

Serpentine Jarrahdale Ward and Representation Review

Submission to the Local Government Advisory Board

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Submission B – Discussion Paper Option 1

Number of Councillors	President and Six (6) Councillors
Ward Configuration	Six Councillors plus Shire President distributed evenly across three wards. Ward boundaries to remain unchanged.
Method of implementation	Full spill method

Background

At the 24 October 2022 Special Council Meeting the Shire of Serpentine Jarrahdale resolved to undertake a Ward and Representation Review in response to a request from the Minister for Local Government.

The minutes of this meeting which record the decision to undertake a review of wards and representation are provided in **Attachment 1**.

The Minister is introducing legislation that will change election processes for local governments across the state. For the Shire, this means that the Shire will have a President elected by electors rather than Council and will reduce the size of the elected Council by at least one member to account for the change in election method of the President.

This is because under the reforms for local governments with a population of between 5,000 and 75,000 (in which the Shire currently sits), legislative amendments are proposed to be introduced by the State Government that will cap the number of Councillors to no more than nine, including the President.

The Minister has requested local governments to implement the changes proposed voluntarily, prior to the introduction of legislation. This requires a Ward and Representation Review and associated amendments to be conducted through the process enshrined in the *Local Government Act 1995* (the Act).

The review process

Following Council's resolution, a local public notice was issued in accordance with section 1.7 of the Act. A local public notice is required under section 1.7 of the Act to appear on the local government's website and at least three of the methods set out in Regulation 3A of the *Local Government (Administration) Regulations 1996*.

In this case the local public notice requirements were achieved via:

- publication on the Shire's website through its engagement platform Your Say SJ on 8 November 2022
- a social media post on the Shire's Facebook account on 9 November 2022
- publication on the noticeboard on 9 November 2022
- an advertisement in the Examiner newspaper circulating in the district on 10 November 2022
- an article in SJ matters published on 30 November 2022.

The local public notice advised that all submissions must be received by 5pm on Friday, 23 December 2022. The public notice period exceeded the minimum 6-week period required by the Act.

A copy of the newspaper advertisement that appeared in the Examiner newspaper on 10 November 2022 is available in **Attachment 2**.

The local public notice advised of the availability of a Discussion Paper adopted by Council on the Shire's website. The Discussion Paper is available in **Attachment 3**.

Submissions received

In accordance with Schedule 2.2 of the Act, the public submission period ran from 8 November 2022 through 23 December 2022. The public notice period exceeded the minimum 6-week period required by the Act.

The public notice advised that submissions were invited through Your Say SJ, the Shire's online engagement hub or alternatively in writing to the Shire or via email.

Responses were received from 23 individuals. One individual made two submissions (submissions 21 and 22).

All submissions were received through Your Say SJ. No submissions were received through other means.

Individuals who chose to respond through Your Say SJ were asked a series of questions.

Question	Available responses
Question 1 – Are you an elector in the Shire?	A- Yes B- No
Question 2 - What ward do you reside in? <i>(Only asked if 'Yes' selected for Question 1)</i>	A- North Ward B- North West Ward C- South Ward D- No
Question 3 – Which option is your preference?	A. Option 1 – Six Councillors plus Shire President across three wards B. Option 2 – Eight Councillors plus Shire President across three wards C. Option 3 – Six Councillors plus Shire President without wards D. Option 4 – Eight Councillors plus Shire President without wards
Question 4 - Which eight Councillor configuration do you prefer? <i>(Only asked if Option 'B' selected for Question 2)</i>	A. North 2 Councillors, North West 3 Councillors, South 3 Councillors B. North 3 Councillors, North West 2 Councillors, South 3 Councillors C. North 3 Councillors, North West 3 Councillors, South 2 Councillors
Question 5 – In making a decision regarding ward and representation, Council is required to give consideration to the following matters: community of interests; physical and	Free text

Question	Available responses
topographic features; demographic trends; economic factors; and the ratio of Councillors to electors in the various wards. Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration	
Question 6 – How did you hear about this community consultation?	A. Social media B. Public notice C. Word of mouth D. Your Say SJ website E. eNewsletter F. Other (please specify)
Question 7 – I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Check Box

The submissions received are provided verbatim in **Attachment 4**.

