



**MINUTES**  
of the  
**Special Council Meeting**  
held on  
**Monday 13 February 2023**  
at  
**5.15pm**  
in the  
**Shire of Irwin Council Chambers**  
11-13 Waldeck Street, Dongara

I certify that this copy of the Minutes is a true and correct record of the meeting held on Monday 13 February 2023

*Unsigned*

*Signed:* .....  
Presiding Elected Member

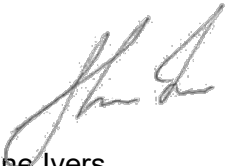
28 February 2023

*Date:* .....

## Disclaimer

The Shire of Irwin advises that the purpose of an Ordinary Council Meeting is to discuss and, where possible, make resolutions about items appearing in the agenda. No person should rely or act on the basis of any decision, advice or information provided by a Member or Officer, or on the content of any discussion occurring during the course of the meeting. No person should rely on the decisions made by Council until formal written advice of the Council is received by that person.

The Shire of Irwin expressly disclaims any liability for any loss or damage whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.



Shane Ivers  
**Chief Executive Officer**

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# SPECIAL COUNCIL MEETING

held on

**Monday 13 February 2023**

at 5:15pm

## **MINUTES**

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

The Shire President welcomed those in attendance and declared the meeting open at 5.15pm.

### **2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

#### **Members**

Councillor M T Smith

President

Councillor I Scott

Deputy President

Councillor B Wyse

Councillor G Eva

Councillor M Leonard

Councillor H Palmer

Councillor E Tunbridge

#### **Staff**

Mr S D Ivers

Chief Executive Officer

Mrs J Morgan

Acting Executive Assistant

#### **Apologies**

Councillor A J Gillam

#### **Approved Leave of Absence**

Nil

### **3. DECLARATION OF PURPOSE OF MEETING**

The purpose of the meeting is to approve the Formal Report for the Local Government Reform: Reduction of Elected Members which is required to be submitted to the Government Advisory Board by the 14 February 2023.

### **4. DECLARATIONS OF INTEREST**

Nil

### **5. PUBLIC QUESTION TIME**

Nil

## 6. OFFICER REPORTS

|                             |  |                       |
|-----------------------------|--|-----------------------|
| <b>OFFICE OF CEO</b>        |  | <b>CEO 01 – 02/23</b> |
| <b>Subject:</b>             | <b>CEO 01 – 02/23 Local Government Reform: Ward and Representation Review - Reduction of Elected Members</b> |                       |
| <b>Author:</b>              | <b>K Sawle, Business Improvement and Governance Officer</b>  |                       |
| <b>Responsible Officer:</b> | <b>S Ivers, Chief Executive Officer</b>  |                       |
| <b>File Reference:</b>      | <b>3.0271</b>  |                       |
| <b>Voting Requirements:</b> | <b>Absolute Majority</b>   |                       |

### Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws and local planning schemes.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

### Report Purpose:

For Council to consider this report – 'Local Government Reform: Ward and Representation Review - Reduction of Elected Members' - and approve its submission to the Local Government Advisory Board by 14 February 2023.

### Background:

On 20 September 2022, the Shire of Irwin (the Shire) received correspondence from Hon John Carey MLA Minister for Housing; Lands; Homelessness; Local Government regarding the changes to council size due to the new proposed Local Government Reforms, which are soon to be legislated.

As part of these reforms, the Department of Local Government, Sport and Cultural Industries (DLGSC) has advised that, under the proposed reforms, the Shire will have to reduce the number of Councillor positions from the current eight (8) to a minimum of five (5) and a maximum of seven (7).

Work on a Bill to amend the *Local Government Act 1995* (the Act) according to the Local Government Reforms is in progress, and a Bill is expected to be introduced into Parliament early 2023. With the anticipation that the reforms will be in place before the upcoming 2023 ordinary elections, the DLGSC presented the Shire of Irwin two pathways to consider for making these election transition arrangements.

