



## **Shire of Kondinin**

# **Review of Councillor Representation Discussion Paper**

15<sup>th</sup> November 2022

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## Background

### THE SHIRE

Kondinin is located in the West Australian Wheatbelt, 278km south-east of Perth. The Shire of Kondinin covers 7,340 square kilometres. In 2021, the Shire of Kondinin's population on the night of the census was 847 and a total of 568 electors.

The Shire comprises of three town sites, Hyden, Karlgarin and Kondinin.

The continued provision of community infrastructure remains one of the key priorities and major expenditure for the Shire. The Shire continues to maintain a large number of assets to service the community, and welcomes visitors to enjoy what the Shire of Kondinin has to offer from our infrastructure to the natural beauty of our environment which includes such sites as Yeerakine Rock, McCanns Rock, Wave Rock and Lake Magic, Lake Kondinin and other areas.

The Shire of Kondinin has a long and proud history starting as the Kondinin Road Boards in 1925 as a strong Council with great leadership. Our Community is a mixture of agriculture, general industry and tourism with many fantastic natural lakes and granite outcrops including Wave rock.

The Council is focused on serving the community's needs that have been identified through the Strategic Community Planning process and continue to update and engage the public with activities of the Shire. We are understanding the difficulties and opportunities for our region and are always looking to ensure service delivery is of a high standard and our communities' needs are being met.

Council continues to ensure that it has an effective approach and best practice principles to ensure efficient and effective administration of the organisation. Council and its staff are always looking to identify areas of improvement and are receptive to change that will assist in benefiting its community.

The 2021 Census data provides a brief snapshot of information relevant to the Shire of Kondinin.

Census Year	Population	Median Age
2021	847	46
2016	973	43
2011	1,045	39

### WHY A REVIEW OF COUNCILLOR REPRESENTATION?

The Shire of Kondinin resolved at its Ordinary Meeting of Council held on the 28<sup>th</sup> of September 2022 to undertake a review of its Councillor representation numbers in compliance with the *Local Government Act 1995* and as part of the **Voluntary Pathway** offered by the Minister for Local Government.

On the 20<sup>th</sup> of September 2022, the Minister for Local Government wrote to Local Governments regarding the impending Local Government Reforms and in particular the reduction in Councillor

numbers in line with the reforms, in which Local Governments with populations of less than 5,000 are required to have between 5 – 7 Councillors.

In addition, Local Governments within Band 3 and 4 will no longer be able to have wards. This does not impact the Shire of Kondinin as we removed wards in several years ago.

**The Minister's letter states;**

*“Work on a Bill to amend the Local Government Act 1995 (the Act) is ongoing, and a Bill is expected to be introduced into Parliament in early 2023.*

*Many of the reform proposals related to council representation are based on recent trends and are intended to provide greater consistency between districts. Accordingly, for more than half of all local governments, the reforms will not require any specific change to the size or structure of the council.*

*However, the reform proposals do require some local governments to:*

- *Reduce the number of elected members on council in accordance with population thresholds;*  
*or*
- *Change from a council-elected mayor or president to a directly elected mayor or president (this reform affects only band 1 and 2 local governments); or*
- *Abolish wards (for band 3 and 4 local governments with wards); or*
- *Implement more than one of the above.*

*The Amendment Act will also provide that optional preferential voting will apply to all local government elections. As you may know, optional preferential voting means that all electors have the choice to number preferences for as many or as few candidates as they wish to.*

*I appreciate the significant interest in the reform proposals, and transitional arrangements for the upcoming 2023 ordinary elections. Many councils have expressed a proactive intent to implement reforms as early as possible.*

*I also acknowledge that, for some local governments, it may be desirable to implement changes to the size of the elected council over two ordinary election cycles.*

***The Department of Local Government, Sport and Cultural Industries (DLGSC) has completed an initial review and identified that your local government may need to reduce the number of council members under the proposed reforms.***

*As you would know, the Act already provides that local governments may initiate proposals to change the size or structure of the council. Accordingly, I write to advise of two pathways your local government may consider for making these election transition arrangements.*

**Voluntary Pathway**

*Your local government may decide to implement these changes on a voluntary basis. This pathway will require the council to make the steps outlined below and could involve staging any larger changes in the number of councillors over two ordinary elections. This pathway provides the greatest possible lead time to plan for next year's ordinary elections.*

