



## **Shire of Kondinin**

# **Report to Local Government Advisory Board Review of Councillor Representation**

3<sup>rd</sup> February 2023

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## Executive Summary

For the purpose of Local Government Reforms, the Shire of Kondinin has performed a Review of Representation as required by the Local Government Act to review the possibility of reducing the number of Elected Members from nine (9) to seven (7) in line with the Local Government Reforms as initiated by the Minister for Local Government.

In considering the options Councils preferred option was to reduce to seven (7) members over a two (2) election cycle period to ensure fair process for all members and met the guidelines of the reforms.

A Discussion Paper was prepared as required and advertising for 2 months over December 2022 and January 2023 (longer than the required 6 weeks) due to the busy time of year for the region. No submissions to the discussion paper were received at the closing of submission on 30th January 2023.

An Item has been presented to Council on 7<sup>th</sup> February 2023 for final resolution for the following:

That Council:

- 1) assess all information relevant to the Review of Councillor Representation included in the Officer's Report and in the attached Representation Report to the Local Government Advisory Board and endorse the document.
- 2) Instruct the Chief Executive Officer advise the Local Government Advisory Board that:
  - a) That in accordance with Schedule 2.2 of the Local Government Act, the Shire of Kondinin recommends to the Local Government Advisory Board that an order be made under S2.18(3) of the Local Government Act 1995 to reduce the number of offices of Councillor on the Council from nine (9) to seven (7).
  - b) That the reduction of offices of Council to eight (8) at the 2023 Elections and seven (7) at the 2025 Elections, providing a three to four split in the election cycle allowing a fair and equitable reduction in Council Members.
  - c) That in accordance with the direction of the Minister for Local Government that there be no wards for populations under 5000, the Shire of Kondinin will remain with the status quo and not implement wards for Council.

## Introduction

### WHY A REVIEW OF COUNCILLOR REPRESENTATION?

On the 20th 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 wards were removed several years ago.

The Department of Local Government, Sport and Cultural Industries (DLGSC) completed an initial review and identified that the Shire of Kondinin needed to reduce the number of council members under the proposed reforms from nine (9) members to between five (5) to seven (7) members. The Minister advised that the Act already provides that local governments may initiate proposals to change the size or structure of the council.

The Minister advised of two pathways your local government may consider for making these election transition arrangements, that being either the Voluntary Pathway or the Reform Process. The Shire of Kondinin resolved at its Ordinary Meeting of Council held on the 28<sup>th</sup> of September 2022 to look at the voluntary path for the reforms

### LAST REVIEW

The last review or Representation was taken several years ago when the ward system was abolished for the Shire and Council Members were representative of the entire district.

### CURRENT SITUATION

Council currently has nine (9) Councillors with no wards.

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 Councils. 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 Governments is 89.*

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

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

- Our population is slowly declining; however, this may change with the proposed wind farms for Kondinin and Hyden.

## Review Process

The review process was undertaken in accordance with the Local Government Act 1995.

Council assessed options and a Review of Councillor Representation – Discussion Paper was prepared in line with the example provided in the Department of Local Government’s Guide on how to conduct a review. Staff and Council assessed all options and relevant information as well as referring to previous discussions and responses to the Local Government Reform process and Council’s previous position on the reduction of Councillor numbers.

A full copy of the Discussion Paper provided to the public is included in the appendices to this report.

### ATTACHMENT 2.

In line with the requirements of the review process advertising for public input was undertaken. This was conducted in various formats.

Council advertised that it is conducting a review from December 2022 to the end of January 2023.

Proof of advertising can be found in **ATTACHMENT 3** of the appendices. Advertising was conducted via the following methods;

#### Advertising

- Public Notice in newsletters
- Public Notice on Website – the advert placed on the Public Notices section of Council’s website for the six-week period
- Public Notice and advertising & promotion of the review on Social Media during the consultation period
- Advert placed on Council Public Notice Board in the Shire Office for the consultation period

#### Discussion Paper

- Hard Copies of the “Review of Councillor Representation” Discussion Paper were placed in front reception of the Shire Office
- Electronic Version of the “Review of Councillor Representation” Discussion Paper was available on Council’s website during the consultation period
- An electronic link to the “Review of Councillor Representation” Discussion Paper was placed on all social media advertising taking the public straight to the discussion paper.

- Copies were available by contacting the Shire Office during office hours of the consultation period

## Summary of Submissions Received

At the close of the Public Submissions Period at 4.00pm on Monday 30<sup>th</sup> January 2023, the following submissions were received:

### No public submissions received

#### Summary / Conclusion

It is the view of the reporting officer that the advertising/promotion of the Review of Councillor Representation and availability of the Discussion Paper for the public consultation period was adequate.

