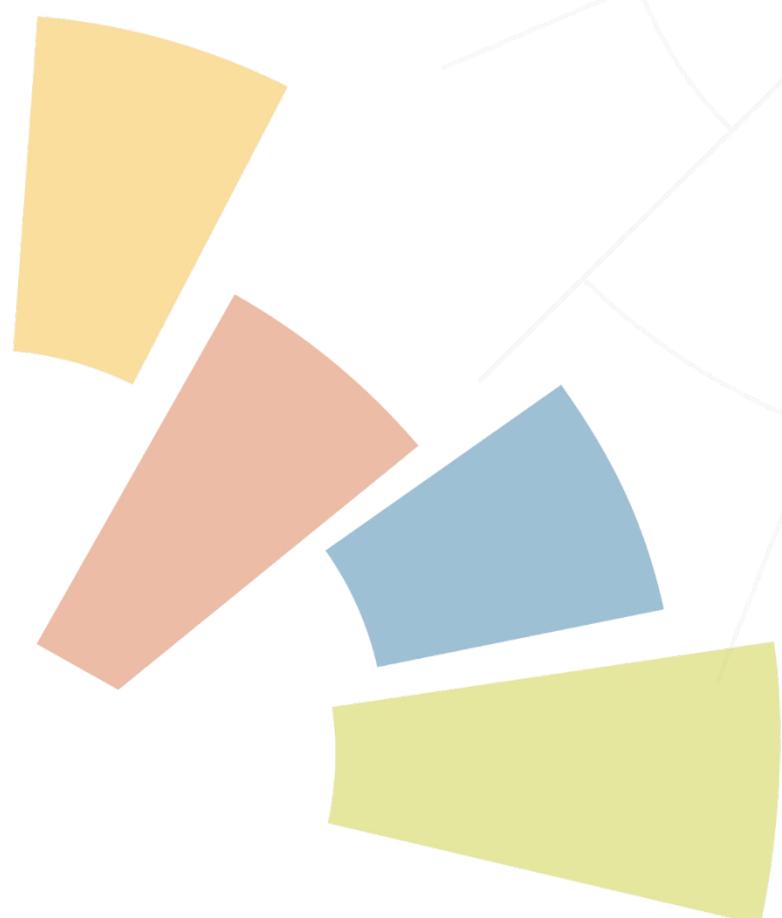


SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Special Council Meeting

To be held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 21 February 2023
Commencing 5.30pm



Notice of Meeting



Dear President and Councillors,

A Special Meeting of the Council will be held on Tuesday, 21 February at 5.30pm in Council Chambers, Corner of King & Barrack Streets, Merredin. The purpose of the meeting is to address the following items:

- a) Ward and Representation Review – consultation outcomes

5.30pm

Special Council Meeting

Lisa Clack
CHIEF EXECUTIVE OFFICER
17 February 2023

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The Shire of Merredin expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Common Acronyms Used in this Document	
CBP	Corporate Business Plan
CEACA	Central East Accommodation & Care Alliance Inc
CEO	Chief Executive Officer
CSP	Community Strategic Plan
CWVC	Central Wheatbelt Visitors Centre
DCEO	Deputy Chief Executive Officer
EA	Executive Assistant to CEO
EMCS	Executive Manager of Corporate Services
EMDS	Executive Manager of Development Services
EMES	Executive Manager of Engineering Services
ES	Executive Support Officer
GECZ	Great Eastern Country Zone
GO	Governance Officer
LGIS	Local Government Insurance Services
LPS	Local Planning Scheme
MCO	Media and Communications Officer
MoU	Memorandum of Understanding
MP	Manager of Projects
MRCLC	Merredin Regional Community and Leisure Centre
SRP	Strategic Resource Plan



Shire of Merredin Special Council Meeting

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Shire of Merredin
Special Council Meeting
5:30pm Tuesday, 21 February 2023



1. Official Opening

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr M McKenzie	President
Cr R Billing	
Cr J Flockart	
Cr R Manning	
Cr P Patroni	
Cr M Simmonds	
Cr P Van Der Merwe	

Staff:

L Clack	CEO
C Townsend	D/CEO
L Mellor	EMES
L Boehme	EMCS
P Zenni	EMDS
M Wyatt	EA/ES
O Mellor	GO

Members of the Public:

Apologies: Cr D Crook, Deputy President

Approved Leave of Absence: Nil

3. Public Question Time

Members of the public may submit questions up to 2pm on the day of the meeting by emailing ea@merredin.wa.gov.au.