*If your council wishes to undertake this process, it should, by 28 October 2022:*

- Advise the DLGSC of its intention to undertake a voluntary process. This advice should include a high-level plan outlining the potential changes to be implemented for the ordinary elections to be held in 2023 (and in 2025, if applicable); and*
- Initiate a Ward and Representation Review to determine the specific changes to the structure of the council for the 2023 and 2025 ordinary elections, to be completed by 14 February 2023.*

*I appreciate that significant effort is required to complete a Ward and Representation Review. The Ward and Representation Review would need to be initiated ahead of the 28 October 2022 date, and finalised by 14 February 2023, to ensure that the timeframes set out in the Act can be practically met.*

*While the Ward and Representation Review can consider the size of the council, and any wards, any changes should not diverge from the proposed reforms. Further information is attached to this letter to assist with this process.*

### **Reform Election Pathway**

*Alternatively, it is intended that the Amendment Act will provide for all changes to be implemented through reform elections in 2023. This pathway would provide that all of the council's offices can be declared vacant, all wards can be abolished (if applicable), and the number of council offices would be set based on the reform proposals.*

*Elections would then be held to fill all council offices, with a split between two- and four-year terms as might be necessary to re-establish an ordinary election cycle. For local governments in band 1 or 2, the newly-elected council would then be able to consider whether to establish new wards through a future Ward and Representation Review.*

*Your local government may specifically decide to follow the Reform Election Pathway.*

*If this is the council's intention, I request that you advise the DLGSC by 28 October 2022.*

*It is also intended that the Amendment Act will contain provisions for the Reform Election Pathway to apply if a local government:*

- Does not advise of an intention to follow the Voluntary Pathway, or*
- Decides to follow the Voluntary Pathway, but does not suitably complete a Ward and Representation Review by the dates outlined in this letter.*

### **Next Steps**

*In line with the above, I request that your council considers these matters, and provides formal written advice on the preferred pathway to the DLGSC by 28 October 2022.*

Given the timeframes already established in the Act, no extension to the dates specified in this letter will be possible.

### **Timeline and steps – local government ward and representation reviews**

The following steps will need to occur to allow all required local governments to meet the 30 June 2023 timeframe of publication in the Government Gazette of any proposed ward and representation review changes, ahead of the October 2023 local government elections. Please note that all stages that are currently followed for ‘regular’ reviews are included below.

Table 1 includes suggested timeframes that will need to be considered by all local governments that will be required to undertake a review ahead of the October 2023 elections. All local governments should aim to have their completed reviews submitted to the Local Government Advisory Board (the Advisory Board) by no later than **14 February 2023.**”

## **Legislative Requirements**

As Council has resolved to undertake the voluntary pathway, this discussion paper has been prepared to have regard to the provisions of Schedule 2.2 of the Local Government Act, which specifies;

### **7 Reviews**

- (1) Before carrying out a review a local government has to give public notice advising –
  - a) that the review is to be carried out; and
  - b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after notice is first given.
- (2) In carrying out the review the local government is to consider submissions made to it before the day affixed to the notice.

