



**EAST PILBARA SHIRE COUNCIL**

# **AGENDA**

## **SPECIAL COUNCIL MEETING**

**NOTICE IS HEREBY GIVEN** that a  
SPECIAL Meeting of the Council will be held  
in Council Chambers, Newman  
5.00pm, Thursday 3 November 2022

  
**Emma Landers**  
**ACTING CHIEF EXECUTIVE OFFICER**



# DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of East Pilbara for any act, omission or statement or intimation occurring during Council or Committee Meetings. The Shire of East Pilbara disclaims any liability for any loss 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.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee Meeting does so at that person's or legal entity's own risk.


In particular and without derogating any planning application or application of a licence, any statement or intimation of approval made by any member or Officer of the Shire of East Pilbara during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of East Pilbara.

The Shire of East Pilbara warns that anyone who has any application lodged with the Shire of East Pilbara must obtain and should only rely on

## WRITTEN CONFIRMATION

of the outcome of the application and any conditions attaching to the decision made by the Shire of East Pilbara in respect of the application.

Please be advised this Agenda may include the names of people who are deceased.

Signed:   
Emma Landers  
Acting Chief Executive Officer

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28 October 2022

Mr Steven Harding  
Chief Executive Officer  
Shire of East Pilbara  
PMB 22  
NEWMAN WA 6753

Dear Mr Harding

**NOTICE PURSUANT TO SECTION 5.4(a)(i) – SPECIAL COUNCIL MEETING**

Pursuant to section 5.4(a)(i) of the *Local Government Act 1995*, I give notice of a Special Meeting of the Council to be convened on Thursday, 3 November 2022 to commence at 5.00 pm.

The purpose of the Special Meeting is to consider the following matter:

- Ward and Representation Review.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Anthony Middleton".

Anthony Middleton  
Shire President

- 1 DECLARATION OF OPENING/ANNOUNCEMENT**
- 2 ATTENDANCE BY INSTANTANEOUS COMMUNICATIONS**
- 3 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE**

**3.1 ATTENDANCES**

Councillors

Cr Anthony Middleton	Shire President
Cr Wendy McWhirter-Brooks	Deputy Shire President
Cr Matthew Anick	Councillor
Cr Peta Baer	Councillor
Cr Langtree Coppin OAM	Councillor
Cr David Kular	Councillor
Cr Annabell Landy	Councillor
Cr Karen Lockyer	Councillor
Cr Adrienne Mortimer	Councillor
Cr Stacey Smith	Councillor

Officers

Emma Landers	Acting Chief Executive Officer and Director Organisation Development
Steve Leeson	Director Corporate Services
Vic Etherington	Director Aviation and Regulatory Services
Eric Plet	Director Community Services
Joshua Brown	Manager Governance, Risk and Procurement
Sally Fry	Governance Support (Attending Remotely)

Public Gallery

**3.2 APOLOGIES**

Councillor Apologies

Officer Apologies

Steven Harding	Chief Executive Officer
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**3.3 LEAVE OF ABSENCE**

Nil

- 4 DISCLOSURES OF INTEREST**
-

## 5 REPORTS BY OFFICERS

### 5.1 DIRECTOR CORPORATE SERVICES

#### 5.1.1 WARD AND REPRESENTATION REVIEW

<b>Attachments:</b>	<a href="#">Appendix 1 Discussion Paper Review of Wards and Representation</a>
<b>Responsible Officer:</b>	<b>Emma Landers</b> <b>Acting Chief Executive Officer</b>
<b>Author:</b>	<b>Joshua Brown</b> <b>Manager Governance, Risk and Procurement</b>
<b>Proposed Meeting Date:</b>	<b>3 November 2022</b>
<b>Location/Address:</b>	<b>N/A</b>
<b>Name of Applicant:</b>	<b>N/A</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

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#### REPORT PURPOSE

To consider endorsing a Discussion Paper for Public Comment concerning a review of the Ward Boundaries and Representation on the Council of the Shire of East Pilbara.

#### BACKGROUND

On 3 July 2022, the Hon John Carey MLA, Minister for Local Government, announced the final tranche of proposed local government reforms, which included the mandatory popular election of the President, and a reduction in the total number of councillors to a maximum of nine (9) for East Pilbara. (Districts with populations between 5,000 and 75,000 are limited to between five (5) and nine (9) elected councillors, including the President).

On 20 September 2022, the Minister wrote to the President and the Chief Executive Officer with details of the proposed timeline for the implementation of these changes in time for the October 2023 ordinary elections.

A report was considered by Council at its ordinary meeting on 30 September 2022. Council determined to proceed with a voluntary pathway to meeting the Minister's intended electoral reform. A key element of that pathway is for Council to initiate a review of its ward boundaries and the number of offices of Councillor for each ward, in accordance with clause 6 of Schedule 2.2 of the *Local Government Act 1995* ("the Act").

Clause 8 of Schedule 2.2 of the Act requires a council to assess options against the following factors:

- community of interest;
  - physical and topographical features;
  - demographic trends;
  - economic factors; and
  - the ratio of councillors to electors in the various wards.
-

The Local Government Advisory Board (LGAB) assesses reviews of wards and representation undertaken by local governments and makes recommendations to the Minister for Local Government as to whether or not local governments have taken these factors into account, and which can be interpreted as:

<p><b>Community of interest</b></p>	<p>The term community of interest has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities.</p> <p>It can also include dependence on the shared facilities in an area as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspapers.</p> <p>Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.</p>
<p><b>Physical and topographic features</b></p>	<p>These may be natural or man-made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations.</p> <p>Coastal plain and foothills regions, parks and reserves may be relevant as may other man-made features such as railway lines and freeways.</p>
<p><b>Demographic trends</b></p>	<p>Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.</p>
<p><b>Economic factors</b></p>	<p>Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area.</p> <p>This may include the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.</p>
<p><b>Ratio of councillors to electors</b></p>	<p>The LGAB considers that the ratio of councillors to electors is particularly significant - it is expected that each local government will have similar ratios of electors to councillors across its wards.</p> <p>The LGAB is reluctant to support deviations of more than plus or minus 10% of the average ratio of electors to councillors between wards.</p>

The LGAB places particular emphasis on as even ratio of electors per Councillor as possible, where a local government is divided into wards but considers a variation of plus or minus 10% between wards to be reasonable. Although it may be Government policy, there is no legislative basis for a maximum variance of 10%.

If satisfied that a review has properly taken these factors into consideration, the LGAB then makes a recommendation to the Minister for Local Government as to whether or not the proposal should be approved, rejected or modified.

The Minister may accept or reject LGAB's recommendation. This does not prevent the Minister from initiating a review by the LGAB.