The conclusion could be drawn that as no submissions were received, is due to the community / public being agreeable with the direction of Council to consider the reduction on Representation over a 2-election cycle timeframe to be compliant with the Ministers request for reform, and they had no objections to the contents of the Discussion Paper.

## Assessment of Options

In recent months Council had discussed the proposed reforms and the potential for a reduction of Councillor numbers, even prior to the letter from the request from the Minister. At the September 2022 Ordinary Council meeting, Council considered the options available for the reduction of elected members over a two (2) election cycle timeframe to ensure a fair and equitable process.

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.

The Public Discussion Paper was prepared and provided to the public to seek feedback on each of the three options below, however, no feedback was provided by the community, nor were any alternative options or considerations.

The options that Council considered (including President) are as follows;

### **Extract from Review of Councillor Representation – Discussion Paper**

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 the 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 about 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.

The full version of the Shire of Kondinin Review of Councillor Representation – Public Discussion Paper can be found in the appendices in **ATTACHMENT 2**.

- d) Council considered all options and believed that the most appropriate option for the Shire of Kondinin That the reduction of offices of Council to eight (8) at the 2023 Elections and seven (7) at the 2025 Elections, providing a three to four split in the election cycle allowing a fair and equitable reduction in Council Members.

There is significant evidence outlined in the *Shire of Kondinin Review of Councillor Representation – Public Discussion Paper* that enabled Council to determine that any further reduction than seven (7) would have too great an impact on Council to adequately represent the community, be able to provide a diverse representation, not have a workload that would create significant pressure on Councillors and provide effective and efficient governance through Council meetings.

Other factors outlined in the review that enabled Council to determine that seven (7) Elected members were the appropriate number were;

- No significant cost savings by reducing further than seven, compared to the impacts on a fair and effective Council.
- It was determined that any further reduction of Councillor numbers would have too great an impact on the effectiveness and efficiency of Council meetings and due to the size and shape of the Shire, may leave significant areas without local representation.
- Council has had no previous concerns with the number of Councillors and has operated with nine (9) Council members for the past 10 years. Council sees no justification in any further reduction than seven (7).
- It is Council's position that seven (7) Councillors are required to provide adequate community participation in Council affairs, any further reduction would restrict community



contact throughout our Shire, which has three townsites plus three satellite towns over an area of 7,340 sq. km and a road network of 1475kms.

- A reduction to seven (7) Councillors will create an elector ratio of 97, which is well above many neighbouring/similar Shires that already have seven (7) Councillors. It also creates a ratio of one Councillor to 121 residents.

## Recommendations

The Officer has taken into consideration Council's position and views on the Reduction of Councillor Numbers, the findings of the Review of Councillor Representation – Discussion Paper that no public objections or submissions were made and will provide a recommendation to Council for consideration at the Special Meeting of Council on the 7<sup>th</sup> February 2023.

The Officer's Recommendation will be as follows;

### OFFICER RECOMMENDATION

That Council:

- 3) assess all information relevant to the Review of Councillor Representation included in the Officer's Report and in the attached Representation Report to the Local Government Advisory Board and endorse the document.
- 4) Instruct the Chief Executive Officer advise the Local Government Advisory Board that:
  - e) That in accordance with Schedule 2.2 of the Local Government Act, the Shire of Kondinin recommends to the Local Government Advisory Board that an order be made under S2.18(3) of the Local Government Act 1995 to reduce the number of offices of Councillor on the Council from nine (9) to seven (7).
  - f) That the reduction of offices of Council to eight (8) at the 2023 Elections and seven (7) at the 2025 Elections, providing a three to four split in the election cycle allowing a fair and equitable reduction in Council Members.
  - g) That in accordance with the direction of the Minister for Local Government that there be no wards for populations under 5000, the Shire of Kondinin will remain with the status quo and not implement wards for Council.

## Implementation of Proposed Changes

In line with the Local Government Reform Guidelines and Council's position to reduce Councillor Numbers from 9 to 7, it is recommended that the transition occurs at the October 2023 Ordinary Local Government Elections with a reduction of one (1) member and a further reduction at the October 2025 Elections of one (1) member to ensure a fair and equitable process.

The below table outlines Council's current cycle and split of Elected Members, with the abolishment of 2 Elected Members in 2023 and the requested split for the reduction to seven (7) Elected Members.

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

## Appendices

The Appendices for this document include;

**Attachment 1** Copy of the Council Minutes with the decision to undertake the voluntary reduction in members

**Attachment 2** Copy of the Review of Councillor Representation – Discussion Paper – Inviting Public Submissions

**Attachment 3** Copy of the Advertising information

**Attachment 4** Copy of Council Minutes from the 7<sup>th</sup> February 2023, resolving to;

- Consider Public Submissions & Community Input
- Assessment of Relevant Matters
- Endorsement of the Report to the Local Government Advisory Board
- Final Decision of Shire of Kondinin's Councillor Representation Review