## **Review of the Number of Councillors**

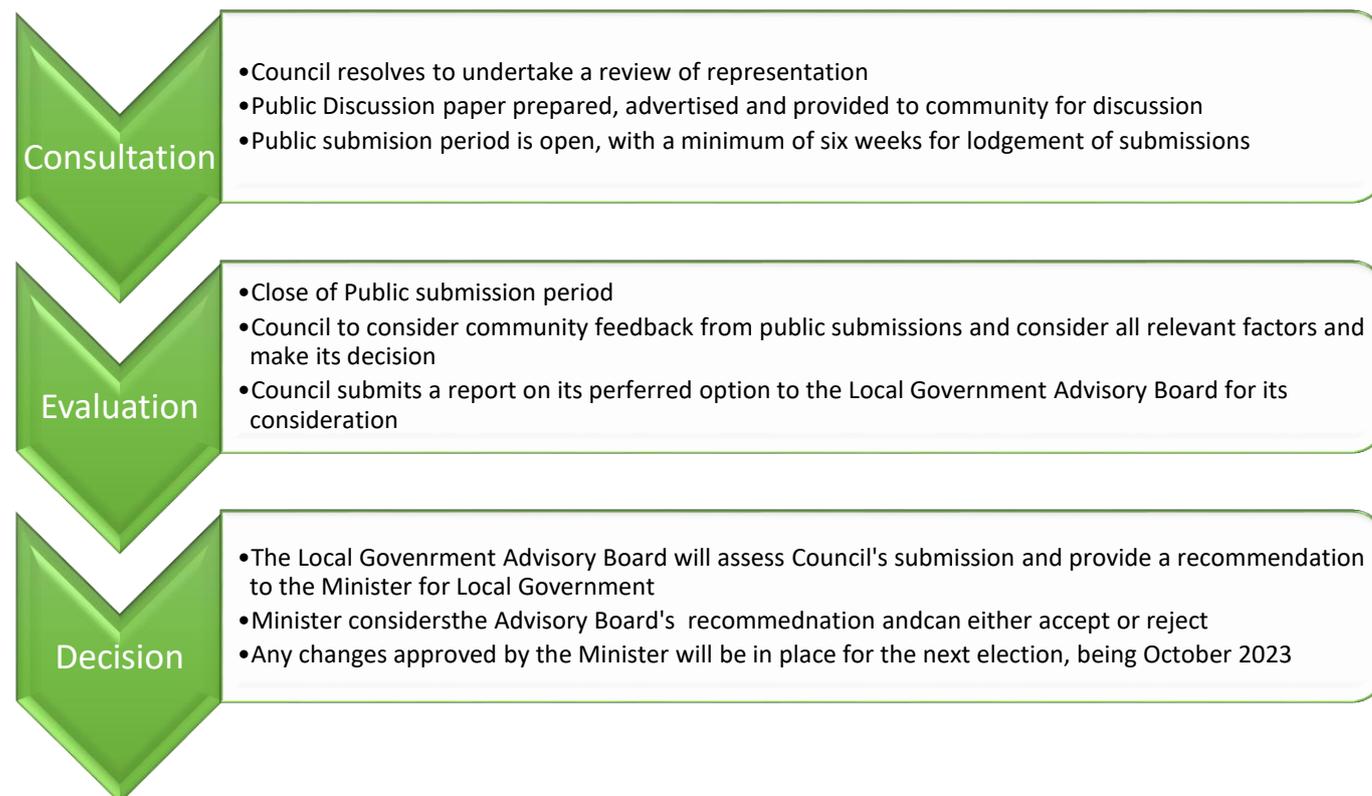
A review of Councillor numbers should consider the effectiveness and efficiency of the Councillor in both their individual and collective Council roles as defined by the Local Government Act 1995, s2.10.

## **Factors that must be taken into consideration**

1. Community of Interest
2. Physical and Topographical Features
3. Demographic Trends
4. Economic Factors
5. Ratio of Councillors to Electors

## Process

The review process is required to be undertaken in accordance with the Local Government Act 1995 and involves the following steps;



## Timelines

To meet the Minister for Local Government's deadline for the Councillor reduction voluntary pathway it is a requirement to have Council's formal report to the Advisory Board by the 14<sup>th</sup> February 2023 to ensure the variations can be implemented in time for the October 2023 Ordinary Election process.

Due date (latest possible)	Requirements/actions
28 September 2022	Council resolves to undertake a ward and representation review to look at the reduction of Council Members to 7 in accordance with the Local Government Reviews. A comprehensive discussion paper is developed
28 <sup>th</sup> January 2023	Completion of a six-week (minimum) consultation period, extended for seasonal obligations and holidays.
January 2023	The draft review report is prepared, considered and adopted by Council
14 February 2023	A formal review report is submitted to the Advisory Board

## Previous and Current Situation

The Shire of Kondinin currently has 9 Councillors and no wards.

Council last undertook a review of its Councillor Representation prior to the 2005 Election where it resolved to remove the Wards and have a District Election. No further reviews have been undertaken since that time and Council still has 9 Councillors and no wards.

## Comparison to Surrounding and Similar Councils

The Shire of Kondinin had a Councillor to Elector Ratio of 63 at the last election held in October 2021.

Below is a comparison of Councillor / Elector ratios from surrounding and similar Council's. These figures were obtained from the WALGA Local Government Directory 2021.

