



Shire of Cunderdin Representation

Review of Councillor Representation Discussion Paper

November 2022

Background

THE SHIRE

The Shire of Cunderdin is located 158 kilometers east of Perth and approximately 52 kilometres east of the regional centre of Northam. The Shire covers an area of 1,872 square kilometers and consists of two localities being Cunderdin and Meckering.

Cunderdin townsite contains the majority of the population with 800 residents and Meckering townsite of around 100. The total population of the Shire is approximately 1,300, which is estimated to remain fairly constant over the next ten years.

Features of the Shire include a wide range of recreational facilities - notably the sporting complex and swimming pool. Services include the health centre; Playgroup; Cunderdin District High School (K to Year 10); Meckering Primary School; Cunderdin WA College of Agriculture; the Cunderdin Airfield; the Community Resource Centre and Cunderdin Day Care Centre. Within the Shire there are a number of parks and reserves, including O'Connor Park, Cunderdin Hill, Meckering Rose Garden and Youndegin - Woodthorpe.

The Shire of Cunderdin adjoins the local governments of Goomalling, Dowerin and Wyalkatchem to the north, Tammin to the east, Northam to the west and York and Quairading to the south. The local economy is reliant on agriculture, with wheat, canola and lupins being the main crops, and sheep production being prominent. Although the local industries and services are based around the agricultural sector, Cunderdin is also home to institutional furniture manufacturing, farm machinery and equipment manufacturing, rural merchandise suppliers, fabrication industries and machinery dealerships. Cunderdin also has one of only six campuses of the Western Australian College of Agriculture in the State.

WHY A REVIEW OF COUNCILLOR REPRESENTATION?

The Shire of Cunderdin resolved at its Ordinary Meeting of Council held in December 2021 to undertake a review of its Councillor representation numbers in compliance with the Local Government Act 1995 after only receiving three Councillor (3) nominations for the four (4) vacant positions after the October 2021 elections.

On the 20th 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 Cunderdin as we removed wards in 2002.

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 for 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 which 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 having 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 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

INFORMATION PAPER

The Shire of Cunderdin has resolved to undertake a review of its system of representation. The review is a result of the Local Government Reforms announced by the Minister for Local Government on 20 September 2022 which will see Councillor numbers based on population.

Under the new reforms, Local Governments with a population of 5,000 or less may decide to have five (5), six (6) or seven (7) Councillors. The purpose of this review is to assess the new appropriate number of Councillors for the Shire of Cunderdin. It is Council's preference prior to the review to reduce to seven (7) Councillors, however all public submissions will be considered in the final decision.

The 'no wards structure' will be reviewed, however Council believes it is still appropriate for the current situation at the Shire therefore the preference being that the status quo remains.

The last review of representation in the Shire of Cunderdin was undertaken in 2002 when Wards were removed.

Current situation

The Shire of Cunderdin is legislated to have up to eight (8) Councillors, (but has been operating with seven (7) since the October 2021 elections) The Shire has 848 electors with a councillor/elector ratio of 1 councillor to each 106 electors. There are no wards in the Shire of Cunderdin.

Review process

The review process involves a number of steps:

- The Council resolves to undertake the review
- Public submission period opens
- Information provided to the community for discussion
- Public submission period closes
- The Council considers all submissions and relevant factors and makes a decision
- The Council submits a report to the Local Government Advisory Board (the Board) for its consideration

Factors to be considered

Several factors will be taken into account as part of the review process and will include:

- The advantages and disadvantages of reducing the number of councillors
- The implications of any change to the councillor/election ratio
- The cost of elected members
- The advantages and disadvantages of no wards/wards

Options to consider

The Council will consider the following options and members of the community may suggest others:

Option 1: Reduce the number of councillors to seven (7) over one election without a total spill and no wards.

Option 2: Reduce the number of councillors to seven (7) over one election with a total spill and no wards.

HISTORY

Elected Members – Shire of Cunderdin

The Shire of Cunderdin has operated with eight (8) Councillors since 1960. It is now required to reduce this number to either 5, 6 or 7 Councillors.

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.
- An increased workload may dissuade people to run for Council.
- 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.
- Issues reaching a quorum if there is illness, declarations of interest, leave of absence or other commitments.
- Is the community adequately represented with a smaller number of members.

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 timely 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
- Consultation with the community can be achieved through a variety of means in addition to individuals and groups contacting their local elected member.
- 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.

Reduction Process (Based on 7 Councillors) Option

After review the results of the consultation Council will decide on one of the two following options and advise the Department of Local Government of its decision.

Option 1 – One Election Process

At the 2023 Election the four vacant positions (currently held by Crs Daly, Todd Harris, Stewart and Smith) will remain the same and the current vacancy from 2021 will not be replaced in 2023.

Option 2 – Complete Spill Process

At the 2023 Election, all positions are declared vacant and seven Councillors will be elected.

Disadvantage - the current Councillors have completed their training, understand the decision-making process in Local Government and are very knowledgeable on current Shire matters. If seven (7) new councillors are elected there is the potential for inconsistency, disruption and inefficient meetings.

Councillor/Elector Ratio

8 Councillors: 1 Councillor to 106 electors

7 Councillors: 1 Councillor to 121 electors

6 Councillors: 1 Councillor to 141 electors

5 Councillors: 1 Councillor to 170 electors

Cost of Elected Members

As a Band 4 Council, the sitting fees are set at:

Sitting Fees President \$490 per meeting

Sitting Fees Councillors \$238 per meeting

Other fees included in the budget are:

Presidents Allowance \$1,500

Travel Allowance \$500

Training Expenses \$10,000

Conference Expenses \$5,000

These 'Other fees' are not always expended and are a total amount for eight Councillors, ie not per person. They also vary year to year depending on elections and training requirements.

Wards – Shire of Cunderdin

The Shire of Cunderdin has operated without Wards since 2002. There has been no written complaints received about their removal, nor any requests to reintroduce them.

The **disadvantages** of a ward system may include:

- Elected members can become too focused on their wards and less focused on the affairs of other wards and the whole local government.
- Cost involved to reintroduce a ward system.
- An unhealthy competition for resources can develop where electors in each ward come to expect the services and facilities provided in other wards, whether they are appropriate or not.
- The community and elected members may regard the local government in terms of wards rather than as a whole community.
- Ward boundaries may appear to be placed arbitrarily and may not reflect the social interaction and communities of interest of the community.
- Balanced representation across the local government may be difficult to achieve, particularly if a local government has highly populated urban areas and sparsely populated rural areas.

The **advantages** of a ward system may include:

- Different sectors of the community can be represented ensuring a good spread of representation and interests amongst elected members.
- There is more opportunity for elected members to have a greater knowledge and interest in the issues in the ward.
- It may be easier for a candidate to be elected if they only need to canvass one ward.

PUBLIC SUBMISSIONS

Members of the community are invited to make a Public Submission by hand, post or email and must be submitted to the Shire of Cunderdin at:

Shire of Cunderdin
PO Box 100
CUNDERDIN WA 6407

or

Shire of Cunderdin
37 Lundy Ave
CUNDERDIN WA

Or

Email admin@cunderdin.wa.gov.au
(if emailing please ensure the subject line states Review of System of Representation)

Submissions must be received no later than 4:00pm Friday 30 January 2023.

Council will consider all submissions in its determination of Councillor numbers for the Shire of Cunderdin. Thank you for your time and interest