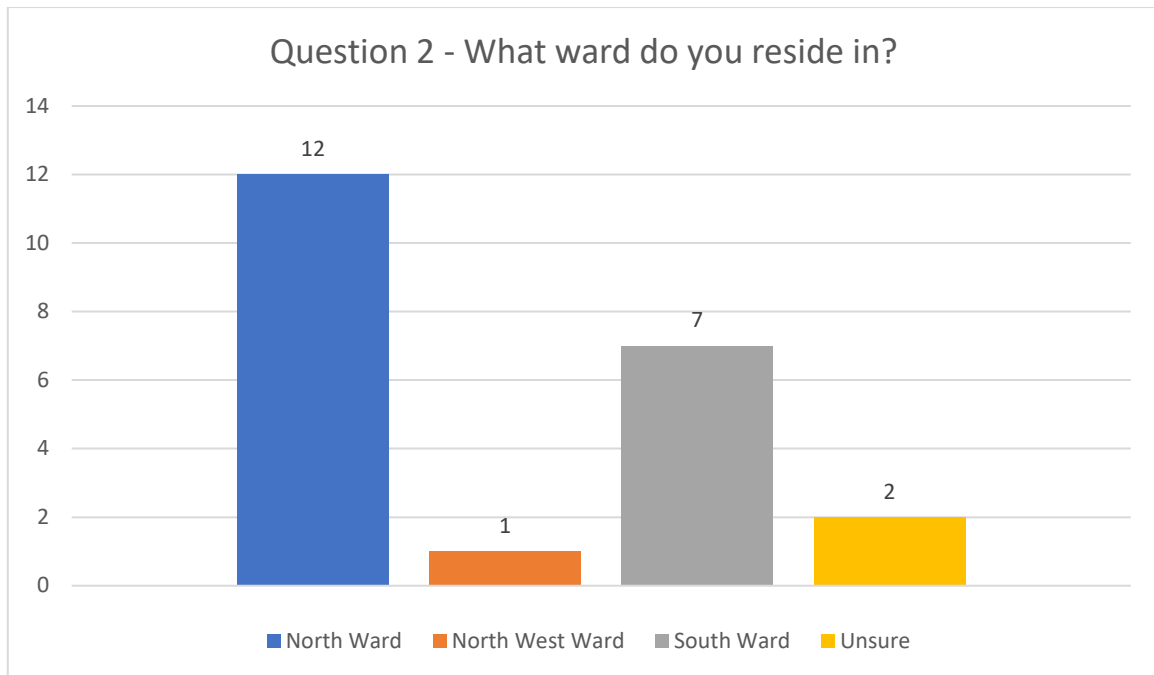
An analysis of the submissions is provided below. However, from a statistical perspective, the sample size would not be considered statistically significant.

For the purposes of statistical analysis, the two responses sent by the one individual have been merged so as not to double count these.