Local Authority	Councillors	Electors	Representation Ratio
Koorda	7	290	41
Mukinbudin	9	366	41
Trayning	7	341	49
Kulin	9	556	62
<b>Kondinin</b>	<b>9</b>	<b>568</b>	<b>63</b>
Narembeen	8	536	67
Bruce Rock	9	670	74
Quairading	8	767	96
Goomalling	7	701	100
Cunderdin	8	848	106
Kellerberrin	7	792	113
Corrigin	7	835	119
Merredin	9	2060	228

*The average representation ratio for the above Local Government is 89.*

Should Council reduce its **Councillor representation numbers to 7** it would provide a representation ratio of **81** electors per Councillor.

## Options

During the Local Government Reform consultation period the Shire of Kondinin had strong views against a significant reduction in Councillor numbers and believed that Shires should determine their own representation with the number of Councillors as they see fit, due to the number of towns and the length of our shire. WALGA's and the Great Eastern Zone's position was to seek the number of Councillors for populations less than 5,000 to be set at between 5 - 7, not the maximum of 5 that was proposed.

Council's response to this component of the reform process was as follows;

*The Shire of Kondinin is supportive of WALGA's response to this proposed change and specifically the provision for 5 to 7 Council Members for populations up to 5,000 if the community agrees.*

*Council currently has 9 Councillors and would consider a reduction to only 5 as detrimental to the running of the organisation. The limitation of Councillors for the Shire would be detrimental to diversity and allow fair representation of the various areas of the Shire and the three towns. The reduction to 5 Councillors would also place greater workloads on the members to ensure good governance for the Shire.*

*Council accepts that there may need to be some reduction in Councillors for small regional Local Governments. The reduction of members to 7 Councillors over a 2-election cycle was seen as a fair reduction of members.*

The option of status quo and retaining 9 Councillors (including the President) will not be permitted under the reform guidelines and the new Local Government Act 1995, which will require a Council with a population under 5000 to have Councillor representation of between 5 – 7. If Council does not look at voluntarily reducing members, then it would require all members to undergo an election and the numbers may be dictated. This could end up with a completely new Council and all current knowledge may be lost.

**At its Council meeting held on Wednesday 28<sup>th</sup> September 2022, Council resolved to undertake the Voluntary Councillor Reduction Pathway, indicating its preference for 7 Councillors by removal of a Councillor at the 2023 Elections and then a further drop of a Councillor at the 2025 elections to achieve the reduction to seven (7) Councillors.** This was seen as a fairer option to be compliant with the reform requests while retaining the knowledge of the current Members.

Council can consider the following options if requested by the community, Alternative options for Councillor numbers (including President) are as follows;

- **Option 1            7 Councillors**
- **Option 2            6 Councillors**
- **Option 3            5 Councillors**

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#### **Option 1:    7 Councillors**

This number of Councillors is the most allowed under the new reform for the Shire of Kondinin and would provide a Councillor to ratepayer ratio of 81, with a ratio to population of 121.

Council's preference is for seven Councillors as it strongly believes that any further reduction would create too great a workload for the remaining Councillors, limit diversity of Council Members and may leave some areas of the Shire without representation. Seven Councillors provides for a good diversity of representation from our communities, remembering we have three towns, in a predominately agricultural sector covering an area of 7,340 sq km and a road network of 286 km of sealed roads and 1,189 km of unsealed roads.

Further details on Council's preferred position of 7 Councillors have been outlined on page 8 of this document which outlines the impacts of further reductions.

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### **Option 2: 6 Councillors**

This number of Councillors would provide a Councillor to ratepayer ratio of 95, with a ratio to population of 141.

There is a concern if one Councillor or sometimes more is absent during either illness, conflicting commitment or away on holiday, this would leave Council vulnerable with potentially five or fewer Councillors to decide.

Whilst six Councillors may be workable, there is a concern of an increased workload distribution of elected Councillors, which may detract from potential nominations at elections and also a reduction in the diversity of Councillors reducing the fair representation of residents. The minimal cost saving compared to seven is negligible when compared to other factors.

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### **Option 3: 5 Councillors**

This number of Councillors is the least allowed under the new reform for the Shire of Kondinin and would provide a Councillor to ratepayer ratio of 113, with a ratio to population of 169.

