor performance and/or ineffectiveness of the existing members.

It is acknowledged that any increase in the number of elected members will come at a cost of an estimated \$35,000 per annum per councillor (inclusive of the annual base, electoral, additional meeting and professional development allowances). This cost needs to be assessed against the aforementioned likely benefits.

3.6 WARD NAMES

Council currently assigns ward names/titles based on the location of the wards (i.e. North, South, East and Central). This means of ward identification is conventional and appears to have been accepted by the community over a significant period of time.

The survey respondents were generally in favour of retaining the existing means of ward identification, however there were some alternatives provided for consideration (e.g. Wood, South Port, Humpty Doo, Weddell, geographical names, suburb names, the names of families who have contributed significantly to the council area, and Don Dale).

The alternative means of ward identification are limited. The allocation of letters and numbers are acceptable means of ward identification but they lack character and are of little relevance to the council area.

On the other hand, names of heritage significance; local physical features; and/or names of previous Council members who have served the community well, are all appropriate means of identification, but reaching consensus over the selection of appropriate names may prove to be difficult and may result in varying support in the community.

3.7 CHANGES TO THE COUNCIL NAME AND/OR BOUNDARIES.

Council has previously indicated to the local community (refer Consultation Paper) that it is not contemplating a change to its name and/or municipal boundaries as part of the review, but was prepared to consider the suggestions and comments of the community regarding these matters.

On the issue of the Council name, it is noted that:

- Litchfield Council has only been so named for a relatively short period of time change from shire to council since the 1st July 2008); and
- the elected members have previously indicated that they are aware that misunderstandings can arise in respect to the location of, and correlation between, Litchfield Council and Litchfield National Park.

As for the issue of the municipal boundaries, it is noted that:

- the elected members have previously indicated that inclusion of the northern part of Litchfield National Park, being all of the unincorporated land bounded by Route 30 (i.e. Litchfield Park Road in the west and south, and Batchelor Road to the Stuart Highway in the south) is an option worthy of some consideration;
- at the last review there were suggestions to expand the municipal boundaries so as to include the Marrakai area to the east and the Dundee area (or parts thereof) to the west; and
- Council has previously determined not to consider extending the municipal boundaries to include any existing unincorporated land given the likely associated additional costs, unless appropriate assistance or compensation is forthcoming from the Northern Territory Government.

Of the relevant submissions received, 43 (86.0%) favoured no change to the Council name or the existing municipal boundaries.

4. SUMMARY

The Litchfield Council has completed the public consultation stage of the review of its constitutional arrangements, attracting 55 acceptable public submissions. Council has now reached the stage of the review process where the elected members have to make final decisions regarding the future composition and structure of Council, taking into account the information previously provided and the submissions received.

Council has previously agreed (“in principle”) to retain:

- the existing name of the Council;
- the existing municipal boundaries;
- a ward structure;
- the title of Mayor in respect to the principal member; and
- the title of Councillor for the elected members.

Council had also previously agreed that there is a need to increase the number of elected members in order to provide fair and adequate elector representation. As such, it presented two ward structure options for consideration and comment by the community, these being a 3 ward/6 councillor structure and a five ward/five councillor structure. The community was also afforded the option to “remain the same”, the retention of the existing ward structure and level of representation, despite the significant imbalance in the distribution of electors between the wards.

The submissions received from the public clearly supported the retention of the existing Council name; the existing municipal boundaries; the title of “Mayor” for the principal member; the title of “Councillor” for the elected members; and the existing ward structure and level of ward representation. By the comments received, the community support for the “status quo” appears to be primarily based on the likely additional costs to be incurred if the number of elected members is increased. There was also some discontent expressed regarding the performance of the existing members.

Notwithstanding the above, the submissions received from the community represent only approximately 0.45% of the 12,000+ eligible electors within in the council area. Based on these submissions; the information previously presented in the Information Paper and the Consultation Paper; and the discussions at previous workshops and Council meetings, Council must now formally decide what elector representation arrangements and ward structure it intends to bring into effect (for a four year period) at the date of the next Local Government election (August 2021).

Council is reminded that the *Local Government Act 2019* will require all future electoral reviews (and final determinations in respect thereto) be made by the proposed Local Government Representation Committee. This being the case, the current review will likely be the last opportunity for Council to determine its future composition and structure.

5. RECOMMENDATIONS

It is recommended that the Lichfield Council resolve as follows.

- To note and receive all of the 55 submissions received during the public consultation process.
- The title of the principal member be "Mayor".
- The title of the elected members be "Councillor".
- The council area be divided into wards.
- The existing name of the Council be retained.
- The existing municipal boundaries be retained.