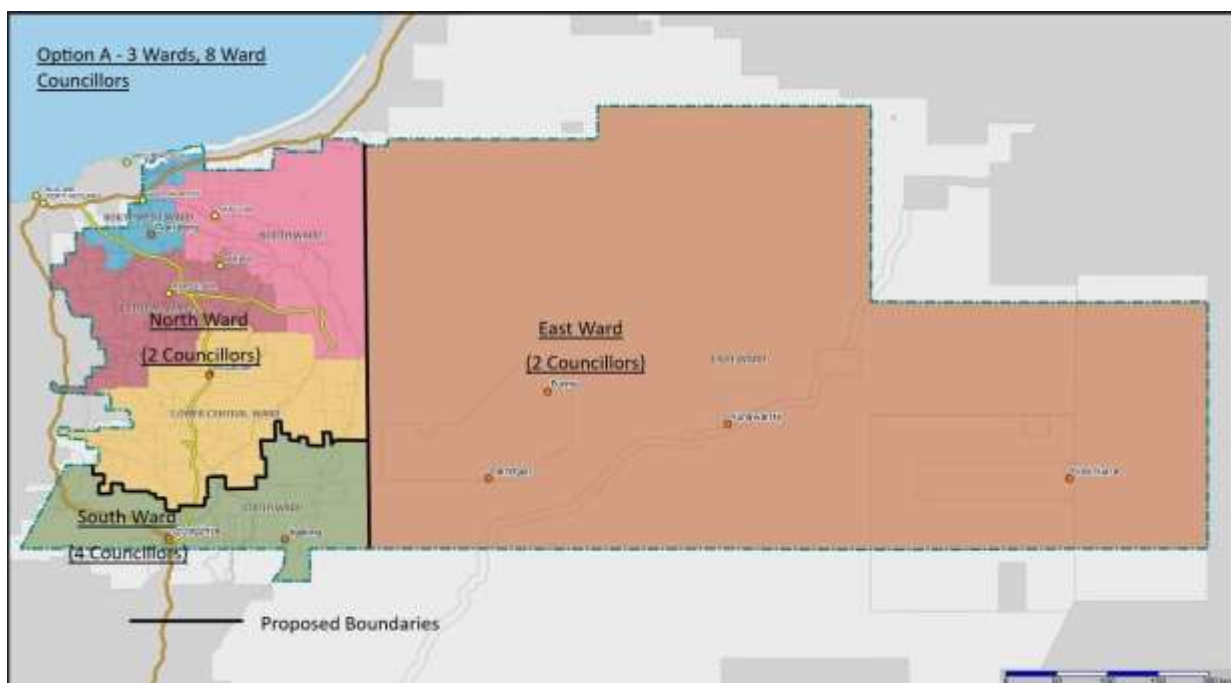
Any changes will come into effect at the next Council elections scheduled for October 2023.

### **COMMENTS/OPTIONS/DISCUSSIONS**

Council has resolved to proceed with a review of its ward boundaries and representation. A six-week period of public consultation must be undertaken on options proposed by Council and included in a discussion paper, a draft of which is attached as **Appendix 1** to this report.

The discussion paper includes background information and data describing key relevant elements of the District and two (2) options for ward boundaries that best suit the need for appropriate representation on the Council and meet the proposed electoral reforms sought by the Minister. It is noted that a popularly elected president is in addition to the eight (8) ward councillors.

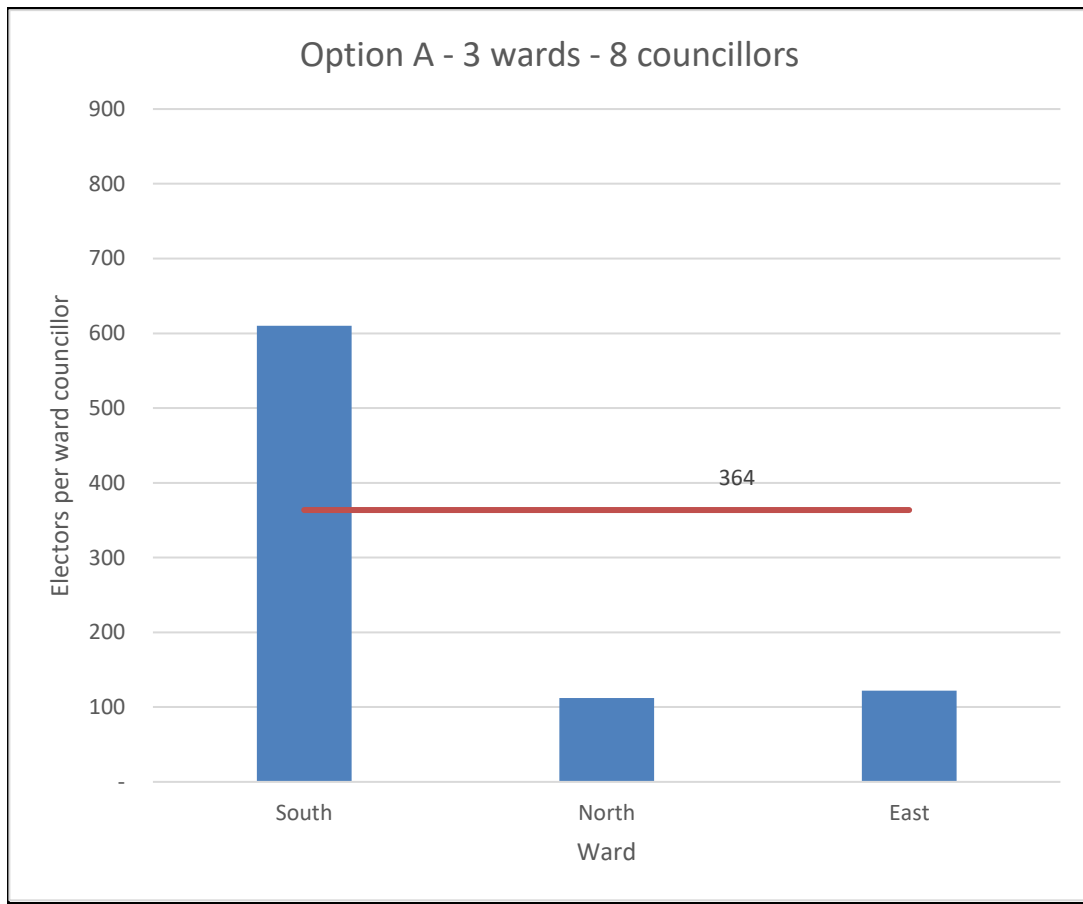
### **OPTION A – 3 WARDS, 8 WARD COUNCILLORS**





<b>Wards</b>	<b>3</b>		
<b>EMs</b>	<b>8</b>	<b>President at large</b>	
<b>Electors / Cr</b>	<b>364</b>		
Possible Ward	Ward No.	Electors incl Absentee	Crs
South	1	2441	4
North	2	224	2
East	3	244	2
		2,909	8
Possible Ward	Ward No.	Ratio – Electors / Cr	Variance
South	1	610	<b>-67.58%</b>
North	2	112	<b>69.23%</b>
East	3	122	<b>66.48%</b>

*Ratios outside LGAB preferred range are highlighted in red.*



Option A is straightforward and retains South and East Wards as currently constituted, and the merger of the four remaining wards into one ward.