It was considered that only five Councillors is not a viable option as it would significantly impact Council's ability to adequately represent the community and does not give enough options to provide the diversity required for a fair representation of the community.

Given the size of the Shire, the three townsites, the extensive farming community and the number of visitors to the region for tourism, 5 Councillors would have a difficult task of ensuring good representation of their communities.

There is also a concern when a Councillor is absent during either illness, conflicting commitment or away on holiday this would leave Council vulnerable to the adequate level of good and fair governance with potentially four or fewer Councillors to make important decisions for Council and the community.

## **Cost Comparison**

The fees, allowances and expenses paid to each Councillor are determined through Council's annual budget and as some Councillor's payments (excluding President & Deputy President) vary depending on claims and training/conferences, therefore the approximate annual costs associated per Councillor is between \$3,500 and \$5,500 pending on travel allowance and approximately \$2,000 for conference expenses (not all Councillors use this).

An approximate amount of **\$7,000 to \$15,000** would be saved by reducing Councillor numbers to **7**.

An approximate amount of **\$10,500 to \$22,500** would be saved by reducing Councillor numbers to **6**.

An approximate amount of **\$14,000 to 30,000** would be saved by reducing Councillor numbers to **5**.

### **Cost not the only Consideration**

It should be noted that cost savings should not be the determining factor to reduce Councillor numbers as careful consideration needs to be given to the other factors such as workloads,

distribution of roles and representations, diversity for decision making and adequate representation for ratepayers and the community.

## Election Cycles & Implementation

The below table outlines the election cycle options for each of the reduction of Councillor number scenarios to maintain the most effective split for each election period.

Council Members	Proposed Reduction Options	2021 Election	2023 Election	2025 Election
Current Councillors		5	4	
Option for 7 Members	1 Office reduced 2023, 1 Office reduced 2025		3	4
Option for 6 Members	1 Office reduced 2023, 2 Offices reduced 2025		3	3
Option for 5 Members	2 Offices reduce 2023, 2 Offices reduced 2025		2	3

In line with the reform guidelines, Council's preference is to reduce to 7 Councillors over a 2-election cycle to ensure that the reduction is done fairly and not disadvantaging any Councillors.

## Other Factors

### The Department of Local Government

The Department of Local Government has the following view and commentary on Councillor numbers.

The preferred number of elected members for a local government is a matter for the local government. There is a diverse range of councillor/elector ratios across Western Australia reflecting sparsely populated remote areas and highly populated urban areas. The size and structure of a local government will impact the deliberations involved in determining the number of elected members needed to service the local government.

The **advantages** of a reduction in the number of elected members may include the following:

- The decision-making process may be more effective and efficient if the number of elected members is reduced. It is more time to ascertain the views of a fewer number of people and decision-making may be easier. There is also more scope for team spirit and cooperation amongst a smaller number of people.
- The cost of maintaining elected members is likely to be reduced (an estimate of the cost of reduction would be helpful).
- Consultation with the community can be achieved through a variety of means in addition to individuals and groups contacting their local elected member.
- A reduction in the number of elected members may result in an increased commitment and interest and participation in Council's affairs by elected members generally.

- Fewer elected members are more readily identifiable to the community.
- Fewer positions on Council may lead to greater interest in elections with contested elections and those elected obtaining a greater level of support from the community.
- There is a Statewide trend in reductions in the number of elected members and many local governments have found that fewer elected members have improved their decision-making process.

The **disadvantages** of a reduction in the number of elected members may include the following:

- A smaller number of elected members may result in an increased workload for incumbent members and may reduce efficiency and effectiveness.
- There is the potential for dominance in the Council by a particular interest group.
- A reduction in the number of elected members may limit the diversity of interests around the Council table.
- Opportunities for community participation in Council's affairs may be reduced if there are fewer elected members for the community to contact.

### **Effectiveness and Efficiency of Council Meetings**

There is a fair degree of flexibility as to how a local government structures its business to deal with matters at Council meetings. Some Councils extensively utilise committees that make recommendations to Council, whilst others operate with very few committees and conduct most of their business through their ordinary Council meetings. There are also wide differences in how much of the decision-making processes are delegated to the Chief Executive Officer.