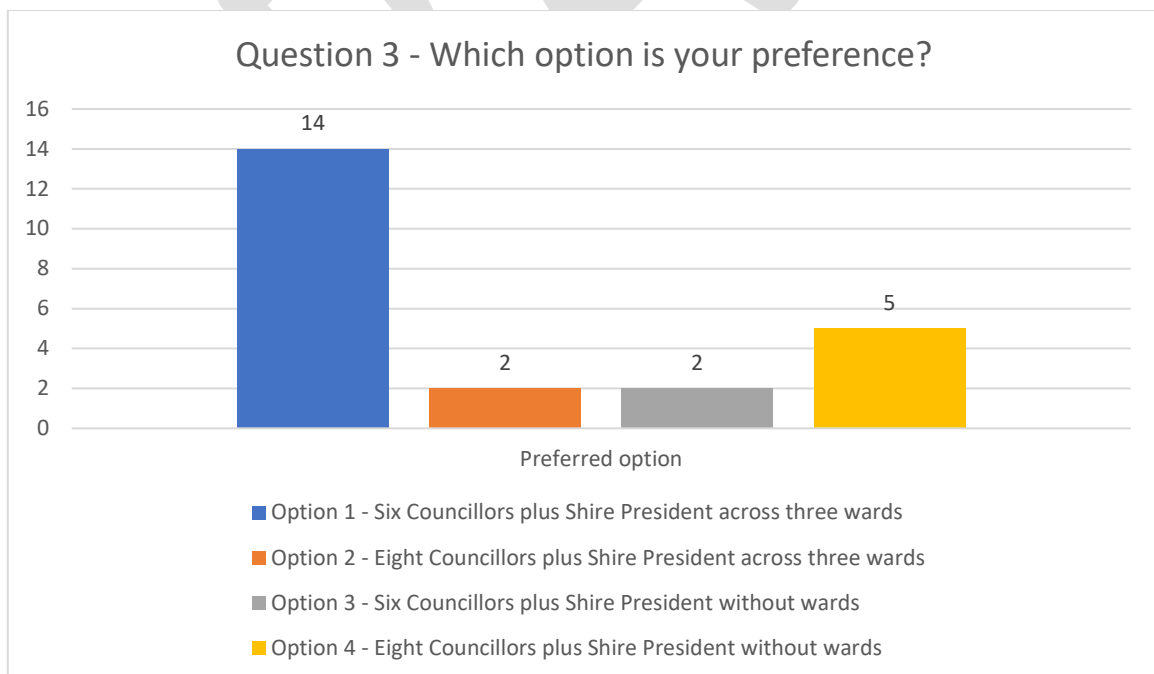
This means that while **Attachment 1** shows the 24 submissions received in full, the statistical analysis below counts only unique individual responses, not the duplicate response.

Question 1 asked whether the person was an elector. 22 responses selected 'yes'.

Question 2 asked what ward does the person reside in. As shown below almost half of the responses received were from individuals stating that they resided in the North Ward.



In respect to ward and representation configuration posed by Question 3, the most frequently selected option was Option 1 - Six Councillors plus Shire President across three wards. This was selected by 14 respondents representing 60 per cent of individual submissions received. There was no correlation between ward residence and preferred configuration.



Question 5 provided an opportunity to comment generally when it asked:

“In making a decision regarding ward and representation, Council is required to give consideration to the following matters: community of interests; physical and topographic features; demographic trends; economic factors; and the ratio of Councillors to electors in the various wards. Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration.”

Thirteen individuals responded to this opportunity to provide a response to this question.

The unedited submissions are provided in the table below and in **Attachment 4**.

Respondent number	Question 5 response
1	Economic and to keep wards till South Ward is more developed
2	<i>No Response</i>
3	3 wards, 2 Councillors per ward. Ward boundaries may need to be realigned to reflect equality of size and ratepayers as close as is practical.
4	South Ward is very large with vastly differing features and needs to the other 2 wards, so requires better representation.
5	<i>No Response</i>
6	<i>No Response</i>
7	this states to be all about saving monies from having a lesser number of Councilors !! get rid of some dead wood in the office to make bigger savings.. Councilors MUST elect the President. I believe if you change the current system, it will be to our detriment , esp the South Ward.. you need to keep farmers to the front, esp when you espouse this to be a Rural Shire. Our rates keep increasing and we do not see much being spent in the South Ward, esp roads... so how will the new system improve this outcome ???
8	I agree that 6 councillors is enough and the president should be elected by rate payers
9	i think it is the community interest to stream line the number of councillors and 2 councillors a ward is enough
10	<i>No Response</i>
11	<i>No Response</i>
12	<i>No Response</i>
13	<i>No Response</i>
14	<i>No Response</i>
15	I like the idea of reducing thr number of councillors
16	Best idea ever