On 28 October 2022, the Shire responded to DLGSC advising of its intention to undertake Voluntary Pathway to reduce the number of the Councillors at the Ordinary Elections to be held October 2023.

Under this pathway, the Shire is required to initiate a Ward and Representation Review to determine the specific changes to the structure of the council for the 2023 and 2025 ordinary elections, with a report on the findings of this review, including recommendation of the Shire's preferred option for Councillor numbers, to be provided to the Local Government Advisory Board by 14 February 2023.

At the Ordinary Council Meeting on 12 December 2022 (minute ref: 061222), Council:

- endorsed the Representation Discussion Paper (the Paper), for the purposes of seeking public submissions; and
- authorised the Chief Executive Officer (CEO) to give local public notice of its intention to carry out a review of representation and invites submissions as required under Clause 6(1) of Schedule 2.2 of the *Local Government Act 1995*.

### **The Review Process**

The Shire held a six-week consultation period which commenced on 28 December 2022 and concluded on 10 February 2023.

The community engagement plan prepared as part of the review process included several key areas such as advertising, the Paper, use of social media and the public submission noticer and related process. The Community Engagement Plan - Public Submission Notice and advertising and the Paper are at **Attachment 1** and **Attachment 2** respectively.

### **Summary of Public Submissions**

The Shire received a total of one public submission has been received in hardcopy and via an online survey in relation to the review.

The public submission received opted for:

- **Option 1** – 6 Councillors and a directly elected Shire President (**Total - 7 Member Council**).

As the Shire only received one submission, it was unable to conduct an analysis of the submissions; for example, identification and examination of trends and key themes.

### **Assessment of the Options**

As per the Paper, three options were presented to the public. The Shire has assessed the options, the findings of which are presented in Table 1 below for the Council's consideration.

The information in Table 1 (overleaf) should be read in conjunction with the Paper.

Table 1: Assessment of the Options

| Option                             | Public Submission   | Assessment   |
|------------------------------------|---|--|
| <b>7 Councillors</b><br>(Option 1) | One submission received – no additional commentary provided | <p>Representation ratio will be: 1: 392 (one Councillor to 392 electors)</p> <ul style="list-style-type: none"> <li>• The current representation ratio for the Shire is one Councillor to 343 electors, with eight Councillors (including the Shire President). The Shire has operated successfully with eight Councillors for many years.</li> <li>• The Shire is a small rural local government and a lower number of electors to each Councillor statistically provides a greater likelihood that representation of the community will occur.</li> <li>• The Shire has been well-serviced in terms of the current representation and resultant Council decisions affecting the community. With eight Councillors, a strong sense of shared purpose and commitment has been achieved, with outcomes benefiting the majority of the community.</li> <li>• Reducing the number of Councillors from eight to the closest option, being seven Councillors, will maintain the status-quo (compared to options 2 and 3).</li> <li>• As mentioned in the Discussion Paper, the Shire aims to increase its population, increasing diversity within the community and therefore requiring greater diversity in Council representation. As the representation ratio will be increased with any population increase, it is important the Shire has an appropriate number of Councillors.</li> <li>• Further, a greater number of Councillors may, arguably, enable the Council to best meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity, as required under Section 1.3(3) of the Local Government Act 1995.</li> <li>• In a Council without wards, such as the Shire, it further underscores the importance of adequate number of Councillors to represent the views of electors when making a decision.</li> <li>• In terms of “effectiveness”, a ratio of 1:392 provides better representation than one councillor per 458 or 549 electors:             <ul style="list-style-type: none"> <li>○ Councillors are more able to make direct contact with the electors and provide the representation, leadership, guidance and communication roles of a Councillor, under section 2.10 of the <i>Local Government Act 1995</i>; and</li> <li>○ When in a Council meeting, having an adequate number of Councillors is more likely statistically to represent the views of the electors regarding the decisions of Council.</li> </ul> </li> <li>• Being a small country town, and given its current demographics, person-person contact is an imperative, ingrained, and much appreciated means of communication for Irwin residents. A greater number of Councillors increases the opportunity for such engagement to occur, in turn enhancing representation at Council meetings.</li> <li>• A greater number of Councillors also ensures increased knowledge on current affairs at a State and National level, in turn giving Council a broader perspective on issues affecting it.</li> <li>• The costs associated with the current eight Councillors has been included in past annual budgets. The reduction in representation numbers will deliver less than 0.1% overall saving and therefore not considered a dominant factor in the decision-making process.</li> </ul> |
| <b>6 Councillors</b><br>(Option 2) | N/A – NIL submission received                               | <p>Representation ratio will be: 1:458 (one Councillor to 458 electors)</p> <ul style="list-style-type: none"> <li>• A reduced number of Councillors increases the potential for bias and dominance of an interest group in the Council’s decision-making.</li> </ul>  |