4. Disclosure of Interest

5. Applications of Leave of Absence

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of Previous Meetings

Nil

8. Announcements by the Person Presiding without Discussion

9. Matters for Which the Meeting may be Closed to the Public

Nil

10. Receipt of Minutes of Committee Meetings

Nil

11. Recommendations from Committee Meetings for Council Consideration

Nil

12. Officer's Reports - Development Services

Nil

13. Officer's Reports - Engineering Services

Nil

14. Officers' Reports – Corporate and Community Services

Nil

15. Officers' Reports - Administration

15.1 Ward and Representation Review

<h1>Administration</h1>		
Responsible Officer:	Lisa Clack, CEO	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.1A – Review of Representation Discussion Paper Attachment 15.1B – Public Submissions and Supporting Documentation	

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider submissions received during the public consultation period, which have been used to update the Shire of Merredin Review of Representation - Discussion Paper; and to confirm Council's preferred option regarding number of Councillors moving forward.

Background

On 3 July 2022, the Hon John Carey MLA, Minister for Local Government, advised of the next steps in the reform process, including the removal of wards for Band 3 and 4 local governments, and a reduction in the total number of elected members based on the populations of districts. The current approximate population of the Shire of Merredin is 3,119 (based on the 2021 census data), and as such, the Shire is required to reduce the number of elected members to a maximum of 7, including the Shire President.

As a result of the advice received from the Minister, Council at its December Ordinary Council Meeting (OCM), held on 20 December 2022, resolved the following:

That Council ENDORSE the discussion paper included as Attachment 15.4A for release to the public for the purpose of public consultation for a period of not less than six (6) weeks, during December 2022 and January 2023. (CMRef#83074)

Following Council's consideration of the public submissions made regarding the Review of Representation Discussion Paper, a report will be submitted to the Local Government Advisory Board (LGAB) which will include a cover letter to the Minister for Local Government, an assessment of the review, and Council's recommendations regarding representation.

LGAB will consider the report put forward by the Shire of Merredin and will subsequently make a recommendation to the Minister for Local Government as to whether or not it should be endorsed. The Minister may then accept or reject LGAB's recommendation.

As part of the implementation plan, any changes ordered by the Government will come into effect across the next two ordinary local government election cycles in October 2023 and October 2025.

Comment

Public Consultation

Following the endorsement by Council at its December OCM, a Review of Representation Discussion Paper was released for the purpose of public consultation. The consultation period commenced on Thursday, 22 December 2022 and was open for a period of seven (7) weeks. The Shire received a total of fourteen (14) responses during the community feedback period, which closed on Wednesday, 8 February 2023, at 4:00pm.

The updated Review of Representation Discussion Paper, inclusive of a summary of the consultation results is included as Attachment 15.1A.

Local public notice was given and advertised as follows:

- The Shire of Merredin website
- Social media platform – Facebook
- Social media platform – Twitter
- Social media platform – LinkedIn
- Shire Public Notice Boards
- Community News & Information Newsletter
- January Shire E-Newsletter
- February Shire E-Newsletter

The above advertisements have been provided as additional information in Attachment 15.1B – Appendix 2 and 3.

The community were invited to make submissions in the following ways:

- Via SurveyMonkey: <https://www.surveymonkey.com/r/TF27H6L>
- Via email to ea@merredin.wa.gov.au
- In writing, posted to PO Box 42, Merredin WA 6415

As part of the Review of Representation, Council considered the following scenarios as being appropriate for consideration;

1. Reduce the number of Councillors to 7. Under this proposal, the Shire would maintain the current system of representation, but reduce the number of Councillors from 9 to 7 – using a staged approach to implement the change over two election cycles.
2. Reduce the number of Councillors to 5. Under this proposal, the Shire would maintain the current system of representation, but reduce the number of councillors from 9 to 5 – using a staged approach to implement the change over two election cycles.