Respondent number	Question 5 response
17	<i>No Response</i>
18	Like the American president election is in the community interest
19	None of the options presented are feasible. We need to have a full spill with no wards 8 councillors and 1 Shire President. This is what is fair for the community as a whole
20	Must be a total spill otherwise dies not meet the guidelines once wards are put back in place of 50% spill. As this is totally new its in the community's best interests as a whole to spill all sitting Councillors in all wards. Ward review after 23 election and reinstate wards. I support officers recommendation from October Council Meeting
21 & 22	<p>I strongly support Ward boundaries and elections as they more appropriately provide broad representation from across the Shire. However for the purpose of getting a decision in place for the longer term I support the choice of option 4 with 8 Councillors and a Shire President without Wards in order to retain nine Council positions. This choice is made provided there is a spill of all positions to start the new arrangements, a sensible beginning of reform for what is becoming a divided Council. When the dust settles and a proper full review can be undertaken the reintroduction of Wards would then be possible; desirable; and a new Ward representation system can be reintroduced, with an appropriate spread of (say) 4 Wards and 2 Councillors from each Ward. The Shire population is growing rapidly and these arrangements would appear to be a fairer way of having a Shire Council with fair representation from an expanding population in different pockets of the Shire. We don't want to reduce the size of the Council in these reforms as it will be almost impossible to get agreement on increasing the number of Councillors back to 8 once (if) we have gone backwards to 6 in the current interim reforms.</p> <p>I prefer to have Wards but I dont want the number of councillors to be reduced from 8 to 6. So option 4 seems the best choice right now. But when the current arrangements are settled and the shire can conduct a full proper review Wards could or should be reintroduced. I would like to see Wards reintroduced , perhaps with 4 wards to accommodate the growing population across the Shire. If option 4 is chosen I would want a full spill of all council positions to clean up the current adversarial character of the current council. It is pointless keeping some councilors on and taking some off. That is exactly the sort of weird decision that causes ratepayers to get angry.</p>
23	The Ward and Representation Review Discussion Paper is inaccurate and some information is not compliant. It does not represent the community as a whole. None of the above options suit what we require. I refer to the Officers recommendation of 24 October 2022 to the position of council that is my preferred option.
24	<i>No Response</i>

Assessment of options

Section 8 of Schedule 2 of the Act requires that when conducting a ward and representation review, the local government must consider the following factors:

- Community of interests
- Physical and topographical features
- Demographic trends
- Economic factors
- The ratio of councillors to electors in the various wards.

The Local Government Advisory Board Guide advises that all options under consideration should be assessed against these options.

Option 1 – Six Councillors plus Shire President across three wards

Option 1 proposes a reduction of Councillors to six, with the Office of the President elected by electors. Under this option the Shire would have a total of seven elected officials.

Under this model, two Councillors would be elected from each of the wards.

As no amendments to ward boundaries are proposed, the comparative ratio of electors per Councillor between wards would be unchanged.

Shire of Serpentine Jarrahdale elector to Councillor ratios with six Councillors across three wards (as of 13 September 2022)

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation ¹
North	7,501	2	1:3750	-5.7%
North West	7,472	2	1:3736	-5.3%
South	6,302	2	1:3151	11.1%

The number of votes in the affirmative for an absolute majority decision defined in the Act would be four. This approach could involve savings of approximately \$42,000 annually in Councillor fees and allowances (based on the rates set by Council in 2022) but any savings would be contingent on future Salary and Allowance Tribunal and Council decisions.

Community of interests

As Option 1 does not propose amendments to the ward boundaries there would be no immediate change in relation to communities of interest.

¹ The % ratio deviation is calculated by subtracting the Councillor/Elector ratio for a ward from the average Councillor/Elector ratio. The result is then divided by the average Councillor/Elector ratio and multiplied by 100 to give a percentage. A negative result indicates that the ward is comparatively under represented and a positive result indicates that the ward is comparatively over represented.

Physical and topographic features

As Option 1 does not propose amendments to the ward boundaries there would be no immediate change in relation to physical and topographical features.

Demographic trends

The Shire is a high growth local government. In the 12 month period between the 2021 ordinary local government election and September 2022, the number of electors in the Shire increased by 4.1%. In this period the number of electors in every ward increased but population growth was the highest in the North Ward where it grew by 6.3%.

The Shire's North and North West Wards are known to feature higher density urban development than the more rural South Ward. In the longer term, population growth in the South Ward will increase more rapidly with the expansion of the Tonkin Highway.

Under this option, adjusting boundaries to manage these population changes would need to be something considered in future ward and representation reviews.

