



SHIRE OF MOORA

Review of Representation

Public Consultation Paper

1 BACKGROUND

The Shire of Moora is undertaking a review of its representation. The purpose of this document is not to preempt or guide any community input, but to set out the overall parameters that apply and provide some examples to assist with community input.

1.1 Legislative framework

Schedule 2.2 of the *Local Government Act 1995* (the Act) provides that a local government is required to carry out reviews of –

- a) its ward boundaries; and
- b) the number of offices of councillor for each ward from time to time so that not more than eight years elapse between successive reviews.

The last review by the Shire was undertaken in 2007.

The Act provides that when undertaking a review of wards and representation any of the following may be considered –

- creating new wards in a district already divided into wards;
- changing the boundaries of a ward;
- abolishing any or all of the wards into which a district is divided;
- changing the name of a district or a ward;
- changing the number of offices of councillor on a council; and
- specifying or changing the number of offices of councillor for a ward.

Section 2.17 (2) of the Act provides if the method of filling the office of mayor is election by the council, the council is to consist of between 6 and 15 councillors.

1.2 Factors that must be taken into account

Clause 8 of Schedule 2.2 requires a council to assess options against the following factors:

- community of interest;
- physical and topographical features;
- demographic trends;
- economic factors; and
- the ratio of councillors to electors in the various wards.

The Local Government Advisory Board (LGAB) assesses reviews of wards and representation undertaken by local governments and makes recommendations to the Minister for Local Government as to whether or not local governments have taken these factors into account, and which can be interpreted as –

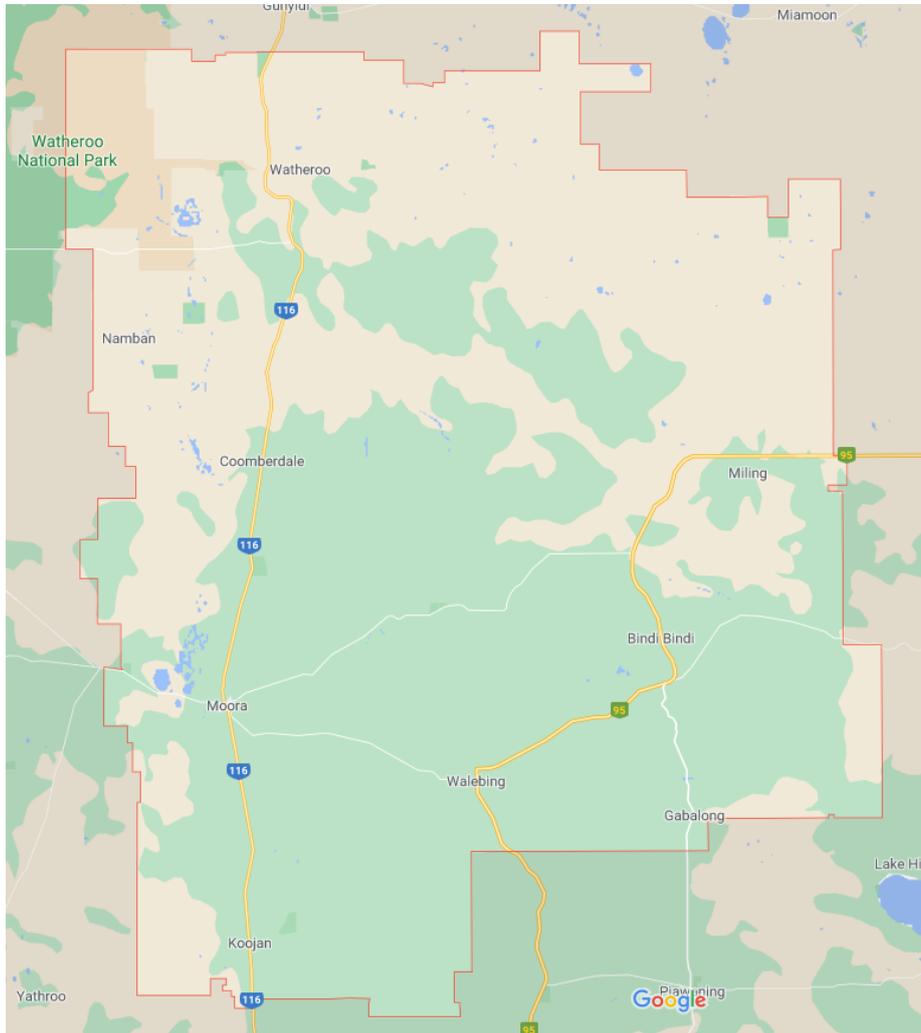
| | |
|--|---|
| Community of interest | <p>The term community of interest has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities.</p> <p>It can also include dependence on the shared facilities in an area as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspapers.</p> <p>Neighborhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.</p> |
| Physical and topographic features | <p>These may be natural or man-made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations.</p> <p>Coastal plain and foothills regions, parks and reserves may be relevant as may other features such as railway lines and freeways.</p> |
| Demographic trends | <p>Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information.</p> <p>Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.</p> |
| Economic factors | <p>Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area.</p> <p>This may include the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.</p> |
| Ratio of Councillors to electors | <p>The Board considers that the ratio of Councillors to electors is particularly significant – it is expected that each local government will have similar ratios of electors to Councillors across its wards.</p> <p>The Board will not support deviations of more than plus or minus 10% of the average ratio of electors to Councillors between wards.</p> <p>Where no wards are in place, this factor is not relevant.</p> |

If satisfied that a review has properly taken these factors into consideration, the LGAB then makes a recommendation to the Minister for Local Government as to whether or not the proposal should be approved. The Minister may accept or reject the Board's recommendation.