It is further recommended that Council:

- identify the composition and ward structure which it considers will provide the local community with adequate and fair representation for the four year period beyond the August 2021 Local Government election;
- determine appropriate names/titles for all proposed wards; and
- authorise the Chief Executive Officer to prepare a report to the Minister for Local Government, Housing and Community Development (pursuant to the provisions of Section 9 of the Northern Territory *Local Government Act 2008*) regarding the review of the constitutional arrangements undertaken by Council.

ATTACHMENT A

Public consultation documents

Media Release - Representation of Our Community

14 May 2020

In accordance with the Local Government Act, Litchfield Council is undertaking a review of its constitutional arrangements during this term of Council and is calling on the community to provide input into the most effective elector representation for the council area from Friday 15 May 2020.

The current structure of four wards, one Councillor per ward, has the South ward underrepresented compared to other wards, and with the population increase of almost 50% over the past 17 years, Councillors are representing more people than ever before.

Litchfield Council Mayor Maree Bredhauer said this public consultation allows all interested members of the community the opportunity to express their views in respect to the number of elected representatives.

"Councillors have discussed all issues relevant to the review and have agreed on two proposed options that, if supported, would provide better representation for the community" the Mayor said.

Option one reduces the ward number from four to three and has two Councillors per ward, creating a simple structure that allows for ward representation even if a Councillor is absent.

Option two increases the ward number from four to five and has one Councillor per ward, this allows for future growth in wards and greater communication between Council and the community.

Changes to the ward structure are a decision for the Minister for Local Government, Housing and Community Development, and if approved will come into effect after the next Local Government election, August 2021.

To read the Electoral Review Discussion Paper and make comment visit www.yoursay.litchfield.nt.gov.au with community consultation closing Thursday 8 June 2020.

Home » Electoral Review 2020

Electoral Review 2020



Council is required to undertake a review of its constitutional arrangements once every term of Council. Litchfield Council last conducted an electoral review in 2015.

Currently, the structure of Council is four wards with one Councillor per ward. This structure with the current ward boundaries has the South ward underrepresented compared to other wards.

The trend and density of the population has increased by almost 50% over the past 17 years, meaning the current Councillors are representing more people than ever before.

It is important for Council to consider community representation and consult with the constituents on how they could be better represented.

Councillors held workshops to develop the Electoral Review Discussion Paper which outlines Council's position on several areas relating to the electoral representation in Litchfield Council including;

1. Composition of Council, including number of Councillors and proposed ward structures;
2. Elector representation, ratio of electors to elected members; and
3. Ward representation, multi vs single member wards.

Read the Electoral Review Discussion Paper for more details on Council's recommendations.

Council would like feedback from the community with all submissions considered in the development of Council's recommendation to the NT Government.

Changes to the ward structure are a decision for the Minister for Local Government, Housing and Community Development, and if approved will come into effect after the next Local Government election, August 2021.

How to make comment on the Electoral Review Discussion Paper:

- Online - below in the online form
- Email - council@litchfield.nt.gov.au
- In Person - Litchfield Council Office, 7 Bees Creek Road, Freds Pass
- By Mail - Attention: CEO Re: Electoral Review

Litchfield Council, PO Box 446, Humpty Doo NT 0836

The submission period closes Thursday 8 June 2020.

ELECTORAL REVIEW

Electoral Review

Please read the Electoral Review Discussion Paper and provide your comments.

Survey starts

Finish

All fields marked with an asterisk (*) are required.

1. Should the principal member of Litchfield Council have the title of Mayor or President?

Please add your comment here...

2. Should the elected members of Litchfield Council continue to have the title Councillors?

Please add your comment here...

3. Should Litchfield Council continue to be divided into wards?

Please add your comment here...

4. Should Council be divided into three wards (Option 1, pages 6 and 7), five wards (Option 2, pages 8 and 9), or remain the same?

Please add your comment here...

5. Should Litchfield Council increase the number of elected members in order to achieve the most appropriate and effective representation of the local community?

Please add your comment here...

6. What should any future wards be named?

Please add your comment here...

7. Should consideration be given to changing the Council name and/or the municipal boundary?

Please add your comment here...

Submit

Electoral Review Documents

-  Electoral Review Discussion Paper (1.04 MB) (pdf)
-  Electoral Review Consultation Summary (242 KB) (pdf)

Lifecycle



Open - Friday 15 May 2020

This consultation is Open for contributions.



Closed - Monday 8 June 2020

Contributions to this consultation are closed for evaluation and review.



Final report - July Council Meeting

The final outcomes of the consultation are documented here. This may include a summary of all contributions collected as well as recommendations for future action.



Presentation to NT Government - August

Council will present the final recommendations to the Minister for approval.

Key Dates

Electoral Review
30 May 2020

Electoral Review
31 May 2020

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Electoral Review Snapshot



Why are we doing this Electoral Review?

