



Shire of Bruce Rock

Review of Councillor Representation Discussion Paper

20th October 2022

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Background

THE SHIRE

Bruce Rock is located in the heart of the West Australian Wheatbelt, 244km east of Perth. The Shire of Bruce Rock covers 2,724 square kilometres. In 2021, the Shire of Bruce Rock's population on the night of the census was 979 and a total of 670 electors.

Settlers had been allocated land around Bruce Rock township commencing in 1860, with the town of Bruce Rock gazetted in 1913. The Shire comprises of five town sites, Ardath, Babakin, Bruce Rock, Kwolyin and Shackleton.

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 Bruce Rock has to offer from our infrastructure to the natural beauty of our environment.

With a great community spirit, rich agricultural history and excellent services and facilities on offer, the Shire of Bruce Rock remains committed to deliver for the needs of our community.

The Shire of Bruce Rock has a long and proud history as a strong Council with great leadership. The community are very supportive and passionate about our Shire and the desire to keep our Council strong is evidenced with good candidates nominating during election periods and vacancies being filled on each occasion. The Shire of Bruce Rock has a great diversity of Councillors, who represent their constituents with integrity and balance, and make decisions with the best interests of the community in mind.

Council is focused on serving the community's needs that are identified through continual consultation and engagement and guided by our Strategic Community Plan. As the level of government closest to our local community we are best placed at understanding and delivering the needs and directions that have been identified, whilst continuing to ensure improvement and progress at all levels.

With strong processes and projects in place, our low debt levels and having good reserves, Council has been able to prove that we can provide facilities equal to anywhere and remain sustainable, with big plans for the future.

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 is 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 Bruce Rock.

Census Year	Population	Median Age
2021	979	48
2016	930	47
2011	974	40
2006	995	43

- Our population growth from 2006 - 2021 is -1.57%
- Our community: 229 families with children, 112 couples with no children
- Business entries and exits as a proportion of total businesses was 6.6% (since last Census)

WHY A REVIEW OF COUNCILLOR REPRESENTATION?

The Shire of Bruce Rock resolved at its Ordinary Meeting of Council held on the 20th October 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 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 Bruce Rock as we removed wards in 2005.

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

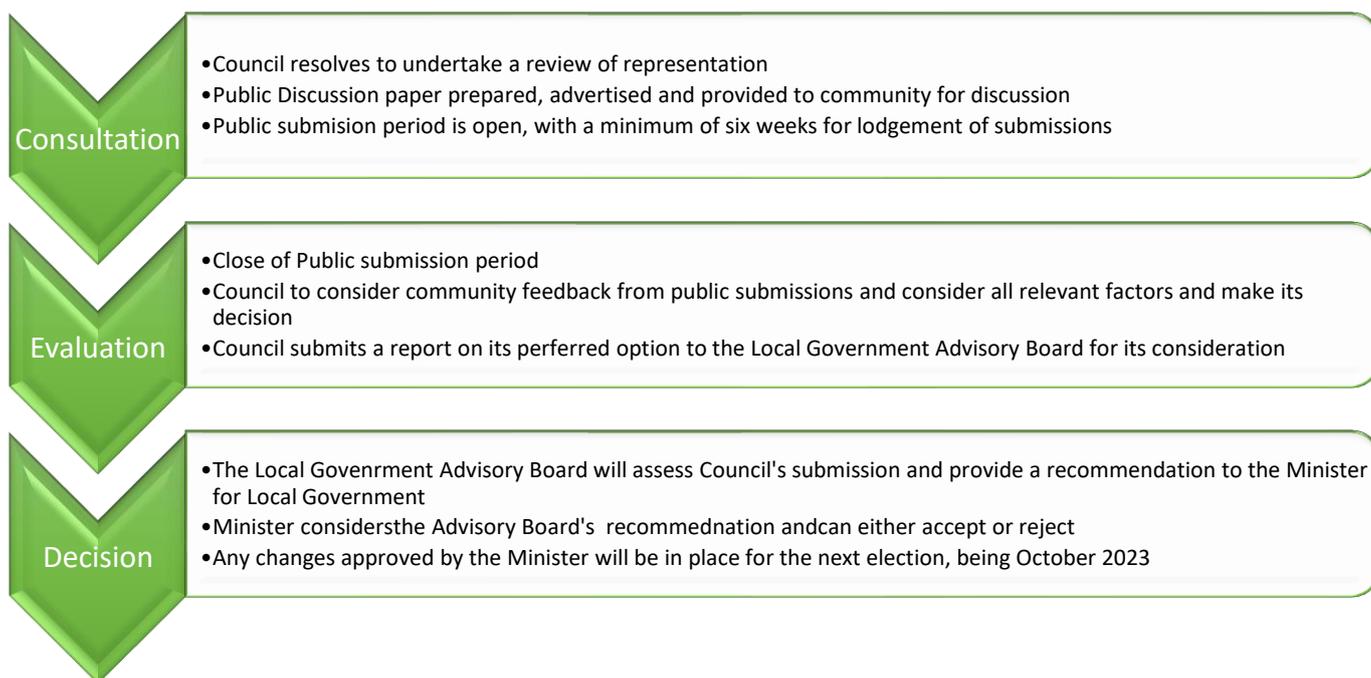
A review of Councillor numbers should consider the effectiveness and efficiency of the Councillor in both their individual and collective Council roles as defined by the Local Government Act 1995, s2.10.