Council members have a duty to attend all Council meetings to ensure that electors are adequately represented. Committee meeting attendance is also necessary where Councillors are nominated to these.

It is important that meetings provide a good range of diverse representation to provide fair decision-making on behalf of the public. The lower the number of Councillors the more impact there is on Council's ability to adequately represent the community and provide the diversity required for a fair representation of the community at the meetings.

The number of Councillors should not significantly impact the ability to have adequate distribution and representation to attend all the various regional meetings, be a committee member or local community delegate as it would impact their employment. This may have a significant impact on people voting for Council.

Many local governments operate using a system of committees to reduce the work at Council meetings.

These committees are established to consider specific aspects of a local government's operation such as finance, works, community services or planning. Each committee usually includes a small number of Councillors who generally make recommendations to the full Council.

The number of meetings a Councillor must attend each month will vary according to the frequency and the number of committees on which the elected member sits.

### **Councillor Workload**

Councillors are required to attend 11 monthly Ordinary Council Meetings and 11 Councillor Information Sessions which run from 2 pm to 5.30 pm on the 3<sup>rd</sup> Wednesday of each month, except January.

Some Councillors also attend Committee Meetings such as Works Committee, Building Committee, Audit Committee and Management Committee.

There is an expectation of elected Councillors that they are to also participate in various committees and act as Council delegates, therefore in addition to the above standard requirements the following Committees, Delegates & Representations are required:

<b>Committee, Delegate, Representative</b>	<b>Number of Councillors</b>	<b>Requirements</b>
Audit Committee	7	Minimum 4 meetings per year
Health / Doctor	2	Approximately 2 meetings per year
Works & Services	4	Approximately 5 meetings per year
Building	4	4 Meetings per year
WALGA Great Eastern Zone	2	6 Meetings per year
RoeROC	7	4 Meetings per year
Regional Road Group	2	5 - 6 Meetings per year
Chief Bush Fire Control Officer	1	3 BFAC Meetings per year, 3 DOAC Meetings per year, plus countless hours for fire incidents, training and liaison with permits and harvest bans
Deputy CBFCO	1	3 BFAC Meetings per year, plus countless hours for fire incidents, training and liaison with permits and harvest bans
Local Emergency Management Committee	2	4 Meetings per year, plus any incidents
Tourism	1	6 Meetings per year

In addition to the above, many of the Councillors also volunteer their time on various sporting or community groups/committees as community members.

Councillors are also expected to provide leadership and guidance to the community and therefore a reasonable expectation is placed that there is an amount of time that they are out and about in the

community at either events or other community gatherings where they will be questioned or provide comments on Council-related matters.

## Consultation

Clause 7 of Schedule 2.2 of the Act stipulates that before conducting the review, a local government is to give local public notice that a review is to be carried out and that the notice must also advise that submissions may be made to the local government by a date at least 6 weeks from the date of the first notice. Given the time of year, additional time has been allowed to ensure ratepayers have the opportunity to provide input.

The purpose of the public notice is to inform the community that the Council intends to conduct a review. The options in this document can be used 'as is' or refined subject to discussion and feedback.

At the end of the consultation period, Council is to determine any recommendation made to the LGAB by the absolute majority. At this time, the submissions received may mean an alteration of the options put forward, or something entirely new may be considered. Council is not obligated to recommend any option to the Local Government Advisory Board, even one which may be the most preferred by the community.

## Public Submissions

Council invites members of the community to make written submissions relating to any aspects of this Review of Councillor Representation.

Submissions must be in writing and can either be made via completing the attached feedback form or written on a separate page and addressed to the Chief Executive Officer via the following methods;

Email: [ceo@kondinin.wa.gov.au](mailto:ceo@kondinin.wa.gov.au)

In Person: Shire Administration Office, 11 Gordon Street, KONDININ WA 6367

Postal: Chief Executive Officer  
"Review of Councillor Representation"  
P O Box 7, KONDININ WA 6367

Council appreciates your input into this important process which will assist in ensuring an informed and a balanced decision can be made that will be beneficial to Council and the Community.

*Kent Mouritz*

**PRESIDENT**

*David Burton*

**CHIEF EXECUTIVE OFFICER**

**Submissions Close at 4.00 pm on 30<sup>th</sup> January 2023**