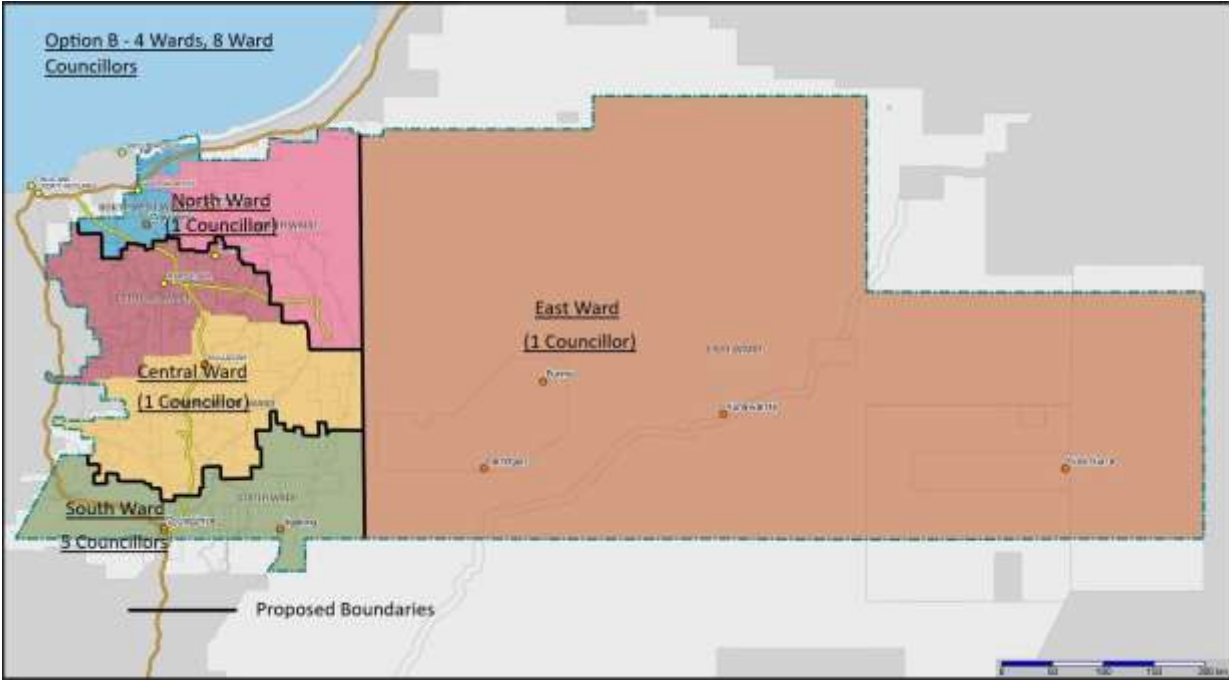
It has the benefits of having fairly equal representation for North and East Wards, allowing for some growth over time in the North Ward, as appears to be likely from the population growth projections.

This option preserves a strong voice and good representation for these areas, recognising:

- the wide dispersal of population in the East Ward, and the various First Nations communities;
- the current and future economic pressures and considerations for the North Ward.

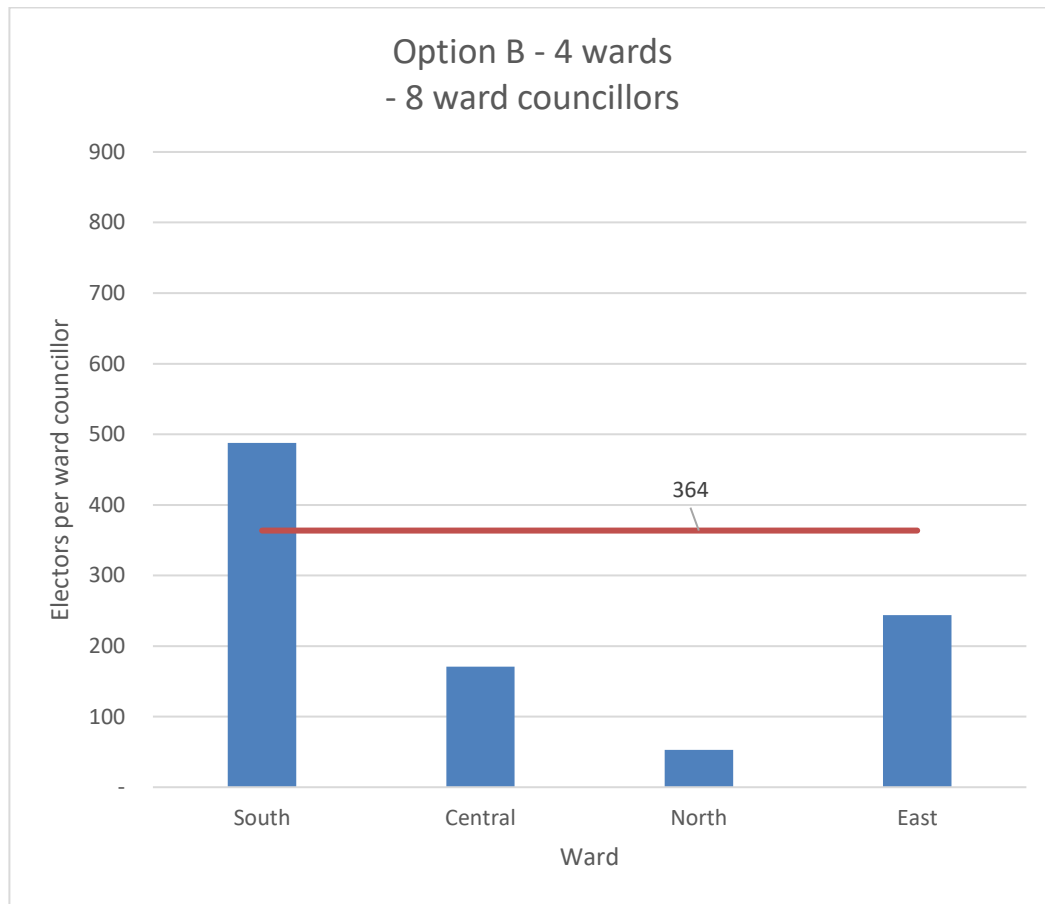
Despite the under-representation of the South Ward, the Administration recommends that this is more than compensated for by the concentration of Councillors in the ward, which makes up less than 10% of the total Shire area.

OPTION B – 4 WARDS, 8 WARD COUNCILLORS



<b>Wards</b>	<b>4</b>		
<b>EMs</b>	<b>8</b>	<b>President at large</b>	
<b>Electors / Cr</b>	<b>364</b>		
Possible Ward	Ward No.	Electors incl Absentee	Crs
South	1	2441	5
Central	2	171	1
North	3	53	1
East	4	244	1
		2,909	8
Possible Ward	Ward No.	Ratio – Electors / Cr	Variance
South	1	488	<b>-34.07%</b>
Central	2	171	<b>53.02%</b>
North	3	53	<b>85.44%</b>
East	4	244	<b>32.97%</b>

*Ratios outside LGAB preferred range are highlighted in red.*



Option B is also a straightforward option that retains South and East Wards as currently constituted; merges North and North-West into a third ward; and Central and Lower Central into a fourth ward.

