

**SHIRE OF KENT**

**REPRESENTATION  
REVIEW**

**PROPOSAL TO REDUCE  
ELECTED MEMBER  
NUMBERS**

**2022**

## **BACKGROUND**

The McGowan Government, when it first came into power, commenced a process for Reforms to the Local Government Act 1995, a piece of legislation that was originally passed more than 25 years ago.

The reforms have been developed on the basis of findings identified as part of the Local Government Act Review and recommendations of various reports.

The State Government has indicated that major changes to the Local Government Act and Regulations will provide for a stronger, more consistent framework for local government across Western Australia. The reform proposals have been designed to deliver significant benefits for residents and ratepayers, small business, industry, elected members and professionals working in the sector.

The proposed reforms are based on six themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. **Stronger local democracy and community engagement**
5. Clear roles and responsibilities
6. Improved financial management and reporting.

In respect to Elected Member Representation, under the banner of “Stronger Local Democracy and Community Engagement”, the State Government believes that to increase consistency, the number of elected members on any council will be set based upon the population within that local government.

The Local Government Panel Report recommended a number of elected members as follows:-

- **Population of up to 5,000 – 5, 6, or 7 councillors (including the President)**
- Population of between 5,000 and 75,000 – 5 to 9 councillors (including the Mayor/President)
- Population above 75,000 – 9 to 15 councillors (including the Mayor)

On Tuesday, 20 September 2022, the Hon John Carey MLA, Minister for Housing, Lands, Homelessness and Local Government issued the following Memorandum to Local Government Chief Executive Officers in respect to **Local Government Reforms; Election Transition Arrangements (Changes to Council Size)**

## MEMORANDUM FROM MINISTER FOR LOCAL GOVERNMENT

*“On 3 July 2022, I announced the final package of proposed local government reforms, following a review of public submissions. As part of the reforms to strengthen local democracy and increase community engagement, new requirements will be introduced to provide for:*

- *The introduction of optional preferential voting;*
- *Directly elected Mayors and Presidents for band 1 and 2 local governments;*
- *Councillor numbers based on population; and*
- *The removal of wards for band 3 and 4 local governments.*

*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.

### **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.*

*The DLGSC is available to assist with these election transition arrangements. If you require any assistance, please contact Ms Julie Craig, Strategy and Research Officer, on 6552 7300 or at [advisoryboard@dlgsc.wa.gov.au](mailto:advisoryboard@dlgsc.wa.gov.au).*

*I have also written a formal letter to the Mayor or President of your local government, which contains the same information as this memorandum. That letter should be received shortly.*

*Yours sincerely*  
HON JOHN CAREY MLA

**MINISTER FOR LOCAL GOVERNMENT**

### **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.

**Table 1 – proposed timeframes for local government actions**

| <b>Due date (latest possible)</b> | <b>Requirements/actions</b>  |
|-----------------------------------|--|
| 28 October 2022                   | Council resolves to undertake a ward and representation review     |
| November - December 2022          | Completion of six-week consultation period                         |
| December 2022 – January 2023      | Draft review report is prepared, considered and adopted by Council |
| 14 February 2023                  | Formal review report is submitted to the Advisory Board            |

**Table 2 - Ward and representation review process – for Shire of Kent**

|    | <b>Existing requirements/actions</b>  | <b>Timeframe</b>   |
|----|---|--|
| 1  | The council resolves to undertake a ward and representation review  | Wednesday<br>19 October<br>2022 Council<br>Meeting                   |
| 2  | A comprehensive discussion paper is developed   | Submitted to<br>Council at<br>the October<br>'22 Ordinary<br>Meeting |
| 3  | Council advertises that it is conducting a review and the associated public submission period opens (minimum 6 weeks)   | Commenced<br>advertising<br>on Monday,<br>24 October<br>2022         |
| 4  | The discussion paper is made available to the community for consideration, and public submissions are invited on the matter   | As Above   |
| 5  | Public submission period closes   | Friday, 9<br>December<br>2022  |
| 6  | The council assesses all submissions, considers options for change against the relevant factors to be considered, and drafts a report, which includes their decision, for the Local Government Advisory Board (the Advisory Board). | Wednesday,<br>21<br>December<br>Council<br>Meeting                   |
| 7  | The formal report is presented to Council on the outcome of the public submissions and the reduction in elected members   | As Above   |
| 8  | Council resolves to adopt the report to the Advisory Board  | As Above   |
| 9  | The preferred option is submitted to the Advisory Board via the formal report, for the Board's consideration and recommendation.  | Prior to 14<br>February<br>2023                                      |
| 10 | The Advisory Board considers the council's review report, and a recommendation is submitted to the Minister, which can be either accepted or rejected.  | Variable   |

## **Location and History - Shire of Kent**

The Shire of Kent is situated in the Great Southern Region of Western Australia approximately 320kms from Perth and has two main towns, Nyabing and Pingrup, with Nyabing being the administrative centre of the Shire. The Shire covers approximately 5,634kms and is predominately an agricultural area with many wheat and sheep farmers.

