



Review of Council Representation

Discussion Paper

Endorsed by Council for release to the public 18 October 2022, Council Decision 235/22.

Members of the community are invited to make a submission about any aspect of Councillor Representation and lodge it to:

Chief Executive Officer
City of Bunbury
PO Box 21
Bunbury 6231

Submissions will also be accepted by email: records@bunbury.wa.gov.au

All submissions must be received by **close of business Friday, 2 December 2022**.

The City of Bunbury acknowledges the traditional owners of the land, the Wandandi Noongar people, and pays respect to Elders past, present and emerging. We wish to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

Background

As per the Memorandum to Chief Executive Officers, from Hon John Carey MLA Minister for Housing; Lands; Homelessness; Local Government, outlining the final package of local governments reforms, the City of Bunbury is required to undertake a review of the number of elected members presently representing the community.

The Hon Minister has announced that 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.

Minister has endorsed the Department of Local Government, Sport, and Cultural Industries' (DLGSC) review of local government reform inclusive of *Theme 4: Stronger local democracy and community engagement*. Subsection 4.5 relates to "Tiered Limits on the Number of Councillors" (Councillor numbers based on population).

The City of Bunbury is a band 1 local government, with a population of 32,987, and is required to consider whether the most appropriate number of Councillors to represent the community (inclusive of the mayor is) 5, 6, 7, 8 or 9.

The Council has the option to do nothing and to leave the outcome up to the Minister through the "Reform Election Pathway" as explained below. The alternative is to consider the options voluntarily and maintain a degree of local control of the process, including the development of this discussion paper that is to be endorsed by council and released for community feedback over a 6-week period.

Full details of the reforms are available at this link, refer section 4.5 Tiered Limits on the Number of Councillors:

<https://www.dlgsc.wa.gov.au/department/publications/publication/full-reform-proposals> .

The original reform proposal as outlined on the department's website for local governments with a population between 5000 and 75000 has not changed, and remains as follows: -

Original proposal

- It is proposed to limit the number of Councillors based on the population of the entire local government.
- Some smaller local governments have already been moving to have smaller councils to reduce costs for ratepayers.
- The Local Government Panel Report proposed for a population of:
 - up to 5000 — 5 Councillors (including the president)
 - between 5000 and 75,000 — 5 to 9 Councillors (including the mayor/president)
 - above 75,000 — nine to fifteen Councillors (including mayor).

The Review Process

The review process involves several steps, in accordance with the legislation (*Local Government Act 1995* schedule 2.2) requiring the council to consider public submissions received in response to this discussion paper and forwarding a report to the Local Government Advisory Board (the Board) advising of Council's decision.

The steps are as follows (refer Table 1):

- The council resolves to undertake the review
- Public submission period opens for 6 weeks
- Information provided to the community for discussion
- Public submission period ends
- Council considers all submissions and relevant factors and makes a decision
- Council submits a proposal to the Board for consideration
- If a change is proposed, the Board, after considering the proposal, submits a recommendation to the Minister for Local Government and Communities (the Minister)
- The Minister makes his determination; and
- Pending the Minister's determination, an order is made by the Governor.

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**.

Table 1 – proposed timeframes for local government actions

Due date (latest possible)	Requirements/actions
28 October 2022	Council resolves to undertake a ward and representation review A comprehensive discussion paper is developed
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

Please note that the above dates are suggestions only, as each council will have to consider their own calendars for their monthly meetings. It is also possible that some affected councils will have an earlier meeting in December 2022, and then no meeting in January 2023. This is why mid to late December 2022 is suggested as the date by which the draft review report should be considered by council.

Overview

The City of Bunbury, as required by the Minister's memorandum, has resolved to undertake a review of council representation to ascertain the most appropriate number of Councillors to represent the interests of the City's residents and ratepayers.

The City is currently represented by thirteen Elected Members, being twelve Councillors and a popularly elected Mayor. Bunbury as an Electoral District covers a land area of 66 square kilometres and has a population of 32,987. Of this population there are 23,694 electors. This represents a current ratio of 1 Councillor for every 2,639 electors within the City.

The community consultation phase of this review is not only to elicit the community's views in relation to the options, but to also invite alternative proposals for consideration.