Although the ratios between the Central, North and East Wards are not equal, it is considered to still be equitable on the following grounds:

- East Ward remains well below the average number of electors per councillor;
- Central and North wards both are experiencing substantial and increasing mining activity;
- population, and therefore elector numbers, remain quite stable for East Ward, but reducing for the Central Ward and increasing for the North Ward;
- this will have the trend to even out the ratio difference between Central and North.

This option also preserves a strong voice and good representation for these areas, recognising:

- the wide dispersal of population in the East Ward, and the various First Nations communities;
- the current and future economic pressures and considerations for both Central and North Wards; and

- the different trends and gradual equalisation of population and elector numbers in Central and North Wards.

As with Option A, despite the under-representation of the South Ward, the Administration recommends that this is more than compensated for by the concentration of Councillors in the ward which makes up less than 10% of the total Shire area.

#### Timeline

Should Council agree to the recommended action, the following timeframe for the completion of the review will be followed:

<b>Date</b>	<b>Milestone</b>
4 November 2022	Public consultation commences (for six weeks)
19 December 2022	Last date for public submissions on proposals
Mid-January 2023	Special Council Meeting to consider and adopt review report
Before 14 February 2023	Formal review report is submitted to Local Government Advisory Board (LGAB)

### **STATUTORY IMPLICATIONS/REQUIREMENTS**

Consistent with Schedule 2.2 of the *Local Government Act 1995*.

### **POLICY IMPLICATIONS**

No known policy implications.

### **STRATEGIC COMMUNITY PLAN**

#### **5: Governance**

Governance:

- G1 Vibrant local democracy, forward-thinking civic leadership, and transparent stewardship of the community's assets and resources.
  - G1.1 Continued focus on good governance, transparency and community and stakeholder engagement in significant decisions, including place-based plans.
  - G1.2 Facilitate collaboration and partnerships with industry and government in key issues for the Shire (such as transport, housing, economic development and tourism, social wellbeing, public spaces etc.)

### **RISK MANAGEMENT CONSIDERATIONS**

Compliance – Moderate  
Reputation – Moderate

### **FINANCIAL IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocation.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Endorses the Review of Ward Boundaries and Representation Discussion Paper for Public Comment (Appendix 1);**
- 2. Authorises the Chief Executive Officer to give local public notice advising:**
  - (a) that the review is to be carried out, and**
  - (b) that submissions may be made to the local government before Tuesday, 20 December 2022; and**
- 3. Considers submissions made before 20 December 2022, at a Special Council Meeting to be fixed for January 2023.**



Shire of **EAST  
Pilbara**  
THE HEART OF THE PILBARA

**Review of Ward Boundaries  
and Representation**

**Discussion Paper**

November 2022



**The Shire of East Pilbara acknowledges the Traditional Owners throughout this vast region and their continuing connection to the land, waters and community. We pay our respects to the members of these Aboriginal communities, their cultures, and to their Elders past, present and emerging.**

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# 1 SETTING THE SCENE

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## 1.1 Local Government Reform

A number of years ago, the State Government announced their intention to embark on a program of reforms for local government and an Act to introduce the first raft of changes was passed by Parliament in June 2019.<sup>1</sup>

A consultation period ran from 10 November 2021 to 25 February 2022, following which, further reform proposals were released by the Local Government Review Panel, and subsequently reviewed by the Minister. Many of the proposals were amended, and those specific to this Ward and Representation Review are –

### **4.4 Public vote to elect the mayor and president**

#### **Current provisions**

- *The Act currently allows local governments to have the presiding member (the mayor or president) elected either:*
  - *by the electors of the district through a public vote; or*
  - *by the council as a resolution at a council meeting.*

#### **Original proposal**

- *Mayors and presidents of all local governments perform an important public leadership role within their local communities.*
- *Band 1 and 2 local governments generally have larger councils than those in bands 3 and 4.*
- *Accordingly, it is proposed that the mayor or president for all band 1 and 2 councils is to be elected through a vote of the electors of the district. Councils in bands 3 and 4 would retain the current system.*
- *A number of band 1 and band 2 councils have already moved towards public vote to elect the mayor and president in recent years, including City of Stirling and City of Rockingham.*

#### **Amended proposal**

*No major changes. Work to develop and refine detail is ongoing. Transitional arrangements are under consideration.*

### **4.5 Tiered Limits on the Number of Councillors**

#### **Current provisions**

- *The number of councillors (between 5 and 15 councillors) is decided by each local government, reviewed by the Local Government Advisory Board and approved by the Minister.*
- *The Panel Report recommended electoral reforms to improve representativeness.*

#### **Original proposal**

- *It is proposed to limit the number of councillors based on the population of the entire local government.*

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<sup>1</sup> <https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/local-government-act-reform>

- *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).*

### ***Amended proposal***

#### *Change for smaller local governments*

*Based on requests from impacted councils, it is proposed to adjust this to allow local governments with a population of up to 5000 people to decide to have 5, 6 or 7 councillors.*<sup>2</sup>

In a letter from the Minister dated 20 September 2022, Council was advised that legislation will be introduced in early 2023, to implement these changes.

Given the composition of Parliament as it is now, the likelihood of the proposed legislation being substantially amended is presumed to be minimal.

## **1.2 Local Government Advisory Board**

There is no legislative requirement for ward number deviation to be not more than a 10% plus / minus the average number of electors per ward councillor.

However, “One Vote One Value” is adopted Labor Party platform policy, and since Labor has formed the State Government, the Local Government Advisory Board is expected to have regard to that policy. In a letter 29 June 2021 to the LGAB, the Minister wrote –

### ***Government policies and objectives***

*In addition to statutory functions, there is an expectation that the Boards and Committees will take into account wider economic benefits to the State, impacts on other Government agencies and key Government policies as part of their planning and decision-making processes.*

*Boards and Committees should also seek to comply with relevant general policy*

*Requirements, set out in instruments including:*

- *Public Sector Commissioner's Circulars;*
- *Premier's Circulars; and*
- *Treasurer's Instructions.*

*It should be noted that these instruments also often specify the action a Board or Committee should take when compliance has not occurred. It is appropriate to inform me of instances of non-compliance and actions being taken to address the situation.*<sup>3</sup>

## **1.3 What it means for East Pilbara**

The Shire of East Pilbara is a Band 2 local government, with a population approaching 10,000.

For East Pilbara, the legislation will require –

- the president to be elected at large,

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<sup>2</sup> <https://www.dlgsc.wa.gov.au/department/publications/publication/full-reform-proposals>

<sup>3</sup> <https://www.dlgsc.wa.gov.au/local-government/local-governments/boards-and-commissions>

- a minimum of 4 and a maximum of 8 ward councillors.