The Shire of Kent was first established in 1923 as the Kent Road Board. In 1955 the name was changed to the Nyabing-Pingrup Road Board and retained this name in 1961 when it became a Shire. The name was further altered in 1973 to the Shire of Kent.

The name "Kent" apparently comes from the commissariat officer of Dr, T Wilson's expedition of 1829.

The first white men to visit the area were sandalwood cutters with the first lease of 2,000 acres being taken around Cairlocup Lagoon by John Hassell in 1873.

The town of Nyabing was officially gazetted on 24 December, 1912 after a name change from Nampup. The town of Pingrup was officially gazetted on 9 May, 1924.

## **Previous Ward and Representation Review**

In 2008 the Shire of Kent undertook a review of its Wards and Representation and at that time resolved to abolish the Ward system but maintain its Elected Member numbers at 8.

This review was supported by the Local Government Advisory Board and Minister for Local Government.

## **Current Elected Member Representation**

Whilst it does not affect the Shire of Kent, as it abolished Wards at its review in 2008, the Local Government Reforms under "Stronger Local Democracy and Community Engagement" had also recommended that Wards in all small local governments be abolished as more councillors were likely to be elected unopposed or with a very small number of votes.

Council operates with 8 Elected Members representing a population of 559 residents (2020 Australian Bureau of Statistics Regional Data), of which 368 are Electors in the district.

Nyabing and its surrounds current population is approximately 296

Pingrup and its surrounds current population is approximately 263

Based on the above number of electors and Councillor representation, there is one (1) Councillor for every 46 Electors in the district. It is considered that based on this equation, Council is over represented and should be reducing its numbers to align itself to what is a more representational figure and more in line with neighbouring local governments.

From the instructions from the Minister for Local Government, Council needs to consider its representation as per the following:-

- Population of up to 5,000 – 5, 6, or 7 councillors (including the President)

Whilst the Shire of Kent in area is larger than most of its neighbouring Local Government authorities, its Elector numbers and overall population is much lower and the following table highlights the over representation of Councillors per Electors.

| Local Government     | Total Number of Councillors | Number of Electors | Ratio of Councillor/Electors | Area        |
|----------------------|-----------------------------|--------------------|------------------------------|-------------|
| Kent                 | 8                           | 368                | 1 : 46                       | 5,634sq km  |
| Gnowangerup          | 9                           | 759                | 1 : 84                       | 4,268sq km  |
| Broomehill-Tambellup | 7                           | 752                | 1 : 107                      | 2,813sq km  |
| Jerramungup          | 7                           | 834                | 1 : 119                      | 2,233sq km  |
| Dumbleyung           | 7                           | 467                | 1 : 67                       | 2,553sq km  |
| Lake Grace           | 9                           | 908                | 1 : 101                      | 11,890sq km |
| Katanning            | 7                           | 2,494              | 1 : 356                      | 1,523sq km  |

### Scenarios for Reduction of Councillor Numbers Shire of Kent

| Proposed No. of Councillors | Ratio of Councillor/Elector |
|-----------------------------|-----------------------------|
| Current 8                   | 1 : 46                      |
| 7                           | 1 : 53                      |
| 6                           | 1 : 61                      |
| 5                           | 1 : 74                      |

Based on the above scenarios, the following Options are presented for consideration:-

## **OPTIONS FOR CONSIDERATION**

### **OPTION 1**

#### **Reduce to 7 Councillors**

##### **Advantages**

- Not a significant reduction and the Council remains stable with experience of the incumbent elected members; and
- Is often preferable to have an odd number of Councillors to avoid tie of votes in Council meetings which forces the Shire President to exercise a casting vote.