Currently the limits set out by Section 2.17 of the *Local Government Act 1995* for the City of Bunbury are that the Council must comprise of the Mayor, plus a minimum of five and maximum of fourteen Councillors (Bunbury currently has thirteen Councillors inclusive of the Mayor). The Minister is proposing that this legislation is to be amended to a maximum of nine Councillors inclusive of the Mayor.

Council has previously operated with a reduced membership, most recently in 2021 following the resignation of Cr. Hayward when elected to State Parliament. The WA Electoral Commissioner approved council's request to delay the extraordinary election from April to October, council functioned for this period with eleven Councillors, plus the Mayor.

In 2018, with the resignation of Cr. McGuinness council operated with eleven Councillors plus the Mayor from March 2018 to October 2019.

With the resignation of Cr. Bridges in August 2012, council operated with eleven Councillors plus the Mayor between August 2012 and October 2013.

Council will consider all submissions presented as a result of this discussion paper, then by resolution, the Council's preferred option will be presented in a final report to the Local Government Advisory Board, along with this paper and the submissions received.

To assist the members of the community in making a submission, some options with discussion points are provided below.

Options

Table 2 provides twenty seven (27) options that canvas a reduction from 4 to 8 Councillors, and how this may occur. Note the title “SPILL” means that all of the Councillors seats are to be declared vacant and re-contest the election to fill whatever seat are available, whether 8 or 4. The mayoral election being a separate election.

Table 2 – Options for reducing the number of Councillors from 13 to 5

OPTIONS	REDUCE BY	PHASE IN 2023	PHASE IN 2025	REDUCE IN 2023	REDUCE IN 2025	SPILL 2023	SPILL 2025
1	4	2	2				
2	4			4			
3	4				4		
4	4					*4	
5	4						4
6	5	3	2				
7	5	2	3				
8	5			5			
9	5				5		
10	5					*5	
11	5						5
12	6	3	3				
13	6			6			
14	6				6		
15	6					*6	
16	6						6
17	7	4	3				
18	7	3	4				
19	7			7			
20	7				7		
21	7					*7	
22	7						7
23	8	4	4				
24	8			4			
25	8				4		
26	8					*4	
27	8						4

*Note the options for a complete spill in 2023 will include a mayoral election.

Summary of Options

Voluntary Pathway

Per the Minister’s memorandum, the Voluntary Pathway enables the Council to phase in the changes over the next two elections, 2023 and 2025, reducing the Councillor numbers as shown in table 2 at each election.

The Minister’s directive states, “*This Pathway will require the council to make steps outlined below and could involve staging any larger changes in the number of Councillors over two ordinary elections.*”

The option of a complete spill at either the 2023 or 2025 election is also to be considered, as is the option of having the selected reduction occur at either the 2023 or 2025 election. As stated previously if there is a complete spill of all positions at the 2023 elections then there will also be a mayoral election that year instead of 2025.

As any reduction that occurs either by a complete spill or a reduced number between 4 and 8 will then require the Board to address the issue of the newly elected Councillors’ expiry dates, as the current situation is that each term is for 4 years, therefore some Councillors will receive a 2 year term and others a 4 year term to continue the election cycle. A mayoral election in 2023 may result in a 2 or 4 year term depending on the Board’s determination.

Factors to be considered

Several factors will be taken into account as part of the review process, including:

- The advantages and disadvantages of reducing the number of Councillors;
- The implication of any change to the Councillor/Elector ratio;
- The cost of Elected Members; and
- The effectiveness and efficiency of Council meetings

Financial Information

The financial costs have been assessed by reference to Council’s 2022/23 budget. The following is the amounts per Councillor.

Meeting Attendance Fees	\$ 32,470.00
Annual Allowance for ICT Expenses	\$ 3,500.00
Conference Registration	\$ 5,765.00
Travel and Accommodation Expenses	\$ 965.00
TOTAL	\$ 42,700.00

The above figures do not include staff support or minor purchases such as Councillor Badges, Business Cards, Vehicle Reimbursement, etc.

Based on this annual cost per Councillor the savings each year could range from \$170,800 (4 less Councillors) to \$341,600 (8 less Councillors).