Economic factors

As Option 1 does not propose amendments to the ward boundaries there would be no immediate change in relation to economic factors.

Ratio of Councillors to electors in the various wards

While the ratio of Councillors to electors in various wards would be reduced overall, as there are no proposed amendments to the ward boundaries the comparative deviations currently present would not be changed as a result of the proposal.

Future changes in population between wards have not been contemplated as a thorough analysis of forecast data has not been possible in the timeframe required.

When considering options the Local Government Advisory Board's guide states that the ratio of Councillors to electors in the various wards is significant and should be within the tolerance set by the Board:

"It is expected that each local government will have similar ratios of electors to councillors across its wards, generally falling within a deviation of plus or minus 10%."

The 10% tolerance level is not a legislation requirement and the Local Government Advisory Board's guide goes on to state that:

"If local governments consider that they have exceptional circumstances that justify ward councillor/elector ratio deviations greater than plus or minus 10%, they can present their argument to the Board for consideration. Councils experiencing high population growth should give consideration to the ratio deviations for wards at the time of the next ordinary election, especially if the review is conducted a year or more prior to implementation. Current and forecasted figures can be provided to the Board to justify ratio deviations greater than plus or minus 10% in areas with high population growth."

It is not uncommon for local governments to exceed the 10% threshold. As of 30 September 2022 the following metropolitan local governments have elector ratio deviations that exceed the 10% tolerance level:

- Belmont (11.8%)
- Canning (11.8%)
- Claremont (11.4%)
- Joondalup (17.0%)
- Mandurah (13.9%)
- Wanneroo (11.6%).

Ratio deviations above the Advisory Board's tolerance level are also common in regional local governments.

At the time of the Shire's last review of wards conducted in 2018 and considered by the Local Government Advisory Board in 2019, the elector representation of each of the Wards was within the 10% tolerance.

Ward Councillor to Elector Deviations as of October 2018

Ward	Number of Councillors	Number of Electors	Ratio Deviation %
North West	3	6,330	-4.87%
North	3	6,102	-1.09%
South	3	5,678	5.91%

With the Shire's high growth, the population of each of the Shire's three wards can quickly change. This has resulted in the current ward configuration exceeding the 10% tolerance level. It also means that an adjustment to ward configuration that resets the elector deviation may only do so temporarily.

A continuation of the current ward boundaries for the 2023 ordinary local government election would not exceed the 10% tolerance level greatly. The largest deviation is in the South Ward which as of September 2022 exceeded the threshold by 1.1%. This is proposed to be corrected by a subsequent ward and representation review conducted prior to the 2025 local government election.

Option 2 – Eight Councillors plus Shire President across three wards

Option 2 proposes a reduction of Councillors to eight, with the Office of the President elected by Electors. Under this option, the Shire would continue to have a total of nine elected officials.

Under this model, three Councillors would be elected from two of the wards and two Councillors would be elected from the remaining ward.

The number of votes in the affirmative for an absolute majority decision defined in the Act would continue to be five. This approach would not result in savings with Councillor fees and allowances.

Option 2 would involve an uneven distribution of Councillors with one of the wards featuring a sizeable deviation in excess of the preferred tolerance level set by the Local

Government Advisory Board. Based on the elector figures from September 2022 the ratios would be as follows:

Option 2a:

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
North	7,501	2	1:3750	-41.0
North West	7,472	3	1:2490	6.3
South	6,302	3	1:2100	21.0

Option 2b:

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
North	7,501	3	1:2500	5.9
North West	7,472	2	1:3736	-40.4
South	6,302	3	1:2100	21.0

Option 2c:

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
North	7,501	3	1:2500	5.9
North West	7,472	3	1:2490	6.3
South	6,302	2	1:3151	-18.4

Due to the relative populations of the North and North West Wards, Options 2a and 2b would exacerbate the comparative ratio deviation with the South Ward. Option 2c would overcorrect the ratio deviation from -18.4.

Arithmetic dictates that eight does not divide evenly into three and option 2, without boundary changes, will result in an uneven distribution of Councillors.

Community of interests

As Option 2 does not propose amendments to the ward boundaries there would be no immediate change in relation to communities of interest.