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

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 14th 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 October 2022	Council resolves to undertake a ward and representation review A comprehensive discussion paper is developed
9 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

Previous and Current Situation

Council currently has 9 Councillors and no wards.

Council last undertook a review of its Councillor Representation in 2010 / 2011 where it resolved and was endorsed by the Local Government Advisory Board to reduce its Councillor number from 11 to 10 at the 2011 Ordinary Election and then from 10 to 9 at the 2013 Ordinary Election. At that time Council did not have Wards as they were abolished in 2005, therefore no Wards review was undertaken. 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 Bruce Rock had a Councillor to Elector Ratio of 74 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
Kondinin	9	568	63
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 **96** electors per Councillor.

Options

During the Local Government Reform consultation period Council had strong views against a significant reduction in Councillor numbers and strongly supported WALGA's and the Great Eastern Zone's position 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 Bruce Rock strongly supports WALGA's response to this proposed change and specifically the provision for 5 to 7 Council Members for populations up to 5,000.

Council currently has 9 Councillors and would consider a reduction to only 5 as detrimental to the running of the organisation. The impacts on our Council and how hard it would be to manage the workload balance of only 5 Councillors is of concern. It would be unreasonable for only 5 Councillors to adequately and effectively serve on the many Council, Community and Regional committees, delegations, and representatives.

In addition, we are based in a strong farming district and reducing to only 5 Councillors would limit our ability to have diversity on Council. If we had to reduce from 9 to 5 Councillors, we would likely end up with limited diversity on Council and therefore not be providing the diversity our community needs. We currently have a good balance with 5 Farmers, a Freight Company Manager, an Education Registrar, a Dentist & a Child Health Nurse.

Council accepts that there may need to be some reduction in elected members for small regional Local Governments. However, a reduction for us from 9 to 5 is too great and a range from 5-7 would allow those Councils that can attract a larger number and diversity of Councillors should have the option to have 7.

It should be noted that Bruce Rock Councillors, like many other small Councils don't take the full Councillors sitting fees, and the financial impact by reducing Councillors is not that significant.

The option of status quo and to retain 9 Councillors (including President) will not be permitted under the reform guidelines and new Local Government Act 1995, which will require Council's with population under 5000 to have Councillor representation of between 5 – 7. Therefore, Council has not given consideration to either 9 or 8 Councillors in this review.

At its Council meeting held on Thursday 20th October 2022, Council resolved to undertake the Voluntary Councillor Reduction Pathway, indicating its preference for 7 Councillors, due to any further reduction creating too great a workload for the remaining Councillors and being detrimental to adequate diversity on Council.

Council will consider the following options, or the community may suggest options. The options for Councillor numbers (including President) are as follows;

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

Option 1: 7 Councillors

This number of Councillors is the most allowed under the new reform for the Shire of Bruce Rock and would provide a Councillor to ratepayer ratio of 96, with a ratio to population of 140.