Comparison with other local governments*

	Area (sq. kms)	Population	No. of Electors	Councillors	Crs : Electors
Victoria Park	18	27,955	11,367	9	1 : 1,263
Kalgoorlie-Boulder	95,575	29,306	16,849	13	1 : 1,296
Vincent	10	36,537	11,897	9	1 : 1,322
Capel	558	18,175	12,203	9	1 : 1,356
Harvey	1,728	28,567	19,644	13	1 : 1,511
Mundaring	645	39,166	20,537	12	1 : 1,711
Bunbury (Current)	66	32,987	23,694	13	1 : 1,823
Geraldton	12,626	39,489	22,129	12	1 : 1,844
Albany	4,312	32,220	27,919	12	1 : 2,327
Bunbury (Proposed)	66	32,987	23,694	9	1 : 2,633
Bunbury (Proposed)	66	32,987	23,694	8	1:2,962
Bunbury (Proposed)	66	32,987	23,694	7	1:3,384
Bunbury (Proposed)	66	32,987	23,694	6	1:5,498
Bunbury (Proposed)	66	32,987	23,694	5	1:4,739
Belmont	40	42,257	26,533	9	1 : 2,948
Busselton	1,455	36,686	29,852	9	1 : 3,317
Mandurah	174	90,306	66,190	13	1 : 5,092
Joondalup	98.9	160,003	115,048	13	1 : 8,849
Stirling	105	226,369	151,927	15	1 : 10,128

*Information sourced from the WAEC website. Table listed in order of highest to lowest representation ratio.

Advantages of fewer Councillors

1. The potential savings increase by a factor of \$42,700 per Councillor each year.
2. Savings may be redistributed to other expenditure (e.g. extra cost of complete spill election, or reduce rates)
3. Future savings are expected on reduced costs of elections in the future
4. Reduction of workload on administration in providing administrative and governance support
5. Reduced cost of providing reports and documents to less Councillors
6. Possibility of more effective and efficient decision-making process
7. Meetings may be more efficient with fewer Councillors contributing to the debate
8. Potential increase in the number of candidates for future elections with less seats available
9. Increased community awareness of elections with more candidates campaigning

Disadvantages of fewer Councillors

1. Increased ratio of electors to Councillors
2. Less diversity amongst Councillors
3. Less ability for community members to financially compete within an election campaign
4. Councillor administration support will possibly be higher resulting in new costs
5. Inability for Councillors to represent the Council on a diverse range of community groups resulting in greater administration resourcing requirements
6. Community engagement with remaining Councillors may increase, though difficult to quantify
7. Less divergence of views in the decision-making process
8. Potential increased workload for the reduced number of Councillors

Final Comments

When there is the possibility of reducing the number of Councillors the argument that the reduced number of Councillors will result in a greater workload for the remaining Councillors is a common response. The claim is not easily quantified as there is no data on the Councillor/community interactions that can be used for comparisons. The use of email, social media and the City's website to disseminate information and receive feedback provides opportunities for community engagement to be improved if there is a perceived or real increase in workload.

It is more likely than not that as the number of Councillors reduce the community will be more disadvantaged and the greater the increase in workload for the remaining Councillors will be.

By comparison there are a number of larger local governments in Western Australia and other states that have much higher Councillor/elector ratios.

Reference to the number of electors is useful for making comparisons, however that Councillors represent the whole community and not only those that can vote is also relevant to the question of representation. It is difficult to quantify the demographic and voting entitlements of the community that contact Councillors and at what frequency.

The community has a number of avenues already available to participate in the council's decision making, including attending council meetings to ask questions, make deputations and presentations, attend workshops, nominate for council/community committees, prepare and submit petitions and respond to public submissions when invited to do so, attend annual and special elector's meetings, or contact the administration or Councillors in the normal way.

Taking a voluntary approach to the reduction of Councillors has the advantage of phasing the changes in over two years, rather than having the Minister implement a complete spill at the October 2023 election. This option allows all Councillors to complete their full term of Council that they have been elected to.

Leaving the transition to reduce the numbers to the "*reform election pathway*" will result in the Minister legislating to reduce the numbers at the next election in October 2023 (Minister's memorandum). It is understood that if this reform election pathway was adopted, the maximum number of Councillors would be allocated for the Bunbury Council with a complete spill of all positions, the popularly elected mayor included, for the October, 2023 election.