The only opportunities for Council are therefore –

- to decide the number of councillors within the range to be legislated, reducing from the current 11 to between 4 and 8 ward councillors (the president to be elected at large), and
- number of wards, if any, and
- number of councillors in each ward.

## 2 BACKGROUND

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The Shire of East Pilbara is undertaking a review of its ward boundaries and representation, in response to the Minister's stated intention for legislation significantly affecting the Shire. This will also mean investigation of imbalances in representation, some of which are in excess of the ratio variance acceptable to the Local Government Advisory Board.

The purpose of this document is not to pre-empt any community input nor to commit Council to a particular direction at this time, but to –

- outline the overall parameters that apply, and
- provide some examples to assist community input.

This paper does not prevent alternative proposals being put forward by residents, for consideration by Council.

### 2.1 Legislative framework

Despite the impending legislation, any proposal and all processes must be within the provisions of the existing Act and comply with its processes.

Schedule 2.2 of the *Local Government Act 1995* (the Act) provides that a local government that has a ward system is required to carry out reviews from time to time so that not more than eight years elapse between successive reviews of –

- its ward boundaries; and
- the number of offices of councillor for each ward.

The last review of wards and representation was undertaken in 2018 and implemented for the 2019 local government elections. A review would not now be due, if not for the Minister's advice.

The Act provides that when undertaking a review of wards and representation any of the following may be considered –

- creating new wards in a district already divided into wards;
- changing the boundaries of a ward;
- abolishing any or all of the wards into which a district is divided;
- changing the name of a district or any ward;
- changing the number of offices of councillor on a council; and
- specifying or changing the number of offices of councillor for a ward.

## 2.2 Factors that must be taken into account

Clause 8 of Schedule 2.2 requires a council to assess options against the following factors –

- community of interest;
- physical and topographical features;
- demographic trends;
- economic factors; and
- the ratio of councillors to electors in the various wards.

The Local Government Advisory Board (LGAB) assesses reviews of wards and representation undertaken by local governments and makes recommendations to the Minister for Local Government as to whether or not local governments have taken these factors into account, and which can be interpreted as –

<b>Community of interest</b>	<p>The term community of interest has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities.</p> <p>It can also include dependence on the shared facilities in an area as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspapers.</p> <p>Neighborhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.</p>
<b>Physical and topographic features</b>	<p>These may be natural or human-made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations.</p> <p>Coastal plain and foothills regions, parks and reserves may be relevant as may other man made features such as railway lines and freeways.</p>
<b>Demographic trends</b>	<p>Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.</p>
<b>Economic factors</b>	<p>Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area.</p> <p>This may include the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.</p>
<b>Ratio of councillors to electors</b>	<p>The LGAB considers that the ratio of councillors to electors is particularly significant - it is expected that each local government will have similar ratios of electors to councillors across its wards.</p> <p>The LGAB is reluctant to support deviations of more than plus or minus 10% of the average ratio of electors to councillors between wards.</p>

The LGAB places particular emphasis on as even ratio of electors per councillor as possible, where a local government is divided into wards but considers a variation of plus or minus 10% between wards to be reasonable.

If satisfied that a review has properly taken these factors into consideration, the LGAB then makes a recommendation to the Minister for Local Government as to whether or not the proposal should be approved, rejected or modified.

The Minister may accept or reject LGAB’s recommendation. This does not prevent the Minister from initiating a review by the LGAB

Any changes will come into effect at the next Council elections scheduled for October 2023.



## 3 LOCAL GOVERNMENT REFORM

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A reform of the Local Government Act was announced several years ago, with a range of immediate changes to the existing Act. Release of a discussion paper for a new Local Government Act followed in early 2022, with full reform proposals, modifying the original proposals.

Two aspects of the proposed reforms impact on this discussion paper.

### 3.1 Representation

Local Government Reforms: Full Reform Proposals <sup>4</sup>

*Current provisions –*

- *the number of councillors (between 5 and 15 councillors) is decided by each local government, reviewed by the local government advisory board and approved by the minister.*
- *the panel report recommended electoral reforms to improve representativeness.*

*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 5,000 – five councillors (including the president)*
  - *between 5,000 and 75,000 – five to nine councillors (including the mayor/president)*
  - *above 75,000 – nine to fifteen councillors (including mayor).*

*Amended proposal –*

- *Change for Smaller Local Governments*  
*Based on requests from impacted councils, it is proposed to adjust this to allow local governments with a population of up to 5,000 people to decide to have 5, 6 or 7 councillors.*

#### Comment for this discussion paper

There will be a requirement to reduce the number of ward councillors (including President), from the current 11 to a maximum of 9 elected members in total.

Since the President will be required to be elected at large, there will be a maximum of 8 ward councillors. It would be a very simple matter if there were to be no wards, but boundaries will have to be amended if wards remain in place.

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<sup>4</sup> Dept of Local Government, Sporting and Cultural Industries; Local Government Reforms: Full Reform Proposals; 2022. <https://www.dlgsc.wa.gov.au/departments/publications/publication/full-reform-proposals>

### 3.2 Wards

#### Local Government Reforms: Full Reform Proposals<sup>5</sup>

##### *Current provisions –*

- *A local government can make an application to be divided into wards with councillors elected to those wards.*
- *Only about 10% of band 3 and 4 local governments currently have wards.*

##### *Original proposal –*

- *It is proposed that the use of wards for councils in bands 3 and 4 is abolished.*
- *Wards increase the complexity of elections, as this requires multiple versions of ballot papers to be prepared for a local government's election.*
- *In smaller local governments, the population of wards can be very small.*
- *These wards often have councillors elected unopposed or elect a councillor with a very small number of votes. Some local governments have ward councillors elected with less than 50 votes.*
- *There has been a trend in smaller local governments looking to reduce the use of wards, with only 10 councils in bands 3 and 4 still having wards.*

##### *Amended proposal –*

- *No major changes. Work to develop and refine detail is ongoing. Transitional arrangements are under consideration.*

#### Comment for this discussion paper

As East Pilbara is a Band 2 local government, there is the option to continue with a ward system, or to move to no wards.

The choice for Council is whether to implement the changes now in anticipation of regulated changes, or to hold back from making any decisions regarding wards, and have an arrangement imposed, that may be quite contrary to Council's preferences.

