

SHIRE OF MOORA
SPECIAL COUNCIL MEETING MINUTES
20 JANUARY 2021
HELD IN THE COUNCIL CHAMBERS, MOORA

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* Separate Attachments
Item 5.1 Public submission received and Draft Report to Local Government Advisory Board

I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**I.1 DECLARATION OF OPENING**

The Shire President declared the meeting open at 5.00pm.

I.2 DISCLAIMER READING

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**ATTENDANCE**

TL Lefroy	-	Presiding Member / President
Sj Gilbert	-	Deputy President
El Hamilton	-	Councillor
KM Seymour	-	Councillor
JM Thomas	-	Councillor
PF Nixon	-	Councillor
DV Clydesdale-Gebert	-	Councillor (via telephone)
MR Holliday	-	Councillor (via telephone)
TG Humphry	-	Councillor (via telephone)
AJ Leeson	-	Chief Executive Officer
G Robins	-	Deputy Chief Executive Officer

PUBLIC

Mavis Blowers	-	Ratepayer
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APOLOGIES

Nil

PROCEDURAL RESOLUTION - APPROVAL TO PARTICIPATE BY ELECTRONIC MEANS**COUNCIL RESOLUTION**

01/21 Moved Cr Seymour, seconded Cr Hamilton that Councillors Clydesdale-Gebert, Humphry and Holliday be allowed to participate in the Special Meeting of Council by electronic means (telephone).

CARRIED 9/0

Shire President Cr Lefroy verbally confirmed that all Councillors attending by electronic means were present and able to hear and participate.

3. **PUBLIC QUESTION TIME**

Nil

4. **PETITIONS / DEPUTATIONS / PRESENTATIONS**

Nil

5. **REPORTS OF OFFICERS**

5.1 **REVIEW OF ELECTED MEMBER REPRESENTATION**

FILE REFERENCE: EM/SHOI
REPORT DATE: 13 January 2020
APPLICANT/PROPONENT: Chief Executive Officer
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Item 10.1.5, 21 October 2020 (133/20)
AUTHOR: Niel Mitchell, Conway Highbury Pty Ltd, consultant
ATTACHMENTS: Public submission received
Draft Report to Local Government Advisory Board

PURPOSE OF REPORT:

For Council to consider –

- outcomes of the public consultation
- report to be made to the Local Government Advisory Board (LGAB) if any.

BACKGROUND:

In 2007, ward boundaries were removed and since that time, elections have been for the whole of district. According to the Department's Municipality Boundary Amendments Register, a Council of nine elected members has been in place since January 1997, when the total number of elected members was reduced from 13 to 9.

At the October 2020 Council meeting, it was resolved –

That Council resolve –

- a) to proceed with a review of elected member representation;*
- b) public comment be invited on –*
 - o remaining with no wards, retaining 9 office of councillor; and*
 - o remaining with no wards, reducing to 7 office of councillor;*
- c) the CEO in consultation with the Shire President finalise the paper for public comment;*
- d) in accordance with Schedule 2.2(7)(1) of the Local Government Act 1995, give local public notice advising –*
 - o that a review of the number of offices of councillor is to be carried out; and*
 - o that submissions may be made to the Shire by 23 December 2020.*

COMMENT:

Pubic advertising as required by the Local Government Act was undertaken –

- Northern Valleys News on 6 November 2020;
- Shire library and notice board;
- the Shire's website; and
- social media.

A public discussion paper has been available since 3 November 2020 for comment.

Public comment period closed at 4.00pm on Wednesday 23 December 2020, and one public submission had been received.

The submission is complimentary of the current arrangements and performance of elected members but does note their concern with the possible change. The core of the submission revolves around a reduction in numbers when there is no community pressure for it through a lack of nominees at elections, and arguing that until this circumstance occurs, the community is better served through a broader representation than a reduced representation.

Data from the WA Electoral Commission supports the comments –

Election Date	Type	Vacancies	Candidates
28 Feb 2020	Extraordinary	2	2
19 Oct 2019	Ordinary	4	8
21 Oct 2017	Ordinary	5	5
17 Oct 2015	Ordinary	4	6
19 Oct 2013	Ordinary	5	5
15 Oct 2011	Ordinary	4	7
17 Oct 2009	Ordinary	5	6

Retrieved <https://www.elections.wa.gov.au/elections/local/election#/council/Moora> on 23 December 2020

Another factor not previously raised is that with reduced numbers, attendance can be critical especially if an absolute majority decision is required, and a Councillor is absent or has declared an interest and is therefore unable to participate. An absolute majority ignores these factors. If it is an issue, then there are several possible actions that may be taken to avoid an impasse, including making application to the Minister for either a reduced quorum or for permission to participate and vote.

Staff at the LGAB have advised that with the State elections coming in March 2021, the caretaker period commences 3 February 2021. Accordingly, dependent on the date of any Special Council Meeting, and subsequent report submitted to the LGAB, they may not have sufficient time to prepare their documentation for the Board members to make a decision out of session, then finalise and submit a recommendation to the Minister, for the Minister to sign off prior to the commencement of the caretaker period.

If not signed by the Minister prior to 3 February 2021, then any decision will be delayed until a person takes office after the election and has had time to consider the matter. The time required will no doubt also be somewhat dependent on the familiarity of the Minister at that time with local government.

However, since the matter deals with number of elected members only and not wards, time consuming mapping by Landgate will not be required. As such it is a very simple proposal, requiring little more than an Order in Executive Council and Gazettal. Electoral processes would not be impacted until the middle of August 2021 when advertising for nominations needs to commence. This advertising must specify the number of vacancies.

