

Local Government Representation Review

Executive Summary

Local Government Name

Shire of Kent

Outcome of Council Deliberations

Review confirmed by Council – 7 March 2023

Council resolution:

That Council:

1. *Formally consider the outcomes of the public consultation regarding representation;*
2. *Determine the basis for a submission to the Local Government Advisory Board to be via a written statement outlining the outcomes of the public consultation period; and,*
3. *Request an extension until 31 March 2023 from the Local Government Advisory Board to make a submission regarding the voluntary pathway to be taken for a reduction of the number of elected members.*
4. *At the March Ordinary Meeting, Council consider that a submission to the Local Government Advisory Board be:*
 - (a) *A reduction of the number of elected members from 8 to 6 as previously decided;*
 - (b) *That the balance of the current vacancy related to Cr Tapscott for a term concluding in October 2025 be terminated in October 2023; and,*
 - (c) *That the reduction of vacancies from 4 to 3 in October 2023 remain in place.*

*CARRIED 7/0
By Absolute Majority*

*Please include copy of council meeting minutes and resolution –

Attachment 1 – decision of 7 March 2023

Attachment 2 – initial decision to reduce to 6 members as of October 2023

Summary of Proposal to Board

Council resolution to undertake review – 19 October 2022

Council resolution:

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- Voluntary Election 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 a public meeting in Nyabing on Thursday, 3 November 2022 at the Nyabing Community Hub within the above advertising period to gauge resident's views in the district.*

CARRIED 710
By Absolute Majority

*Please include copy of council meeting minutes and resolution –
Attachment 3

Background

Year of last ward and representation review –

- Number of elected members was reduced from 10 to 8 as from May 2003
- Wards were discontinued as from October 2009

No record of a review since 2008 has been able to be located.

Accordingly the current ward and representation structure remain as –

- no wards
- 4 elected member terms conclude in October 2023
- 4 elected member terms conclude in October 2025 –
 - o including one current vacancy
 - o consent of the WA Electoral Commissioner for the position to remain vacant until October 2023 has been received

Demonstration of how the council has taken the following into consideration the matters in the *Local Government Act 1995* - Schedule 2.2, clause 8:

The discussion paper prepared to assist the community to make submissions is attached, and outlines the principal issues identified and considered.

Attachment 4

Elector Ratios

Current elector ratios as per following table:

Ward	Number of Councillors	Number of Electors	Councillor to Elector Ratio	% Ratio Deviation
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DISTRICT	8	368	1 : 46	n/a
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Proposed elector ratios as per following table/s:

Option 1:

Ward	Number of Councillors	Number of Electors	Councillor to Elector Ratio	% Ratio Deviation
DISTRICT	7	368	1 : 53	n/a

Option 2:

Ward	Number of Councillors	Number of Electors	Councillor to Elector Ratio	% Ratio Deviation
DISTRICT	6	368	1 : 61	n/a

Option 2:

Ward	Number of Councillors	Number of Electors	Councillor to Elector Ratio	% Ratio Deviation
DISTRICT	5	368	1 : 74	n/a

Review Process and Analysis

The review process was initiated by Council at its meeting of 19 October 2022

The Shire of Kent held a minimum six week consultation period which commenced on 24 October 2022 and concluded on 9 December 2022

A community engagement plan was prepared as part of the review process and included several key areas such as advertising, a community discussion paper, public forum sessions, use of social media and a public submission process.

The following consultation and promotional activities were then undertaken in relation to this matter:

- Posting on the Shire's website of review on 24 October 2022
- Posting on the Shire's Facebook social media account on 24 October 2022
- Community email on 26 October 2022
- The provision of discussion papers from council offices and library
- Notices and information pages were published in the local newspapers:
 - Pingrup Post on 26 October 2022 – circulates throughout the district
- Community information forums were held on the following dates:
 - 3 November 2022

*Please include copies of any of the advertising or promotional material – Attachments 5(a) to 5(d)

No public submissions were received either in hardcopy or via email relation to the review.

How many options were provided for consideration - including a summary of each option, which one was chosen and why

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.*

A modified Option 2 to have a Council of 6 elected members from October 2023 was determined to be the most appropriate option.

Maps

The Shire of Kent does not have wards, and does not propose to re-introduce wards.

Conclusion

As there was no community feedback received, Council discussions determined that the Shire propose the following outcome for the following reasons.

A modified Option 2 to have a Council of 6 elected members from October 2023 was determined to be the most appropriate option since –

- It preserves a reasonable breath of elected member representation;
- One position for a term to conclude in October 2023 as per the voluntary pathway;
- With one current vacancy for a term to conclude in October 2025 to be discontinued in October 2023, it removes future complications if the position is discontinued now; and
- The future composition of Council is settled at an earlier date.

Accordingly, at the ordinary council meeting of 15 March 2023, it was resolved to submit a report to the Local Government Advisory Board –

Officer recommendation –

That Council:

1. notes that no public submissions were received;
2. does not favour a full spill of elected members in October 2023;
3. in accordance with Schedule 2.2(9) of the Local Government Act 1995, recommends to the Local Government Advisory Board that an order be made under section 2.18(3)(a) of the Local Government Act 1995 to –
 - (a) remain with no wards;
 - (b) reduce to 6 elected members as of October 2023 by –
 - (i) terminating the balance of the current vacancy of a term due to conclude in 2025; and
 - (ii) terminating one of the 4 positions of terms concluding in October 2023;
 - (c) Shire President to remain being elected by Council,
4. Advise the Minister for Local Government of the resolutions of item 2 and 3 above.

Officer recommendation –

That Council endorse the draft submission as attached to be made to the Local Government Advisory Board.

Council resolution

The Officer recommendations were supported and both resolved by absolute majority.

Attachments –

1. Minutes of 7 March 2023 – considering the review and decision to reduce to 6 members from October 2023 (absolute majority)
2. Minutes of 21 December 2022 – initial consideration of reduction to 6 elected members
3. Minutes of 19 October 2022 – authorisation of Public Discussion Paper
4. Public Discussion Paper – in full, addressing the matters required by the Act
5. Various notices for public consultation –
 - (a) Website notice of review of representation, 24 October 2022
 - (b) Facebook notice of review, 24 October 2022
 - (c) Community email, 26 October 2022
 - (d) Pingrup Post, 26 October 2022
 - (e) Notice boards, 26 October 2022
6. Letter from WA Electoral Commissioner approving current vacancy to remain to October 2023