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 and be detrimental to adequate diversity on Council. Seven Councillor provides for a good diversity of representation from our communities, remembering we have four satellite towns, in a predominately agricultural sector covering an area of 2,772 sq km and road network of 1259 kms.

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

Option 2: 6 Councillors

This number of Councillors would provide a Councillor to ratepayer ratio of 112, with a ratio to population of 163.

There is 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 less Councillors to make a decision.

Whilst six Councillors may be workable, there is concern of an increased workload distribution of elected members, which may detract from potential nominations at elections. The minimal cost saving compared to seven is negligible when compared to other factors.

Option 3: 5 Councillors

This number of Councillors is the least allowed under the new reform for the Shire of Bruce Rock and would provide a Councillor to ratepayer ratio of 134, with a ratio to population of 196.

Council deems 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.

All current Councillors have full time work or are self employed, therefore it would be unreasonable to expect a reduction to five Councillors as this would significantly impact the ability to have adequate distribution and representation to attend the various regional meetings, be a committee member or local community delegate as it would impact their employment. This may have significant impact in people nominating for Council.

There is also 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 less Councillors to make important decisions for Council and the community.

Cost Comparison

The fees, allowances and expenses paid to each Councillor is determined through Council's annual budget and as some Councillors payments (excluding President & Deputy President) vary depending on claims and training/conferences, therefore the approximate annual costs associated per Councillor is **\$4,405**;

Meeting Attendance:	\$1,200
Conference & Training:	\$1000
Accom for Training/Conferences:	\$1000
Information Technology:	\$505
Refreshments/Receptions:	\$500
Stationary, Badges & Supplies:	\$200

Note

It is noted that not all the Shire of Bruce Rock Councillors claim their meeting attendance fees, therefore these figures only reflect the expenditure should all Councillors submit a claim.

An amount of **\$8,810** would be saved by reducing Councillor numbers to **7**.

An amount of **\$13,215** would be saved by reducing Councillor numbers to **6**.

An amount of **\$17,620** 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 representative 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 Membership	Proposed Reduction Schedule for Options	2021	2023	2025
Current 9		4	5	
Option for 7	2 offices abolished 2023		3	4
Option for 6	2 offices abolished 2023 & 1 office abolished in 2025		3	3
Option for 5	2 offices abolished 2023 & 2 offices abolished in 2025		3	2

In line with the reform guidelines, Council's preference is to reduce to 7 Councillors, therefore this could be achieved at the next Ordinary Election in October 2023 with 2 offices abolished in one year.

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 the highly populated urban areas. The size and structure of a local government will impact on 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 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 (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 State wide trend in reductions in the number of elected members and many local governments have found that fewer elected members has 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 which 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 significant impact in people nominating 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 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 11.00am to 5.30pm on the 3rd Thursday of each month, except January.

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

Committee, Delegate, Representative	Number of Councillors	Requirements
Audit Committee	7	Minimum 6 meetings per year
Health / Doctor	3	Approximately 3 meetings per year
Aged Care	3	Approximately 3 meetings per year
Works & Services	4	Approximately 8 meetings per year
Sport & Recreation	4	2 Meetings per year
WALGA Great Eastern Zone	2	6 Meetings per year
WEROC	1	7 Meetings per year
CEACA	1	5 Meetings per year

Retirement Units Committee	2	11 meetings per year
Local Health Advisory Group	1	4 meetings per year
District Health Advisory Group	1	4 meetings per year
Natural Resource Management	2	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	3	4 Meetings per year, plus any incidents
Community Resource Centre	2	11 Meetings per year
Tourism	1	6 Meetings per year
Central Agcare	1	1 Meeting per year

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

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.

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 absolute majority. At this time, the submissions received may mean 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@brucerock.wa.gov.au
In Person: Shire Administration Office, 54 Johnson St, Bruce Rock
Postal: Chief Executive Officer
"Review of Councillor Representation"
PO Box 113, Bruce Rock WA 6418

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

Stephen Strange
PRESIDENT

Darren Mollenoyux
CHIEF EXECUTIVE OFFICER

Submissions Close at 4.00pm on 9th December 2022