Physical and topographic features

As Option 2 does not propose amendments to the ward boundaries there would be no immediate change in relation to physical and topographical features.

Demographic trends

The Shire is a high growth local government. In the near 12-month period between the 2021 ordinary local government election and September 2022, the number of electors in the Shire increased by 4.4%. In this period the number of electors in every ward increased but population growth was the highest in the North Ward where it grew by 6.8%.

The Shire's North and North West Wards are known to feature higher density urban development than the more rural South Ward. In the longer term, population growth in

the South Ward will increase more rapidly with the expansion of the Tonkin Highway.

The deviation ratio associated with options 2a and 2b in the short to medium term would likely increase in future years, while in option 2c the over-corrected deviation ratio would likely decrease in the short and medium term. Long term development will alter demographics considerably, but these population changes would need to be something considered in future ward and representation reviews.

Economic factors

As Option 2 does not propose amendments to the ward boundaries there would be no change in relation to economic factors.

Ratio of Councillors to electors in the various wards.

As noted above, options 2a, 2b and 2c would result in an uneven distribution of Councillors between the wards. This disparity would be well in excess of the tolerance of 10% set by the Local Government Advisory Board. It would also be a significant deviation from the intent of the three ward approach previously adopted by Council which was predicated on even representation between the wards.

Option 3 – Six Councillors plus Shire President without wards

Option 3 proposes a reduction to six Councillors plus the President, elected by electors but without wards. This approach would mean that the six Councillor positions as well as the President would be filled through a general election across the entire district.

In general terms, the Local Government Advisory Board describes the advantages and disadvantages of a no ward system as:

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 would result broadening the views beyond the immediate concerns of those in a ward.*
- *The smaller town sites and rural areas have the whole Council working for them.*
- *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 specialty skills and knowledge for the benefit of the whole local government.*
- *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 Council to administer.*

The disadvantages of a no ward system may 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.*

This approach could involve savings of approximately \$42,000 annually in Councillor fees and allowances (based on the rates set by Council in 2022) but any savings would be contingent on future Salary and Allowance Tribunal and Council decisions.

Community of interests

This approach would negate any benefits or disbenefits associated with the communities of interest derived from the current ward structure. As communities of interest is defined by the Advisory Board as a sense of community identity and belonging which is inherently difficult to quantify, it is not possible to quantify the extent that the change will impact community of interests.

Physical and topographic features

This approach would negate any benefits or disbenefits associated with wards and physical and topographic features. The Shire's current ward structure does not employ physical or topographic features as a major factor in the currency boundary alignment.

Demographic trends

This approach would negate any benefits or disbenefits associated with demographic trends derived from the current ward structure.

Economic factors

This approach would negate any benefits or disbenefits associated with economic factors derived from the current ward structure.

Ratio of Councillors to electors in the various wards

The ratio of Councillors to Electors would be 1:3537. Comparatively, every elector would have the same level of representation as every other elector now and into the future regardless of the Shire's uneven growth across the district.

Option 4 – Eight Councillors plus Shire President without wards

Option 4 proposes a reduction to eight councillors plus the President, elected by Electors but without wards.

This approach would mean that the eight Councillor positions as well as the President would be filled through a general election across the entire district.

This approach would not result in savings in Councillor fees and allowances.

Community of interests

This approach would negate any benefits or disbenefits associated with the communities of interest derived from the current ward structure. As communities of interest is defined by the Advisory Board as a sense of community identity and

belonging which is inherently difficult to quantify, it is not possible to quantify the extent that the change will impact community of interests.

Physical and topographic features

This approach would negate any benefits or disbenefits associated with wards and physical and topographic features. The Shire's current ward structure does not employ physical or topographic features as a major factor in the currency boundary alignment.

Demographic trends

This approach would negate any benefits or disbenefits associated with demographic trends derived from the current ward structure.

Economic factors

This approach would negate any benefits or disbenefits associated with economic factors derived from the current ward structure.

Ratio of Councillors to electors in the various wards

The ratio of Councillors to electors would be 1:2653. Comparatively, every elector would have the same level of representation as every other elector now and into the future regardless of the Shire's uneven growth across the district.