3. Community of Interest: Under the Reform, inclusive local democracy, and relations with Aboriginal Peoples and Communities has been highlighted as a priority. In terms of the Shire of Merredin demography, the population percentage of first nations people has indicated they are potentially a community of interest which are not currently demographically represented within the current cohort of Elected Members. The Shire of Merredin considered if there was a way for Councillor representation to include at least one of the anticipated 7 Councillor positions to be held for traditional owners within the area. No legally appropriate instrument was found to enable this to occur.

Community members who participated in the public consultation were asked to answer a three-question survey with the following questions:

Question 1: What do you think is the ideal number of Councillors for the Shire of Merredin?

The following table provides a summary of the responses received regarding Question 1:

Response	No. of Councillors	Comments
1	7	
2	7	All present positions should be cancelled and a new election for Councillors be conducted in October 2023. Half the Councillors receive 4-year term balance a two year term ie 4:3
3	7	Needed to represent the District Suggest an election for all positions
4	7	
5	7	
6	7	May save a small amount of remuneration, but potentially there could be a proposal to increase allowances paid to seven related to possibly greater individual workload. Five is probably too small - allows one or two to have undue influence with less moderation by others
7	5	Councillors now under the LG Act have no real powers and only really are a voice for the Community
8	7	Councillors now under the LG Act have no real powers and only really are a voice for the Community
9	7	The more diverse the better
10	7	
11	5	
12	7	To keep rural area involved, plus allowing councillors to sit with sport groups, specialty groups like museums, town progress groups, target accommodation for short stay.
13	7	
14	7	<i>(See Attachment 15.1B – Appendix 1)</i>

Of the 14 submissions received, the preference for the number of Councillors was 7, which was supported by 86% of respondents.

Question 2: The Shire of Merredin does not currently have wards. Do you have any comment on this?

Of the 14 responses received, 10 provided comments regarding wards. Provided below is the summary of comments:

“Councillors are better accountable when representing a ward.”

“Would serve no useful purpose.”

“Not needed.”

“Better not to have wards, current arrangement suitable.”

“We used to have wards, I felt the outlying communities were better served when there were wards.”

“I would prefer to have Wards but there are just not the number of people in the Wards anymore to allow for volunteer representation that takes up an enormous amount of time. Our Wards are majority farming communities and being away from your farm is a huge undertaking.”

“Wards would be good. Some wards would get things done and others wouldn't, due to the diligence of the councillors.”

“No point as local act closed them.”

“Allows residents to approach who they feel comfortable with.”

“We are very much in favour of the Wards system of representation.” (See Attachment 15.1B - Appendix 1 for full comment)

While 6 of the respondents were supportive of a wards system, the Local Government Reform does not allow for wards in Band 3 local governments, so this is not a feasible option.

Question 3: Do you think the Shire of Merredin has communities of interest that should be represented differently?

The following table provides a summary of the responses received regarding Question 3:

Response	Yes / No	Comments
1	No	
2	Yes	Merredin is an ageing community and should be recognised. Feel there is no reason to divide on any grounds or offer alternative representation All residents on the roll have a right to nominate for Council Democratic principles of equal vote and representation should ensure
3	No	All equal in a democracy
4	No	
5	Yes	The satellite towns of Burracoppin, Hines Hill, Muntadgin
6	No	All voters have the opportunity to stand for election, regardless of community interest. Nominees should have a wider platform for election and function as a Councillor than primarily their community of interest - they should represent the entire Merredin community. For some a Councillor role will be difficult to juggle with work and family life. However, they must understand this potential difficulty before standing and, if elected, commit to an approximately equivalent input into Council duties, as

		other Councillors, and not use their particular circumstances to contribute less to their Council duties.
7	No	
8	Yes	Not clear on exactly what this means but I feel our Shire does not do a great deal for our Senior Citizens. All community planning needs to address all community sectors.
9	No	A definition of human communities may have intent, belief, resources, preferences, needs, and risks in common, affecting the identity of the participants and their degree of cohesiveness. Putting this statement together with Merredin and nominating for me is difficult, however I think that this question should be put to the year 11 and 12s they are the future
10	No	Do not create divisions of people groups. Elections are open to everyone
11	Yes	
12	No	
13	No	
14	No	<i>(See Attachment 15.1B – Appendix 1)</i>

