

Review of Representation Discussion Paper

Background

In March 2022, Council has resolved to undertake a review of its system of representation. The purpose of the review was to assess whether nine (9) councillors and a no wards structure is still appropriate for the Shire of Toodyay.

The last review of representation in the Shire of Toodyay was undertaken in 2018. At that time, the Shire of Toodyay operated with four wards – north, central, east, and west – with 3 councillors elected from the west ward and 2 from each of the other three wards. As a result of the 2018 review, it was determined to abolish the ward system in the Shire but to retain the number of councillors at nine (9).

Following the resignation of an elected member in January this year, the issue of representation was raised. At the Ordinary Council Meeting held on 23 March 2022, Council resolved to undertake a review of its representation with implementation of any changes proposed as part of the 2023 ordinary elections process.

The current situation

- **Shire of Toodyay**

Currently the Shire of Toodyay has nine (9) elected members and 3,543 electors with a councillor/elector ratio of 1 councillor to each 384 electors.

Following the resignation of an elected member in January 2022, approval was sought from and granted by the WA Electoral Commissioner to allow the vacancy to remain unfilled until the 2023 ordinary elections. Therefore, Council is currently operating with eight (8) active elected members.

- **Local Government Reform**

In November 2021, the Minister for Local Government released a suite of proposed local government reforms. One of the recommendations related to the number of elected members based on population. For those local governments with a population of less than 5,000, it is proposed that the number of elected members be reduced to five (5).

Through its input into the submission by the WA Local Government Association, the Shire of Toodyay opposed the recommendation, maintaining that a minimum of five councillors is too few to ensure adequate representation and efficient operation of the Council.

In early July 2022, it was announced that the reform package had been finalised with legislation expected to be presented to Parliament by the end of the year. The amended proposal allows local governments with a population of up to 5,000 people to decide to have five (5), six (6) or seven (7) councillors.

Review Process

The process to review a Council's system of representation is prescribed by Schedule 2.2 of the *Local Government Act 1995: Provisions about names, wards, and representation*. In addition, the Department of Local Government, Sport, and Cultural Industries (DLGSC) has developed a Guide for Local Governments wishing to undertake a review of wards and/or representation which includes instructions for those with and without a wards system.

The review process involves several steps. The following provides a timeline for these steps to be implemented:

Date	Action
23 March 2022	Council resolves to undertake a review of representation
27 July 2022	Discussion paper approved by Council
1 August 2022	Public submissions period opens – information is provided to the community
30 September 2022	Closing date for submissions (9 weeks)
23 November 2022	Council considers all submissions and relevant factors and makes a decision
30 January 2023	Deadline for submission of a report to the Local Government Advisory Board (Board) to allow any changes to be implemented as part of the 2023 ordinary elections.
February – July 2023	(If a change is proposed) the Board submits a recommendation to the Minister for Local Government. If the Minister accepts the Board's recommendations, then several statutory processes follow. Changes to wards and representation are subject to a Governor's order which is published in the <i>Government Gazette</i> .
October 2023	Local Government Ordinary Elections

Factors to be considered

Several factors will be considered as part of the review process and will include:

- Proposed legislative changes
- The advantages and disadvantages of no wards
- The advantages and disadvantages of reducing the number of councillors
- The implications of any change to the councillor/elector ratio
- The cost of elected members
- The effectiveness and efficiency of Council meetings
- The advantages and disadvantages of a ward structure.

Options to Consider

The following options are proposed to be considered. Members of the community may suggest others.

- Option 1:** Reduce the number of councillors to seven (7) and no wards. This will be the maximum number of elected members in Toodyay once the proposed local government reforms are gazetted.
- Option 2:** Reduce the number of councillors to seven (6) and no wards.
- Option 3:** Reduce the number of councillors to five (5) and no wards.
- Option 4:** Create a three (3) ward structure with seven (7) councillors.

Further options could include the creation of a different number of wards and councillor numbers. However, it is expected that the maximum number of councillors will be seven (7) once proposed legislated reform is adopted.

Discussion

Number of elected members

The preferred number of elected members for a local government is currently a matter for the local government. However, once gazetted, the proposed local government reforms will prescribe ranges for the number of elected members dependent upon population size. For local governments with a population of 5,000 or less, the proposed range is five (5) to seven (7) elected members.