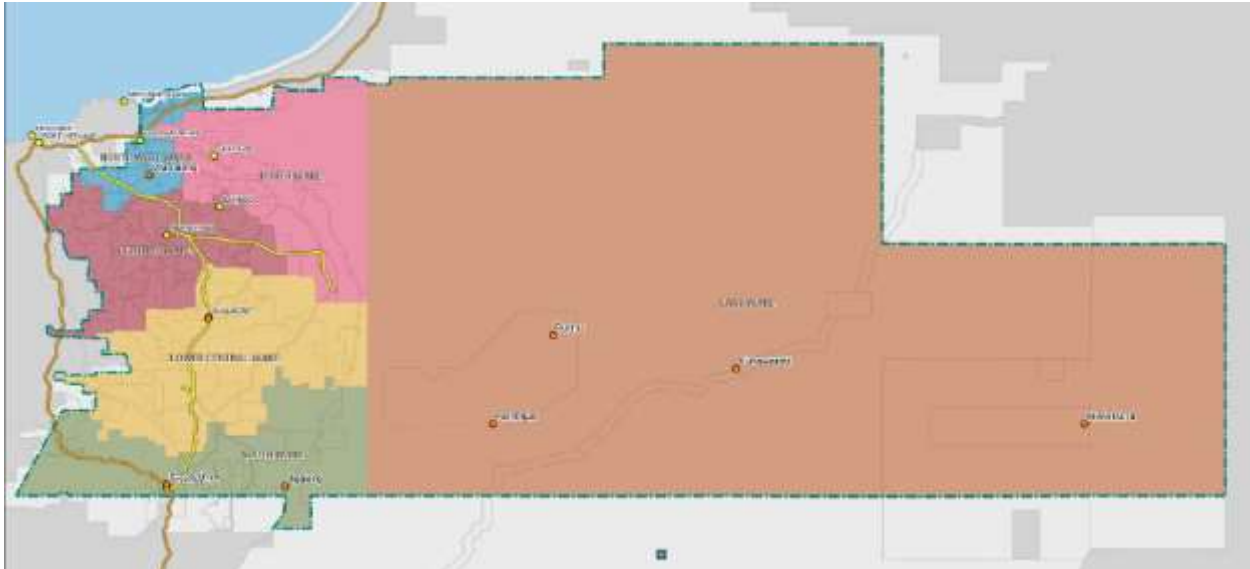
In designing any wards, the Minister's expectation of the LGAB should be borne in mind, that is, a variance of not more than 10% plus or minus for the number of electors per ward councillor. As this variance is not embedded in legislation, arguments to exceed those limits can be made with some hope of success.

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<sup>5</sup> Ibid.

## 4 CURRENT WARDS AND REPRESENTATION

The Council of the Shire of East Pilbara is presently comprised of 11 councillors elected from 6 wards, with 1 ward having 6 councillors, and 5 having a single councillor each. The President is elected by and from the members of Council.

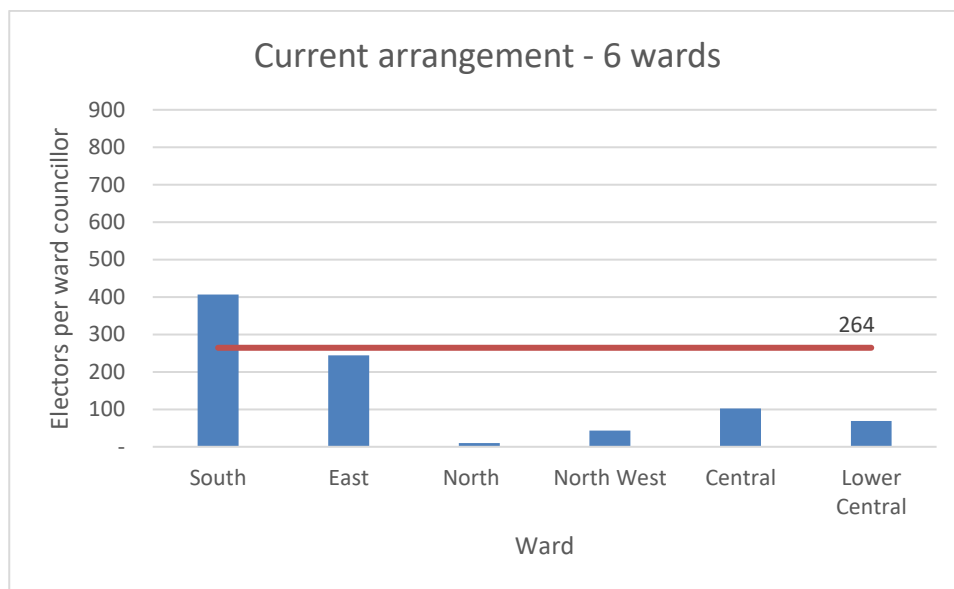


<b>Wards</b>	<b>6</b>	
<b>No. of Elected Members</b>	<b>11</b>	<b>President by Council</b>
<b>No. of Electors / Cr</b>	<b>264</b>	

Current Ward	Ward No.	ABS No. electors	Absentee O & O (as allocated)	Electors incl Absentee	Crs
South	1	2437	4	2,441	6
East	2	244	0	244	1
North	3	10	0	10	1
North West	4	43	0	43	1
Central	5	98	4	102	1
Lower Central	6	69	0	69	1
Number of electors per Ward as advised by WA Electoral Commission 30 Sep 2022			0	-	
		2901	8	2909	11

	Ratios	Ward No.	Crs	Electors / Cr	Variance
	South	1	6	407	<b>-54.17%</b>
<b>Bold and red</b>	East	2	1	244	7.58%
<b>if outside</b>	North	3	1	10	<b>96.21%</b>
<b>LGAB ratio</b>	North West	4	1	43	<b>83.71%</b>
	Central	5	1	102	<b>61.36%</b>
	Lower Central	6	1	69	<b>73.86%</b>

East Ward is the only ward currently within the LGAB preferred variance.



The LG Act permits absentee owners and occupiers from outside the ward or district to apply to vote, these numbers must also be taken into account.

The absentee owners and occupiers roll is required to be reviewed prior to each election, and the enrolment of the elector is subject to a number of criteria – ownership, occupier, company nominee etc. It has been reviewed prior to the past 2 ordinary local government elections (2019 and 2021), as well as extraordinary elections. It is noted that the number of absentee owners and occupiers is low, but given the regular processes followed, it is considered that the records retain a high degree of validity

The number of absentee owners and occupiers that have enrolled do not alter the ratios significantly.

In summary –

- South Ward is under represented, with each councillor having 54% more electors than the average;
- East Ward is within the acceptable variation at only 7.6% over quota;
- the other four wards range from 61% to 96% unfilled quota.

## 5 CONSIDERATIONS FOR CHANGE

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There are a significant range of outcomes that can be considered –

- Changing the number of councillors, noting that the Shire already has the maximum that will be permitted when the new Local Government Act is enacted;
- Changing the number of wards or having no wards at all;
- Amending ward boundaries to move electors between wards; or
- A combination of all of the above.

Retention of the status quo ('no change') is not an option. Matters that could be considered when providing feedback are outlined following options.

### 5.1 Representation

#### 5.1.1 How many elected members should the Shire have?

The current LG Act specifies a minimum number of councillors of 6 and a maximum of 15 Councillors. But the reforms will mandate between 4 and 8, so that the total number of elected members, including the President, is between 5 and 9.