Any changes will then come into effect at the next Council elections scheduled for October 2021.

2 CURRENT LEVEL OF REPRESENTATION

The Council of the Shire of Moora is presently comprised of 9 councillors elected by the whole district. The Council has operated without wards since 2007.



Communities of interest could be said to exist around –

- the main townsite of Moora, having 64% of the population of Shire residents;¹
- the other population concentrations are Moora townsite surrounds, Watheroo, Miling, Coomberdale and Bindi Bindi, in order of population numbers;
- some pockets of lifestyle/ smallholdings development.

Physical and topographical features include –

- arterial and major roads such as the Great Northern Highway and the Midlands Road;
- rail lines running north to south through Moora and Miling;
- some inter-regional roads;
- chains of small lakes along the western boundary and the north eastern quarter of the Shire, generally under private ownership;
- no significant forest or bushland area creating obvious dividers between area.

The principal economic driver of the Shire is farming, and associated business. Moora is a regional sub-centre for the Wheatbelt Development Commission.

¹ Australian Bureau of Statistics, 2016 Census data

3 DISCUSSION POINTS

There are a number of options that are open, and these are provided below to assist discussion.

3.1 **Retention of no wards**

The LGAB places particular emphasis on an even ratio of electors per councillor where a local government is divided into wards but considers a deviation of plus or minus 10% between wards to be reasonable. As the Shire of Moora is not divided into wards, this requirement is not relevant.

If wards were to be re-introduced for Moora, to meet the LGAB guidelines –

- if 9 Councillors –
 - o 6 from Moora townsite – slight over-representation, but within required ratio
 - o 5 from Moora townsite – under-represented, outside of required ratio
- if 8 councillors –
 - o 5 from Moora townsite – very close to required ratio,
- if 7 councillors –
 - o 5 from Moora townsite – over-represented, just outside of required ratio
 - o 4 from Moora townsite – under-represented, just outside of required ratio

The *Local Government Act 1995* requires that a councillor is to make decisions for the benefit of the community as a whole, not for a specific area. –

2.10. Role of councillors

A councillor –

- (a) represents the interests of electors, ratepayers and residents of the district; and*
- (b) provides leadership and guidance to the community in the district; and*
- (c) facilitates communication between the community and the council; and*
- (d) participates in the local government's decision-making processes at council and committee meetings; and*
- (e) performs such other functions as are given to a councillor by this Act or any other written law.*

The Act also prohibits ward accounting, a concept that aims to keep monies raised in one ward for the benefit solely of that ward.

The only benefit of wards is that the electors of that ward have the vote to determine the Councillor on behalf of that area. Councillors are still required to make the decisions for the whole of the district.

No wards mean that all Councillors have a responsibility for the whole of the district, even if from a part of the local government distant from a particular issue, as there is not an implied expectation of paying particular attention to a ward. This is particularly important where a local government is dominated by a single urban centre that significantly outweighs the number of electors in rural areas.

No wards also mean that every elector has a vote on who represents the whole of the district and is not restricted to just that ward.

Increasingly, no wards is the preferred option for –

- ease of administration;
- reduced need for ward boundary reviews to meet LGAB guidelines;
- responsibility to represent the whole of the district, not just a ward, that reinforces the Act requirement.

Some of the impacts of no wards include –

| Advantages | Disadvantages |
|--|---|
| <ul style="list-style-type: none"> - Councillors are elected by the whole community not just a section of it. - Knowledge and interest in all areas of the Council's affairs would result in broadening the views beyond the immediate concerns of those in a ward. - The smaller townsites and rural areas have the whole Council working for them. - Members of the community who want to approach a Councillor can speak to any of them. - Social networks and communities of interest are often spread across a local government and Councillors can have an overview of these. - There is balanced representation with each Councillor representing the whole community. - The election process is much simpler for the community to understand and administer. - Promotes the concept of a whole-of-district focus, with Councillors being elected by and concerned for the local government as a whole, rather than parochial interests. - Gives residents and ratepayers a choice of Councillors to approach with their concerns. - Each voter has the opportunity to express a preference for every candidate for the council election. - Councillors can use their speciality skills and knowledge for the benefit of the whole community. - Removes the need to periodically (re)define internal ward boundaries. | <ul style="list-style-type: none"> - Electors may feel that they are not adequately represented if they don't have an affinity with any of the Councillors. - Councillors living in a certain area may have a greater affinity and understanding of the issues specific to that area. - There is potential for an interest group to dominate the Council. - Councillors may feel overwhelmed by having to represent all electors and may not have the time or opportunity to understand and represent all the issues. - It may be more difficult and costly for candidates to be elected if they need to canvass the whole local government area. - May lead to significant communities of interest and points of view being unrepresented or for others to dominate. - May lead to confusion of responsibilities and duplication of effort on the part of Councillors. - Large numbers of candidates might be confusing for voters. - May lead to Councillors being relatively inaccessible for residents of parts of the local government area. - May be difficult for voters to assess the performance of individual Councillors. - In some LGs it may be appropriate to have wards, for example where a local government might have 2 or more distinct population centres. |