|                                    |                                     |   |
|------------------------------------|-------------------------------------|---|
|                                    |                                     | <ul style="list-style-type: none"> <li>• In addition to in-person, direct contact, the Shire and Council employ various means of communication and engagement with its residents, such as online surveys, and acknowledges these could be used as cost and efficiency saving mechanisms to enable reduced number of Councillors. However, the Shire's experience is that feedback from residents is limited in these cases, with ad-hoc, in-person feedback the preferred method. The importance of this in-person contact between residents and Councillors in a small Shire such as Irwin cannot be underestimated, and any reduction in the number of Councillors is likely to reduce feedback and engagement in this regard.</li> <li>• In a smaller local government district where direct contact is important and 'used', community engagement can be time consuming for a Councillor. A lower number of Councillors will increase the pressure on Councillors and potentially the chance that feedback either from community member to Councillor and/or Councillor to Council is not captured.</li> <li>• The costs associated with the current eight Councillors has been included in past annual budgets. The reduction in representation numbers will deliver less than 0.1% overall saving and therefore not considered a dominant factor in the decision-making process.</li> </ul> |
| <b>5 Councillors</b><br>(Option 3) | N/A – NIL<br>submission<br>received | <p>Representation ratio will be: 1: 549 (one Councillor to 549 electors)</p> <ul style="list-style-type: none"> <li>• As per Option 2, with greater impact given the higher ratio.</li> </ul>   |



**Recommendations:**

Based on the community feedback received, and a formal assessment of the options, the Shire recommends the following option as the representation that best suits the characteristics of our Shire and its people:

- **Option 1 – 6 Councillors and a directly elected Shire President (Total - 7 Member Council)**

**Reason:** Effectively summarising the information under the 'Assessment' column for Option 1 in Table 1 above, this option will:

- ensure the diversity of the interests of the Shire's residents are maintained, which will be of particular importance as the Shire works to grow its population;
- reduce of the potential for a particular interest group to dominate the Council;
- potentially increase greater community engagement (as opposed to Option 2 or Option 3), as there are more Councillors, with therefore a greater number of interests and connection with cohorts, with whom residents can engage. For a smaller country Shire, like Irwin, direct/in-person engagement is a preferred communication means; and
- maintain, as close as possible, the 'status quo' in terms of the representation ratio of Councillors to electors.

**Consultation:**

Shire of Irwin Council and the public by the Representation Discussion Paper.

**Statutory Environment:**

Section 2.2(1) of the *Local Government Act 1995*

**Policy Implications:**

Nil

**Financial/Resource Implications:**

Nil

**Strategic Implications:**

Our Brilliant Future - Strategic Community Plan 2021 – 2031

**Attachments:**

Attachment 1 – Community Engagement Plan - Public Submission Notice

Attachment 2 – Representation Discussion Paper

**OFFICER RECOMMENDATION:**

**MOVED: Cr Scott**

**SECONDED: Cr Leonard**

**That Council, by Absolute Majority:**

1. **Endorses 'Option 1 - 6 Councillors and a directly elected Shire President (Total 7-member Council)' as the recommended outcome from the Ward and Representation Review - Local Government Reforms Election Transition. This will reduce the number of Councillors on the Shire's Council from eight (8) to seven (7).**
2. **Accepts this report as the report to the Local Government Advisory Board, recommending Option 1 as the preferred outcome from the Ward and Representation Review - Local Government Reforms Election Transition.**
3. **Approves the Chief Executive Officer submitting this report to the Local Government Advisory Board, recommending Option 1 as the preferred outcome from the Ward and Representation Review - Local Government Reforms Election Transition, by close of business 14 February 2023**