Reduced number of elected members

The **advantages** of reducing the number of elected members may include:

- The decision-making process could 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 and an opportunity for all elected members to be heard.
- The cost of maintaining elected members is reduced. The Tribunal is responsible for setting the remuneration for CEO's and elected members and each year, issues a determination regarding any increases following a period of public submission. As part of the annual budget process, Council determines the amount to be paid to the Shire President, Deputy Shire President, and elected members in accordance with the Tribunal's determination. For the 2022/23 financial year, the following annual allowances are proposed:

Allowance Type	2022/23 Tribunal Determination		Shire of Toodyay	
	Minimum	Maximum	Percentage of Maximum	Amount
Elected member	\$7,880	\$16,776	85%	\$14,260
Shire President	\$7,880	\$16,776	85%	\$14,260
President's Allowance	\$1,051	\$37,881	85%	\$32,199
Deputy President's Allowance	25% of the President's Allowance		25% of the President's Allowance	
ICT Allowance	\$500	\$3,500	Set amount	\$410*

* *The Shire pays directly elected member laptops.*

The Shire also invests in the on-going professional development of elected members as required by legislation to a maximum of \$3,000 per member per year.

The table below provides the annual cost for five (5), six (6) or seven (7) elected members and savings based on the current cost of nine (9) elected members.

Current Number of Councillors (9) = \$184,879 per annum			
Proposed number	Annual Cost	Savings	Approx. % of budget
7 elected members	\$152,739	\$32,140	0.24
6 elected members	\$136,669	\$48,210	0.37
5 elected members	120,599	\$64,280	0.49

While the least number of councillors would generate the greatest savings in a tight economic climate, this should not be the only consideration when determining the appropriate number of elected members.

- 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 arguably, 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 were four vacancies and four candidates for the Shire of Toodyay's last ordinary elections. All candidates were therefore elected unopposed.
- There is a statewide trend in reductions in the number of elected members, particularly in smaller local governments with many finding that fewer elected members has improved their decision-making process.

The **disadvantages** of a reduction in the number of elected members may include:

- A smaller number of elected members may result in an increased workload for incumbent members and may reduce efficiency and effectiveness of the Council.
- There is the potential for dominance in the Council by a particular interest group or limited diversity of interests around the table. Good governance practices may help to eliminate the effects of these risks.
- Opportunities for community participation in Council's affairs may be reduced if there are fewer elected members for the community to contact. However, consultation with the community can be achieved through a variety of means in addition to individuals and groups contacting their local elected member.
- Too few elected members could result in difficulty achieving a quorum, particularly in areas that are subject to seasonal highs and lows. This could reduce effectiveness if decisions are unable to be made in a timely manner.
- Too few elected members can also impact effective representation and decision-making. While a quorum for a seven (7) or six (6) member council would be four (4), the quorum for a five (5) member council would be three (3).

No Ward System

The **advantages** of a no ward system may include:

- Elected members are elected by the whole community not just a section of it. Knowledge and interest in all areas of the Council's affairs results in a broadening of views beyond the immediate concerns of those in a ward.
- The smaller town sites and rural areas have the whole Council working for them and members of the community who want to approach an elected member can speak to any elected member.
- Social networks and communities of interest are often spread across a local government and elected members can have an overview of these.
- Elected members can use their specialist skills and knowledge for the benefit of the whole local government.
- Reduces the perception of bias or influence.
- There is balanced representation with each elected member representing the whole community.
- The election process is much simpler for the community to understand and for the Shire to administer.

The **disadvantages** of a no ward system could include:

- Electors may feel that they are not adequately represented if they don't have an affinity with any of the elected members.
- Elected members 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.
- Elected members 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.

Ward System

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.

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.
- 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.

Submissions and Feedback

Thank you for your interest and involvement in this review. Council welcomes input that will assist in making informed decisions regarding elected member representation. Submissions are invited from members of the community regarding the options proposed and any alternative options that could be considered.

Submissions should be addressed to:

Chief Executive Officer
Shire of Toodyay
15 Fiennes Street (PO Box 96)
TOODYAY WA 6566

Phone: (08) 9574 9300
Fax: (08) 9574 2158
Email: records@toodyay.wa.gov.au
Website: www.toodyay.wa.gov.au

Alternatively, residents can complete a survey online at:

www.toodyay.wa.gov.au/Council/publicnotices.

Hard copies of the survey are available at:

Toodyay Visitor Centre, Shire Administration and Toodyay Public Library.

Submissions and surveys should be received by:

4.00pm on Friday 30 September 2022.



Cr Rosemary Madacsi
Shire President



Suzie Haslehurst
Chief Executive Officer