Consideration of options

At the 30 January 2022 Special Council Meeting, Council considered options for future ward and representation based on the five factors and the submissions received before making a decision. The minutes of this meeting including the associated Officer's report are provided in **Attachment 5**.

Recommended ward configuration

It is recommended that to give effect to the Minister's electoral reform program that the composition of the Council comprise a total of six Councillors plus the Shire President elected at large with an equal representation of Councillors (two per ward). No changes to the ward boundary configuration are to be made at this time. The deposited plans showing the unchanged ward boundaries are provided in **Attachment 6**.

This is referred to as Option 1 in the Discussion Paper.

Implementation of proposed changes

Implementing the Minister's electoral reforms voluntarily involves the reduction of Councillor positions in time for the 2023 ordinary local government election. The reduction of Councillor positions can be implemented through either:

- a) abolishing three (3) offices of Council that would have otherwise been contested at the 2023 ordinary local government election and filling the two (2) available offices at that election as well as the Office of the President; or
- b) conducting a full spill of positions including those of Councillors whose term was due to expire in 2025 and using the 2023 local government election to fill six (6) Councillor positions with two (2) positions available in each of the three (3) wards. The term of office for one (1) position in each ward (3 total) would be for 4 years, the term of office for the second position in each ward (3 total)

would be 2 years. An election for the Office of the President for a four (4) year term would also be held.

Scenario a) would result in the 2023 ordinary local government election having the following positions contested:

Office	Ward	Term
President	N/A	21 October 2027
Councillor	North West	21 October 2027
Councillor	South	21 October 2027

Scenario b) would result in the 2023 ordinary local government election have the following positions contested:

Office	Ward	Term
President	N/A	21 October 2027
Councillor	North West	21 October 2027
Councillor	North West	21 October 2025
Councillor	North	21 October 2027
Councillor	North	21 October 2025
Councillor	South	21 October 2027
Councillor	South	21 October 2025

A summary of the implications of each of these scenarios is detailed in the table below:

Scenario a) – Positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election	Scenario b) – full spill method
<ul style="list-style-type: none"> • Could result in a subsequent extraordinary election following 2023 election for a Councillor position if the President office is won by a sitting Councillor • Electors in the North Ward would only participate in the President election at the 2023 election • Does not terminate the terms of any Councillors • Is the conventional method of reducing Councillor numbers 	<ul style="list-style-type: none"> • No extraordinary election following 2023 election as any Councillor positions vacated by election as President would be determined by countback • Electors in all three wards would participate in both Councillor and President election at the 2023 election • Would prematurely terminate the terms of Councillors requiring those Councillors to recontest the 2023 election to remain on Council

Recommendation to the Local Government Advisory Board

That in accordance with Schedule 2.2(9) of the Act having considered the submissions made to the local government and having regard to:

- community of interests; and
- physical and topographic features; and
- demographic trends; and
- economic factors; and
- the ratio of councillors to electors in the various wards

it is recommended, that in respect to the Shire of Serpentine Jarrahdale, the Local Government Advisory Board recommends that:

1. an order be made under section 2.18 of the Act to reduce the number of offices of Councillors on the Council from nine (9) to six (6) with Councillors allocated evenly across the three (3) wards (two (2) Councillors per Ward)
2. in accordance with section 9.62 of the Act that the order declares that the terms of office for all Councillors to cease on 21 October 2023
3. that the term of office for one (1) position in each ward (3 total) would be for four (4) years, the term of office for the second position in each ward (3 total) would be two (2) years
4. no change is made to the configuration of the Shire's ward boundaries at this time
5. the changes be implemented in time for the 2023 ordinary local government election.

List of Attachments

Attachment 1	Minutes from the Special Council Meeting held on 24 October 2022 where Council agreed to undertake a ward and representation review
Attachment 2	Copy of the Examiner Newspaper showing the local public notice dated 10 November 2022
Attachment 3	Ward and Representation Review Discussion Paper November 2022
Attachment 4	Collation of public submissions received
Attachment 5	Minutes from the Special Council Meeting held on 30 January 2023 where Council's decision to make a submission occurred
Attachment 6	Deposited plans