Based on current elector numbers excluding absentee owners and occupiers, the number of electors per councillor using the range that will be allowed in the new Act is –

No. of <u>ward</u> councillors	Target No. of Electors / Cr
4	727
5	582
6	485
7	416
8	364

#### 5.1.2 Even v. Odd number of councillors

A question is often raised that an even number of councillors more frequently results in a tied vote, putting the onus on the President to make a casting vote as required by the LG Act. However, the argument against an even number of councillors is negated if one is absent, or must declare an interest that requires vacating the meeting, creating an odd number elected members present.

Similarly, if there are an odd number of elected members, if one is absent, then an even number results and the possibility of a tied vote increases.

It is considered that a more critical issue is that of ensuring an absolute majority in decisions required by the Act. An absolute majority is defined by the Act as being more than 50% of the total number of councillor offices, so 3 out of 6 elected members is not an absolute majority, but 4 is. Five is also an absolute majority of 8, but with 9 elected members, 4 can be absent from a vote for whatever reason and

the meeting still achieves an absolute majority. Nine elected members therefore enables greater flexibility, but a lesser number remains an option for Council to consider.

The presumption has been made that there is no wish to reduce the number of elected members, but an intention to retain 8 ward councillors with the President.

If there is a wish to further reduce the number of ward councillors, the numbers and mapping may need to be reviewed if a ward system is to be retained.

### 5.1.3 Voting

Each ward is considered to be a separate election, and as the President will be elected by the whole community, and not a ward, this process will also be a separate election.

Accordingly, each elector may vote twice in an election cycle –

- the Presidential election, if the 4 year term is complete, and
- the ward (or whole of district) councillors.

## 5.2 Wards

### 5.2.1 Should the Shire be divided into wards? If so, how many?

Presuming there is no wish to increase the number of councillors, it is possible to have no wards or up to 7 wards of one Councillor each. The range of wards and required number of electors to achieve an even number of electors excluding absentee owners and occupiers in each is –

<b>No. of wards</b>	<b>Equal No. of Electors / ward</b>
No wards	2,909
2	1,455
3	970
4	727
5	582
6	485
7	416
8	364

Given that elector numbers are so heavily weighted by the number in South Ward, this distribution is not possible without splitting Newman townsite into multiple wards. It would result in probably only 2 wards outside of Newman.

These figures will change if a different number of councillors per ward is acceptable, and will be required if an odd number of councillors is decided on.

### 5.2.2 Absentee owners and occupiers

The WA Electoral Commission assigns voting rights to the ward, or local government, in which the person is resident. A person resident outside the Shire is therefore not a resident of the Shire, and must enrol to vote as an absentee owner or occupier. The automatic right to vote is dependent upon place of residency, not of land ownership or occupancy.

The Act permits absentee owners and occupiers of the Shire or a specific ward, to enrol to vote in the Shire or that ward they are not resident in. Accordingly, a person can live in one ward, own property or be an occupier in multiple other wards, and be able to enrol to vote in each ward.

Each ward election is considered to be a separate election, so the person is not voting multiple times in any election, even though the person may end up being able to have multiple votes in how the Council is made up.

In short, the more wards there are, the greater the opportunity for a person to influence the composition of Council, particularly if dealing with small numbers of electors and a less than robust electoral turnout.

### 5.2.3 What other principles might apply?

Suburb or locality boundaries with Australian Bureau of Statistics (ABS) do not always follow logical lines or are of uniform size. However, given the nature of much of the district in terms of the number of electors, it may be simpler to group localities the same ward wherever possible.

The data used by WAEC is based on the Statistical Area 1 data provided by the ABS. Both of these have very strong correlations to the existing wards of the Shire, and have therefore been used as the basis for the various options for future ward boundaries as they also provide accurate numbers of electors for each area.

But, regardless of what ward boundaries are determined, it is certain that there will be discrepancies and awkward fits.

## 6 POSSIBLE OPTIONS FOR WARDS

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### 6.1 Important notes

Please remember –

1. There are a considerable number of options open. The options provided here are simply to assist discussion. The Council does not have a position on any particular outcome, but does have some foundational considerations.
2. The variations do not fit in the preferred 10% plus or minus desired by the LGAB. Council does not consider a strict observation of this is equitable in ensuring appropriate representation on the Council.
3. Possible ward names have been assigned on a simple geographic basis. Different names if required can be added later.
4. The thick blue lines represent the possible boundaries for that ward option. Should wards be the preferred option of Council and proposed to the LGAB, these may vary subject to the LGAB recommendation to the Minister, and once detailed mapping is carried out by Landgate.
5. The underlying colours in the maps are the existing wards, and are retained so that they can be compared with that ward option.
6. The number of electors includes the absentee owners and occupiers, as required by the Act, and is therefore more than the elector numbers provided by the WAEC.
7. Once finalised, the position of the ward boundaries may change, and the number of electors in the affected wards will then vary accordingly.

Other than the option for no wards, there are many possibilities for ward boundaries. In every case, there will be awkward arrangements and inconsistencies for community of interest etc.

**Important – please bear in mind that the President will not be a ward councillor, and so is not included in any of the estimated numbers and ratios following.**

### 6.2 Council's foundational considerations

#### 6.2.1 Community of interest / Dispersal and distance

The current wards reflect the communities of interest quite well. Communities of interest exist around –

- the southern area, particularly with Newman, and the First Nations communities on the outskirts of Newman, and outlying at Jigalong;
- the central area principally around Nullagine, with First Nations communities of Irrungadji and quite close to Nullagine;
- to the north around Marble Bar through to the coast; and the First Nations communities of Gooda Binya and Warralong; and



- in the east with Telfer, a closed town without public access, and the First Nations communities of Punmu, Parnngurr, Kunawarritji and Kiwirrkurra.

Other smaller First Nations communities are scattered throughout the Shire.

However, as shown in the ward map from our website, not all of our wards have –<sup>6</sup>

- townsites;
- an even distribution of population;
- easy access by road.

The dispersal of population within the Shire is very heavily concentrated in the south-west corner and the townsite of Newman. It is simplistic to assume that wards based on an equal number of electors per councillor is either representative of the Shire as a whole, or equitable.

Such a distribution would be punitive for the current East Ward, which has no townsite, very few roads that are little more than tracks, between widely separated First Nations communities.

Effectively, it would result in their disenfranchisement.

In considering this, Council was emphatic that centre of community, is not the same as community of interest, and neither are the same as commonality of interest.

It is considered that common interest should apply, to ensure the widely dispersed population and electors have a reasonable voice.

#### 6.2.2 Topographical and geographical features

Physical and topographical features include –

- the main arterial route is the Great Northern Highway running north-west from Newman through Juna Downs, the well to the east of Wittenoom to the North West Coastal Highway about 25 km south-west of Port Hedland. About 150 km of the Highway is within East Pilbara Shire;
- Marble Bar Road remains an important route, connecting Newman through Nullagine, then to Marble Bar and then on to the North West Coastal Highway about 25 km east of Port Hedland;
- rail lines exist, but only for transport of iron ore for export;
- there are a number of significant water courses, generally dry, but can carry immense amounts of water following cyclones or heavy rain events, and can rise very quickly, isolating communities for days or weeks.