3.2 Retain 9 Councillors

The number of Councillors was reduced from 13 to 9 in 1997. The reduction has worked well, and while there have been a number of elections unopposed and one extra-ordinary election for 2 vacancies since 2009, the situation of unfilled vacancies has not arisen.

Electors will be familiar with the level of representation, and the activities of Councillors on behalf of the district.

The issues noted in 3.3 below, generally apply to remaining with 9 Councillors.

3.3 Reduction in number of Councillors

While it is a trend, there is no obligation to consider a reduction in number of Councillors.

Irrespective of the number of Councillors determined, October 2021 is an opportune date for any reduction to be implemented, as the five terms coming to an end would be replaced by vacancies for 5, 4 or 3 Councillors, regardless of whether remaining with no wards or re-introducing wards.

Most Councils avoid having even number of Councillors to reduce the likelihood of tied votes. While an absence of one Councillor would then result in even numbers at a meeting, generally absences from a Council meeting are not usual. A reduction to even numbers may also occur where a Councillor has declared a interest or vacated the meeting temporarily for some reason.

Accordingly, an odd number of Councillors has a higher probability of a majority vote being obtained without the need for the presiding person having to cast a deciding vote.

However, if a reduction of numbers is decided upon from the current 9 Councillors to 8, there is no impediment to doing so.

A reduction in number of Councillors has several impacts, some result from sector wide changes that the Shire has no control over and may bring some benefit and some detriment at the same time.

3.3.1 Increased workload

Compliance requirements are continually increasing as are demands for representation to community or regional organisations. New legislation is likely to continue to increase compliance in the roles that Councillors have, and also administratively. This will likely have several detrimental impacts –

- increased workload on Councillors, regardless of numbers;
- increased costs for training etc; and
- potentially, fewer people willing to stand for election.

Those people who do choose to stand for election will be those with the capacity to meet these increased legislative demands, or are able to make the time available to meet the commitments.

3.3.2 Number of elections / extra-ordinary elections

It may not be particularly relevant to Moora, but there is an increasing trend to extraordinary vacancies, unopposed election, or places remaining vacant for extended periods. In the past 10 years –

- of the 6 ordinary elections, 4 have been contested, and 2 have had 5 vacancies filled unopposed
- 1 extraordinary election had 2 vacancies filled unopposed.

Accordingly, 43% of elections are unopposed. It could be argued that –

- a) electors are satisfied with the representation of the existing Councillors;
- b) there is an unwillingness to stand for election to Council for a range of reasons,
- c) service to the community through Council is not considered a priority, or due to demands on time.

Of those where an election was held, elector turnout ranged from 43.0% to 47.7% of eligible voters.²

3.3.3 Perception of reduced cost

The argument for reduced cost is based on the assumption that less Councillors means less cost, and to a degree, this is a valid point argument. However, given the impacts of increased workload noted above, costs are likely to increase for each individual Councillor, but potentially reduce slightly overall for Council as a whole if fewer Councillors.

3.3.4 Impacts on Councillors

It is expected that the knowledge and competency of councillors will increase, since –

- legislative changes are looming, including mandated training;
- as a risk management action to address financial expectations, as highlighted by the Auditor General, and the increased scope of audit committee responsibilities;
- generally increased workload requiring a greater investment of time to Shire affairs.

It is expected that the future will bring an even greater need than at present, for Councillors to be more available than just evening and a once a month Council meeting.

² WA Electoral Commission data, 25 October 2020

4 SUMMARY OF OPTIONS FOR PUBLIC COMMENT

As there has been no request, and apparently no interest in re-introduction of wards, the summary of options for public comments are –

1. Retain no wards, remain with 9 Councillors; or
2. Retain no wards, reduce to 7 Councillors.

5 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 42 days from the date of the first notice (not including the day of the 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 LGAB, even one which may be the most preferred by the community.

6 IMPACT OF CHANGES

After undertaking community consultation, the Shire may make a proposal to the LGAB. The effect of proposed changes on existing councillors will depend on the precise proposal put forward to them.

When there is a reduction or increase in the number of offices of councillor, the implementation method must give consideration to clauses 1 and 2 of Schedule 4.2 of the Act.

In summary, this provides that as near as practical to half of the total number of councillors are to retire every two years.

7 HOW TO MAKE A SUBMISSION

Members of the community are invited to make a written submission about any aspect of this review.

Submissions must be received by: 4.00pm 23 December 2020

Submissions may be forwarded via:

Email: shire@moora.wa.gov.au
Post PO Box 211, Moora 6510
In person: 34 Padbury Street, Moora 6510

For further information on this consultation paper, please contact:

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