It is considered that there is enough time after the State election in March and prior to the mandatory local government election requirements to finalise any change, however, many of the factors are outside the control of the LGAB or Shire.

Summary

Advantages of reducing Councillor numbers:

1. The decision-making process may be more effective and efficient if the number of elected members is reduced. There is more scope for team spirit and co-operation amongst a smaller number of people;
2. The cost of maintaining elected members would be reduced. Budgeted costs for attendance fees in 2020-2021 are \$45,430, and would be reduced proportionately if there was a reduction in numbers;
3. 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;
4. Fewer elected members are more readily identifiable to the community;
5. 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;
6. 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.

Disadvantages of reducing Councillor numbers:

1. A reduction may limit diversity around the table;
2. There is increased potential for Council to be overshadowed by a particular interest group;
3. A smaller number of elected members may lead to an increased workload;
4. The increase in the ratio of Councillors to Electors is not insignificant (182:1 to 234:1), but not expected to impact greatly.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Schedule 2.2 of the *Local Government Act 1995* provides the statutory process for conducting a review, and the advertising requirements that form part of the process.

STRATEGIC IMPLICATIONS:

Goal 5:

A community that collaborates effectively, nourishes local leadership and advocates for its future.

Scope:

Quality partnerships are developed and maintained through effective local leadership that advocate strongly for the community customer services.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no immediate financial implications to Council in relation to this item.

SUMMARY:

Council should note the recent report into Local Government by the Local Government Review Panel (Section 26). https://www.dlgsc.wa.gov.au/docs/default-source/local-government/local-government-review-panel-final-report.pdf?sfvrsn=acefce14_1

The section deals with elected member representation. The report recommends the number of elected members should be tied directly to population. In the case of the Shire of Moora this would be a maximum of 5 elected members for the Shire of Moora which has a population of less than 5,000. In the authors view reducing the number of elected members from 9 to 7 is far more workable and practical from a governance operational perspective in terms of maintaining a quorum. Reducing to 5 elected members would be problematic in terms of being able to govern effectively.

Local Government Review Panel - Final Report – Recommendation 26

26. In respect to elected member representation, the Panel recommends:

a. Population should be used to determine the number of elected member positions:

- (i) Population of up to 5,000 – 5 councillors (including President).***
- (ii) Population of between 5,000 and 75,000 – 5 to 9 councillors (including Mayor/President).***
- (iii) Population of above 75,000 – 9 to 15 councillors (including Mayor).***

b. Ward boundary reviews, to ensure equitable representation is maintained, should be conducted every four years by the Office of the Electoral Distribution Commissioners, with the support of the WAEC and should be conducted using similar processes and principles that are in place for state electoral boundaries as contained in the Electoral Act 1907.

c. Current classification bands 3 and 4 should not have multiple wards unless the Local Government Commission permits it in the interests of ensuring local democracy is enabled in certain communities.

d. The changes to wards and elected member numbers due to the above recommendations should be phased in.

The Panel gave careful consideration to the recommendations of the Local Government Advisory Board in relation to wards and councillor numbers. Wards in local governments with small populations were seen as unnecessarily increasing fragmentation and detracting from the requirement for elected members to act in the best interests of the entire community.

However, the Panel acknowledged there may be situations, for example remote communities, where it is important to ensure there is balanced representation on council. The Panel decided local governments in bands 3 and 4 can apply to the new Local Government Commission for wards should it be necessary to enable local democracy in their districts.

The Panel considered that it was desirable for councils to have an odd number of positions.

e. With the introduction of four-year elections, council elected mayors/presidents should be elected for two-year terms.

The Panel considered that it was important to provide a council with the ability to elect a new mayor/president to replace one who had lost the confidence of the other members of council within their four-year term. The Panel decided the fairest and most efficient way to do this was to have two year terms for council elected mayors and presidents which will provide the opportunity for council to replace them after this period should there be dissatisfaction with their performance amongst council.

f. No restriction should be placed on the number of terms an elected member or mayor/president can serve.

The Panel agreed that there should be no change made to the current situation with no limits applying to the number of terms a councillor and mayor/president can serve.

VOTING REQUIREMENTS:

Simple Majority – If a motion to retain status quo is moved.

Absolute Majority – if the recommendation below is to be resolved.

RECOMMENDATION

That Council –

- ***notes the public submission received; and***
- ***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 reduce the number of offices of councillor for the Shire of Moora from 9 (nine) to 7 (seven).***

SUSPENSION OF STANDING ORDERS

02/21 Moved Cr Nixon, seconded Cr Thomas that standing order be suspended at this juncture, 5.03pm.

CARRIED 9/0

RESUMPTION OF STANDING ORDERS

03/21 Moved Cr Seymour, seconded Cr Nixon that standing order be suspended at this juncture, 5.12pm.

CARRIED 9/0

COUNCIL RESOLUTION

04/21 Moved Cr Gilbert, seconded Cr Seymour that Council –
 - ***notes the public submission received; and***

- ***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 reduce the number of offices of councillor for the Shire of Moora from 9 (nine) to 7 (seven).***

CARRIED 5/4 BY ABSOLUTE MAJORITY

**** Notice of Foreshadowed Motion - Cr Nixon**

During the debate of the above resolution Cr Nixon foreshadowed the following motion in the event that the council resolution moved by Cr Gilbert and seconded by Cr Seymour was voted down;

That Council –

- *notes the public submission received; and*
- *in accordance with Schedule 2.2(9) of the Local Government Act 1995, maintain the number of offices of councillor for the Shire of Moora at 9 (nine).*

6. CLOSURE OF MEETING

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 5.22pm.

CONFIRMED

PRESIDING MEMBER