Of the 14 responses received, 4 indicated that they thought the Shire of Merredin has communities of interest. Two responses spoke of senior citizens as a community of interest, a third mentioned satellite towns, with the fourth respondent not providing a comment.

Formal Position

On consideration of the submissions received during the consultation period, it is recommended Council endorse the number of Councillors as 7, while also maintaining a no ward structure.

The proposed implementation plan for the change is over two election cycles with a reduction of one position in each of the 2023 and 2025 election cycles.

It is also recommended that as part of the submission to the LGAB, the Shire of Merredin write to the Minister observing the lack of legal instrument which could have allowed a genuine consideration and recognition of communities of interest.

Community of Interest is an element of conducting a ward and representation review. Under the Reform, inclusive local democracy, and relations with Aboriginal Peoples and Communities was highlighted as a priority. The Discussion Paper notes the Shire of Merredin considered if there was a way for Councillor representation to include at least 1 of the anticipated 7 Councillor positions to be held for traditional owners within the area. No legally appropriate instrument was found to enable this to occur.

As there does not appear to be an instrument to allow a non-geographic way of recognising communities of interest, the Shire was unable to consider, and therefore have meaningful and genuine dialogue with traditional owners of the area, to seek their views on if a dedicated First Nations position on Council would be supported, and if so, how this could be achieved in a culturally appropriate way.

The Shire of Merredin submission would also ask the LGAB refer the matter to the Minister for comment.

Policy Implications

Nil

Statutory Implications

The recommendation meets the outlined requirements for both the Minister for Local Government's proposed changes to the *Local Government Act 1995* and the current provisions of the following sections of the *Local Government Act 1995* which may apply:

Part 2 Constitution of local government

- Division 4 -- Membership and size of the council
 - S2.18 Fixing and changing the number of Councillors

Strategic Implications

➤ Strategic Community Plan

Theme:	4. Community and Leadership
Service Area Objective:	4.1. Community Engagement 4.1.1. The Shire regularly engages with its community and, in return, communicates the information gathered in a clear and transparent way
Priorities and Strategies for Change:	Nil

➤ Corporate Business Plan

Key Action:	Nil
Directorate:	Nil
Timeline:	Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate:	Nil
Activity:	Nil
Current Staff:	Nil
Focus Area:	Nil
Strategy Code:	Nil
Strategy:	Nil
Implications:	Nil

Risk Implications

Moderate – there is a risk associated with reducing the number of sitting members, however this is a required process to meet the local government reform.

Financial Implications

Reducing the number of Councillors will reduce the costs associated with remuneration, as well as potentially reducing budget allocations for areas such as Councillor IT, training and development, conference attendance etc.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation

That Council;

- 1. NOTE the submissions received during the public consultation period for the consideration of the Review of Representation: Discussion Paper, as provided in Attachment 15.1B;**
- 2. SUBMIT a report on the Ward and Representation review to the Local Government Advisory Board seeking the making of an order under section 2.18 (3) (a) of the *Local Government Act 1995* to declare that the number of Offices of Council be reduced from nine (9) to seven (7), to be implemented over two election cycles (2023 and 2025), pursuant to Schedule 2.2 (9) of the *Local Government Act 1995*; and**
- 3. NOTE that the 2023 Local Government Election for the Shire of Merredin will offer four (4) Councillor positions, which is a reduction of one (1) position.**

16. Motions of which Previous Notice has been given

Nil

17. Questions by Members of which Due Notice has been given

Nil

18. Urgent Business Approved by the Person Presiding or by Decision

19. Matters Behind Closed Doors

Nil

20. Closure

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