Council is to consider all of the submissions received from the community and make a recommendation to the Board, in compliance with the timeframe adopted and directed by the Minister.

Position Paper Recommendation:

Considered by Council for public comment at the Ordinary Council Meeting on 18 October 2022, Council Decision 235/22.

That Council:

1. Advise Hon John Carey MLA, Minister for Housing; Lands; Homelessness; Local Government, that the City of Bunbury will follow the Voluntary Pathway of the local government reform process and seeks to reduce the number of Elected Members over two ordinary elections, being 2023 and 2025.
2. Note the Discussion Paper: Review of Council Representation, (as attached at Appendix 14.1-A) which is a requirement to advertise under the current Local Government Act and its subsidiary legislation.
3. Support the transitional reduction in Elected Member numbers from Thirteen (12 Councillors plus a popularly elected Mayor) to nine (8 Councillors plus a popularly elected Mayor), over the next two ordinary local government elections (October, 2023 and October, 2025)

Note: The 2023 Local Government Election will see 4 Councillor Positions being available as distinct from 6 in the past and the 2025 Local Government will see 4 Councillor Positions being available plus a popularly elected Mayor, which in essence, will allow all sitting elected members to complete their current terms of office.

4. Require the Chief Executive Officer to advertise for public comment regarding the reduction in number of Councillor positions, with a submission period open for 6 weeks.
5. Requires the Chief Executive Officer to bring a further report back to Council after the close of public comments, noting the submissions received, in order for a final recommendation by Council to be made to the Local Government Advisory Board by the 14 February, 2023.

Public Submissions

Members of the community are invited to make a submission about any aspect of Councillor Representation and lodge it to:

Chief Executive Officer
City of Bunbury
PO Box 21
Bunbury 6231

Submissions will also be accepted by email: records@bunbury.wa.gov.au

All submissions must be received by **Friday, 2 December 2022**.

As well as commenting on any aspects covered within this discussion paper, submitters may suggest any other option they wish the Council to consider in this regard. As previously stated, Council will consider all submissions received within the consultation period prior to making a final decision in relation to this matter.

Thank you for your interest and involvement in the review. Council welcomes your comments on any matters that may assist to make informed and responsible decisions for the benefit of the people of the City of Bunbury.



Hon John Carey MLA

Minister for Housing; Lands; Homelessness; Local Government

Our Ref: 78-08502 (Category 5)

20 September 2022

Dear Local Government Chief Executive Officers

**MEMORANDUM TO CHIEF EXECUTIVE OFFICERS
LOCAL GOVERNMENT REFORMS: ELECTION TRANSITION ARRANGEMENTS
(CHANGES TO COUNCIL SIZE)**

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.

Level 7, Dumas House, 2 Havelock Street, West Perth, WA, 6005

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.

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.

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



MINISTER FOR LOCAL GOVERNMENT

Att: Timeline and steps – local government ward and representation reviews

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**.

Table 1 – proposed timeframes for local government actions

Due date (latest possible)	Requirements/actions
28 October 2022	Council resolves to undertake a ward and representation review A comprehensive discussion paper is developed
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

Please note that the above dates are suggestions only, as each council will have to consider their own calendars for their monthly meetings. It is also possible that some affected councils will have an earlier meeting in December 2022, and then no meeting in January 2023. This is why mid to late December 2022 is suggested as the date by which the draft review report should be considered by council.

Table 2 - Ward and representation review process – for local governments

	Existing requirements/actions	Timeframe
1	The council resolves to undertake a ward and representation review	Variable
2	A comprehensive discussion paper is developed	Variable
3	Council advertises that it is conducting a review and the associated public submission period opens (minimum 6 weeks)	6 weeks
4	The discussion paper is made available to the community for consideration, and public submissions are invited on the matter	
5	Public submission period closes	
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)	Variable
7	The formal report is presented to Council on the outcome of the public submissions and the proposed ward and/or boundary changes	Variable
8	Council resolves to adopt the report to the Advisory Board	Variable
9	The preferred option is submitted to the Advisory Board via the formal report, for the Board's consideration and recommendation	Variable
10	The Advisory Board considers the council's review report, and a recommendation is submitted to the Minister, which can either be accepted or rejected	Variable