##### **Disadvantages**

- Ratio of Councillor per Elector is still particularly low (1:53); and
- Reducing only by 1 Councillor still has the problems of attracting candidates to bi-annual elections as was seen in the 2021 Elections where 2 vacancies remained unfilled and an extraordinary Election was required

### **OPTION 2**

#### **Reduce to 6 Councillors**

##### **Advantages**

- Still not a radical change and again, a considerable amount of experience is most likely retained within the existing Councillor cohort;
- With only 6 Councillors and a rotation of 3 vacancies at bi-annual elections, it should be more encouraging for residents to stand for Council; and
- Elected Member expenses are reduced (\$20,000 plus/annum) e.g., Sitting Fees, Travelling Expenses, IT Allowance.
- The decision making process may be more effective and efficient if the number of Elected Members is reduced.
- Fewer Elected Members are more readily identifiable in the community.

##### **Disadvantages**

- An even number of Councillors is not preferred as it can lead to the Shire President having to exercise a casting vote if votes are tied at Council meeting; and
- Ratio of Electors still low (1:61) compared to neighbouring LGA's.

## **OPTION 3**

### **Reduce to 5 Councillors**

#### **Advantages**

- It could be argued that a reduction to 5 Councillors is warranted, purely based on the ratio of one (1) Councillor per Elector at 74 is still considerably low;
- An odd number of Councillors is achieved so as to avoid the Shire President having to exercise a casting vote when a tie of votes occurs;
- Should be easier to attract potential candidates to stand for Council and negate the need for extraordinary elections in the event of a position remaining vacant following an election;
- Significant savings (\$30,000 plus/annum) on Elected Member expenses e.g., Sitting Fees, Travelling Expenses, IT Allowance; and
- Potential opportunity for more elections to be contested rather than members being elected unopposed.

#### **Disadvantages**

- Reducing to 5 Councillors is potentially too radical as experienced Councillors positions could be lost;
- Due to the size in area of the Shire of Kent, 5 Councillors is considered too low a number to represent all Electors within the district.
- A smaller number of Elected Members may result in an increased workload for incumbent members and may reduce efficiency and effectiveness.
- Opportunities for community participation in Council's affairs may be reduced if there are fewer Elected Members for the community to contact.
- There is potential for dominance in the Council by a particular interest group.

As advised in the Minister's Memorandum of 20 September 2022, there are two ways in which Council can achieve the reform requirements, which is by a Voluntary Pathway or Reform Election Pathway which again is detailed below:-

#### **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.*

### **Scenarios for Reduction in Elected Member Numbers based on Pathways**

- **Current Elected Member Split for elections based on its 8 members**  
2023 – 4 positions  
2025 – 4 positions

#### **Voluntary Pathway**

Implemented over 2 election cycles (2023 and 2025) as follows:-

- Voluntary Method **based on 7 Members**  
2023 – Call for 3 positions (4 year terms expiring in 2027 – see below)  
2025 - Current 4 positions expiring in 2025
- Voluntary Method **based on 6 Members**  
2025 – Call for 3 positions (Reduced by one (1) position)  
2027 – 3 positions (4 year terms based on 2023 Elections)
- Voluntary Method **based on 5 Members**  
2025 – Call for 2 positions (Reduced by two (2) positions)  
2027 - 3 positions (4 year terms based on 2023 Elections)

#### **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.*

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.

### **Reform Election Pathway**

A clean way in which to undertake the reform would be along the Reform Election Pathway at the 2023 Elections. This would provide all of the council's Elected Member positions to be declared vacant and the number of Elected Member positions would be set based on the reform proposals.

Elections would then be held to fill all Elected Member positions, with a split between two and four year terms as might be necessary to re-establish an ordinary election cycle.

Council at its 19 October 2022 Ordinary meeting resolved the following in respect to the Pathway that it considered was the best way to implement the Reforms:-

#### **That Council:-**

- 1. Prior to 28 October 2022, advises the Department of Local Government, Sport and Cultural Industries (DLGSC) that it has commenced a Representation Review as per the Minister for Local Government's Memorandum of 20 September 2022 and that Council's preferred method for a reduction in Councillor numbers for the election transition arrangements is via the Reform Election/Voluntary Pathway; and***
- 2. Endorses the content of the Discussion Paper prepared by the A/CEO and commences the mandatory 6 week advertising period associated with the Review from Monday, 24 October 2022 with the close of written submissions being Friday, 9 December 2022.***
- 3. As part of the Representation Review, Council conducts Public Meetings to gauge resident's views in Nyabing and Pingrup within the above advertising period.***

### **Close of Public Submissions**

The Elected Member Representation Review is open from Monday, 24 October to Friday, 9 December 2022.

Submissions to be addressed to [ceo@kent.wa.gov.au](mailto:ceo@kent.wa.gov.au) prior to the closing date.

Submissions can express support for, or variation to, the options provided above.