**VOTING DETAILS:**

**Carried 7/0**

**For: Cr Smith, Cr Scott, Cr Leonard, Cr Eva, Cr Palmer, Cr Tunbridge, Cr Wyse**

**Against: Nil**

The officer recommendation was moved by Cr Scott and seconded by Cr Leonard.

Cr Leonard moved an amendment to change the wording of Item 1 to 7 Councillors.

Cr Eva seconded the amendment.

The Shire President invited Cr Leonard, as the Mover, to speak to the amendment.

The Shire President invited Cr Eva, as the Seconder, to speak to the amendment.

The Shire President invited any other Councillor to speak for or against the amendment.

The Shire President put the amendment to the vote.

| AMENDMENT AND COUNCIL DECISION   |                           | 010223 |
|--|---------------------------|--------|
| <b>MOVED: Cr Leonard</b>   | <b>SECONDED: Cr Scott</b> |        |
| <b>That Council, by Absolute Majority:</b>   |                           |        |
| <ol style="list-style-type: none"> <li>1. Endorses 7 Councillors (Option 1) as the recommended outcome from the Ward and Representation Review - Local Government Reforms Election Transition. This will reduce the number of Councillors on the Shire's Council from eight (8) to seven (7).</li> <li>2. Accepts this report as the report to the Local Government Advisory Board, recommending Option 1 as the preferred outcome from the Ward and Representation Review - Local Government Reforms Election Transition.</li> <li>3. Approves the Chief Executive Officer submitting this report to the Local Government Advisory Board, recommending Option 1 as the preferred outcome from the Ward and Representation Review - Local Government Reforms Election Transition, by close of business 14 February 2023</li> </ol> |                           |        |
| <b>VOTING DETAILS:</b>   | <b>Carried: 7/0</b>       |        |
| <b>Cr Smith, Cr Scott, Cr Leonard, Cr Eva, Cr Palmer, Cr Tunbridge, Cr Wyse</b>  |                           |        |
| <b>Against: Nil</b>  |                           |        |

The Shire President invited Councillors to speak to close the debate.

| SUBSTANTIVE MOTION AND COUNCIL DECISION   |                             | 020223 |
|---|-----------------------------|--------|
| <b>MOVED: Cr Scott</b>  | <b>SECONDED: Cr Leonard</b> |        |
| <b>That Council, by Absolute Majority:</b>  |                             |        |
| <ol style="list-style-type: none"> <li>1. Endorses 'Option 1 - 6 Councillors and a directly elected Shire President (Total 7- member Council)' as the recommended outcome from the Ward and Representation Review - Local Government Reforms Election Transition. This will reduce the number of Councillors on the Shire's Council from eight (8) to seven (7).</li> <li>2. Accepts this report as the report to the Local Government Advisory Board, recommending Option 1 as the preferred outcome from the Ward and Representation Review - Local Government Reforms Election Transition.</li> <li>3. Approves the Chief Executive Officer submitting this report to the Local Government Advisory Board, recommending Option 1 as the preferred outcome from the Ward and Representation Review - Local Government Reforms Election Transition, by close of business 14 February 2023</li> </ol> |                             |        |
| <b>VOTING DETAILS:</b>  | <b>Carried 7/0</b>          |        |
| <b>For: Cr Smith, Cr Scott, Cr Leonard, Cr Eva, Cr Palmer, Cr Tunbridge, Cr Wyse</b>  |                             |        |
| <b>Against: Nil</b>   |                             |        |

**7. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC**

Nil

**8. CLOSURE**

There being no further business the meeting was declared closed at 5:30pm.