Litchfield Council is required under its legislative obligations to conduct a review of the electoral representation in Council's municipality.

Current structure of Council

Four wards with one Councillor per ward, shows inequality in the elector to community ratios, and that the South Ward in particular is underrepresented.



Ward	Central	East	North	South	Total/Average
Members	1	1	1	1	4
Electors	2,544	2,996	2,945	3,860	12,345
Elector Ratio	1:2,544	1:2,996	1:2,945	1:3,860	1:3,086
% Variance	-17.57	-2.92	-4.60	+25.07	

Key Facts

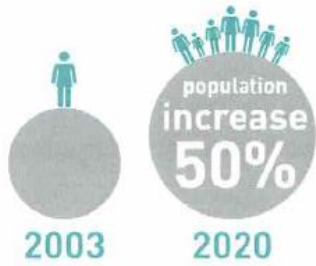
Elected representatives

Litchfield Council has the least number of elected representatives of all municipal councils in the Northern Territory.

Council	Katherine	Alice Springs	Litchfield	Palmerston	Darwin
Area	528 km ²	327 km ²	3,100 km ²	95.6 km ²	112 km ²
Members	6	8	4	7	12
Electors	6,175	15,169	12,345	22,247	50,118
Elector Ratio	1:1,029	1:1,896	1:3,086	1:3,178	1:4,177

And compared to Council's with similar population across Australia, it shows that Litchfield residents are significantly underrepresented.

Council	Inverell Shire NSW	Murray Shire WA	Benalla Rural City - Vic	Burdekin Shire Qld	Mareeba Shire Qld	Litchfield NT
Area	8,606 km ²	1,710 km ²	2,375 km ²	5,052 km ²	53,611 km ²	3,100 km ²
Members	9	8	7	7	7	4
Electors	11,943	12,273	12,131	12,258	13,356	12,345
Elector Ratio	1:1,327	1:1,534	1:1,733	1:1,751	1:1,908	1:3,086



What did we conclude?

The trend and density of the population has increased by almost 50% over the past 17 years, meaning the current Councillors are representing more people than ever before.

It is important for Council to consider community representation and consult with the constituents on how they could be better represented.

What do we recommend?

Council has two recommendations on how the community could be better represented through their Councillors:

Option 1

Simple structure, equitable distribution of elector numbers between the proposed wards, allows for ward representation even if one councillor is absent.



3 Wards
x 2 Councillors per ward

6 Total

Option 2

Single councillor representation in each ward, allows for growth in wards, greater communication between Council and the community than the current structure.



5 Wards
x 1 Councillor per ward

5 Total

What would the changes mean for Litchfield Council?

Option	Electoral Distribution	Wards	Cost to Council
1	3 wards 6 Councillors Decrease by 1,029 to 1:2,057	Decrease from 4 to 3 wards 4 3	Approximate extra cost of \$80,000 annually
2	5 wards 5 Councillors Decrease by 617 to 1:2,469	Increase from 4 to 5 wards 4 5	Approximate extra cost of \$40,000 annually



Visit Your Say Litchfield to read the full Electoral Review Consultation Paper that provides more detailed and explanatory information regarding the process of the electoral review and clarifies all the items that were discussed as part of the review, such as: Council name, composition and boundaries to name a few.

Register on Your Say Litchfield to provide your comments, alternatively, you can email council@litchfield.nt.gov.au

ATTACHMENT B

Summary of public submissions

Review of Constitutional Arrangements - Submissions									
Respondent	Which title should principal member have?	Should the elected members have the title of Councillor?	Wards or No Wards?	How many wards? (3, 5 or status quo)	Increase number of elected members?	Future ward names?	Change Council name and/or municipal boundary?	Comments	
1	President	No	No wards	Status quo	No	North, South, East, West	No		
2	Mayor	Yes	Wards	3 wards Option 1	No	Wood	Yes	Ditch Lambells Lagoon and Coolalinga from the municipality and focus on true rural areas.	
3	Mayor	Yes	Wards	Status quo	No	-	No		
4	Mayor	Yes	Wards	Status quo	No	Geographically	No		
5	President	Yes	Wards	Status quo	No	Not after politicians	No	Reduce costs, not increase cost	
6	President	Yes	No wards	No wards	No	-	Yes	The Litchfield Council name has a significant historical importance and should be retained. The Litchfield Council boundaries are quite extensive as they stand. Consideration could be given to reducing the size of the Litchfield Council and incorporating another council to cover the southern/outer areas. (See submission for further comments)	
7	Mayor	Yes	Wards	Status quo	No	South East	Yes	Consideration should only be given to changing the municipal boundary if the people in Marakai want it.	
8	President	Yes	No wards	No wards	No	-	No		
9	Mayor	Yes	No wards	No wards	No	-	No change to name	Increase municipal boundary could be of value as long as we don't just inherit kms of road with min. residents.	
10	President	Yes	Wards	5 wards	Yes	Southport; Humpty Doo	Yes	Give the hospital to Palmerston and Macmillan Road to Darwin.	
11	Mayor	Yes	Wards	Status quo	No	-	No		
12	Mayor	Yes	Wards	Status quo	No	status quo	No		
13	Mayor	Yes	No wards	No wards	No	-	No		
14	Mayor	Yes	Wards	-	No	-	No		
15	Mayor	Yes	Wards	5 wards	No	-	No		
16	-	-	-	Status quo	No	-	No	See submission for comments	
17	Mayor	Yes	Wards	Status quo	No	-	No	See submission for comments	
18	Mayor	Yes	-	-	No	-	No		

Review of Constitutional Arrangements – Submissions (continued)									
Respondent	Which title should principal member have?	Should the elected members have the title of Councillor?	Wards or No Wards?	How many wards? (3, 5 or status quo)	Increase number of elected members?	Future ward names?	Change Council name and/or municipal boundary?	Comments	
19	Mayor	Yes	Wards	status quo	No	-	No		
20	Mayor	Yes	Wards	3 wards Option 1	Yes	North, South, Central	No	Preference for 5 elected members plus the Mayor (See submission for further comments)	
21	President	Yes	Wards	5 wards	Yes		No	Name wards after past families that have made significant contributions to the shire	
22	Mayor	Yes	Wards	-	No	-	No		
23	President	Yes	Wards	Odd number	No	-	No		
24	Mayor	Yes	Wards	5 wards	Yes	Based on the suburbs	No	No to name change and no to boundary change - don't let Palmerston steal any area	
25	Either	Yes	Wards	5 wards	No	-	No		
26	-	-	-	-	No	-	-		
27	Mayor	Yes	Wards	Status quo	No	Same	No		
28	President	Yes	Wards	6 wards (single Councillor wards)	Yes	Geographical names - Central, West, South, East etc	Yes	Should go back to being a Shire (See submission for further comments)	
29		Yes	No wards	No wards	Yes	-	Yes	Change to Shire It would be good if the council area butted up to Litchfield National Park, save confusion (See submission for further comments)	
30	Mayor	Yes	Wards	Status quo	No	-	No	See submission for comments	
31	Mayor	Yes	No wards	3 wards Option 1	Yes (6)	Same	Yes	Incorporate Litchfield Park	
32	President	Yes	Wards	Status quo	No	Same	No		
33	Mayor	No - Alderman	Wards	Status quo	No	-	No		
34	Neither	No	No wards	Status quo	No	-	-		
35	Mayor	Yes	Wards	Status quo	No	-	No	Have an overseeing residents group that has free speech at meetings and veto vote (See submission for comments)	
36	Mayor	Yes	Wards	3 Wards (x 1 councillor)	No	-	No	See submission for comments	
37	Mayor	Yes	Wards	Status quo	No	Same	No	See submission for comments	
38	Mayor	Yes	Wards	Status quo	No	-	No	See submission for comments	

Review of Constitutional Arrangements – Submissions (continued)

Respondent	Which title should principal member have?	Should the elected members have the title of Councillor?	Wards or No Wards?	How many wards? (3, 5 or status quo)	Increase number of elected members?	Future ward names?	Change Council name and/or municipal boundary?	Comments
39	Mayor	No	Wards	Both options have merit	No	Simple names	No	See submission for comments
40	Mayor	Yes	Wards	Status quo	No	Same	No	See submission for comments
41	-	-	-	-	-	-	-	Why is this survey focused on stuff that does not benefit residents
42	Mayor	Yes	Wards	Status quo	No	-	No	
43	Mayor	Yes	No wards	Status quo	No	-	No	
44	-	-	-	Status quo	No	-	No	
45	Mayor	Yes	Wards	Status quo	No	Same	No	
46	No	No	No wards	No wards	No	-	No	
47	Mayor	Yes	Wards	3 Wards (x 1 councillor)	No	North, Central, South	No	See submission for comments
48	Mayor	Yes	Wards	Status quo	No	-	No	See submission for comments
49	-	-	-	-	-	-	-	
50	Mayor	-	Wards	Status quo	No	Weddell	No	
51	Not president	Yes	Wards	Status quo	No	Have a public vote	No	
52	Mayor	Yes	Wards	Status quo	No	-	No	See submission for comments
53	Mayor	Yes	Wards	Status quo	No	-	No	See submission for comments
54	President	-	Wards	Status quo	No	-	-	See submission for comments
55	Mayor	Yes	No wards	No wards	No	-	No	

ATTACHMENT C

Alternative ward structure options (4 wards)