Only those who have lived and travelled in remote areas such as East Pilbara, can appreciate the enormous distances faced and the large travel times. During, and following periods of wet weather, roads are frequently impassable, often for days and weeks at a time. To really feel the distances and time requirements –

- drive the 1,200 km from Perth to Newman. It will take about 12 hours, and for the last 900 km or so, there will only be 3 towns and a couple of roadhouses,

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<sup>6</sup> <https://www.eastpilbara.wa.gov.au/council/our-council/about-us>

- then the next day, drive the next 200 km to Nullagine. Allow 2-2½ hours over roads that are sealed for some distance, but gravel for the rest,
- Marble Bar is a further 90 km, over mostly gravel road. Allow at least an hour in good weather for this part of the trip, and then
- on to Cape Keraudren is the northern most part of the Shire, a final 190 km and 2-2½ hours over dirt roads.

To drive from Newman to Cape Keraudren is nearly 25% (100 km) more than the distance Perth to Albany, and will take about 50% longer.

Transit permits are required for travel through First Nations Lands, and the distances and times to reach the communities in the East Ward are such that the only reasonable way to access them is to fly. The shortest distance between communities is about 370 km.

Kiwirrikurra (about 1,200 km via Marble Bar) is about the same distance from Newman as is Perth, and is still not the eastern boundary of the Shire. Allow at least 2 days driving each way, and take a plentiful supply of spare wheels or puncture repair materials for the vehicle's tyres.

It is unreasonable to expect such vast distances to be adequately represented by 1 or 2 councillors.

### 6.2.3 Demographic trends

The Shire's estimated residential population was 9,760 in the 2021 Census, up from 6,732 in 2001, an increase in population 45% in the past 20 years, while the median age has remained stable for the period, reflective of the trend in the demographics of the mining workforce. The mining boom years are clearly reflected in the dramatic increase in population figures and the decrease in median age. <sup>7</sup>

Year	Estimated population	Median Age
2021	9,760	34
2016	10,591	34
2011	11,950	32
2006	6,544	30
2001	6,732	n/a

<https://www.abs.gov.au/census/find-census-data/quickstats/2021/LGA53220> on 18 October 2022

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<sup>7</sup> <https://www.abs.gov.au/census/find-census-data/quickstats/2021/LGA53220>

## ABS estimated populations of the Statistical Areas–

Locality	Estimated population 2016	Estimated population 2021
Jigalong	333 *	306
Gibson Desert North	250	262
Newman	6,905 #	6,456
Nullagine	1,701	1,159
Telfer	875	657
Pardoo	52	47
Marble Bar	634	927

<https://www.abs.gov.au/census/find-census-data/search-by-area> on 18 October 2022

Note – these ABS SA1 do not necessarily align with the ward boundaries

\* Jigalong number for 2016 may be understated

# Newman population in 2016 was stated as 7,238, but included Jigalong (subtracted)

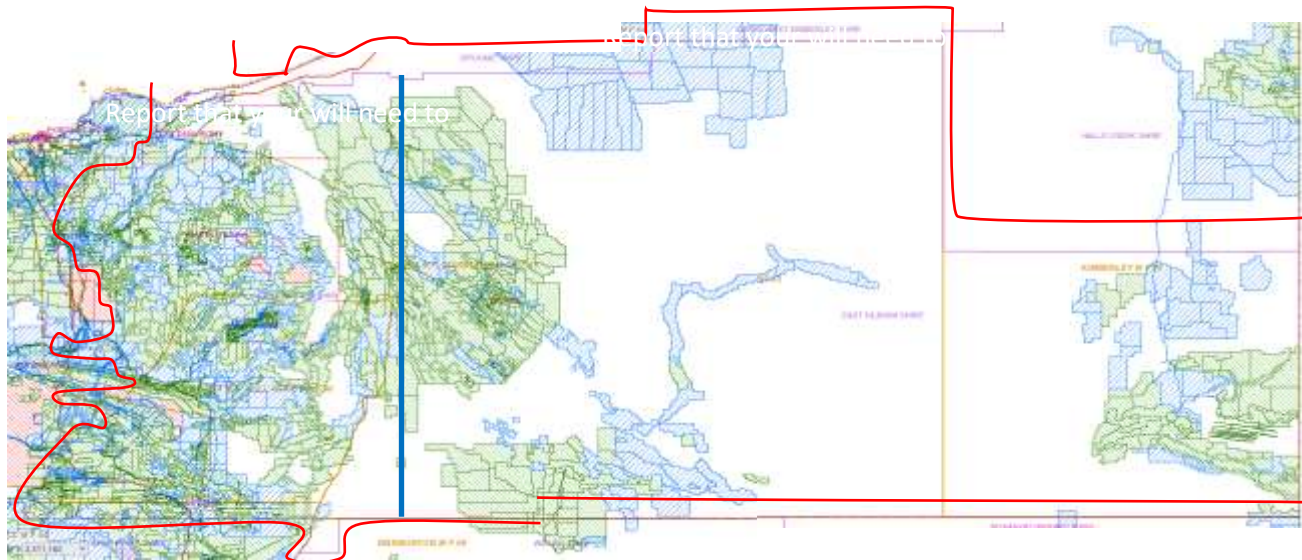
From this, it is clear that the general trend has been for a stable or slightly decreasing population in the Shire overall, but a noticeable decrease in the Nullagine area, with an increase in the Marble Bar area.

### 6.2.4 Economic factors / Mining hyper-growth

Economic factors are principally mining and mining exploration, but pastoral stations, their heritage and history form an important part of the community. First Nations communities are continuing to grow in prominence in local economic activity. Tourism and the visitor economy are also vital components of the non-mining economic activity of the Shire.

## a) Mining

The principal economic activity is mining. The Department of Mines, Industry Regulation and Safety maps for mining tenements shows the intensity of mining activity is in the western one-third of the Shire –



Dept of Mines, Industry Regulation and Safety, Tengraph Web on 31 October 2022

A rough outline of Shire boundary in red, with East Ward boundary (approx. location blue vertical) added

This map shows the mining activity in East Ward is not over almost all land as in the western part of the Shire, but is in –

- the far north of the Shire near the boundaries with the Shires of Broome and Derby-West Kimberly,
- a large central area around Telfer/Mitchell River region, separated by Karamilyi (Rudall River) National Park from the southern group,
- a smaller area around Lake Dora on the southern boundaries with the Shires of Meekatharra and Wiluna,
- and in the far east of the Shire against the Northern Territory border.

One aspect that is frequently overlooked in relation to mining activity, is observation of the impact it has on roads and environment, and it needs people on the ground, driving around. They need to see what the impacts are, in order to be able to forecast future impacts, and to plan properly for development and future budgets. Relying on data and on complaints from users of roads etc, results in a delay in obtaining that information, and being able to act on it.

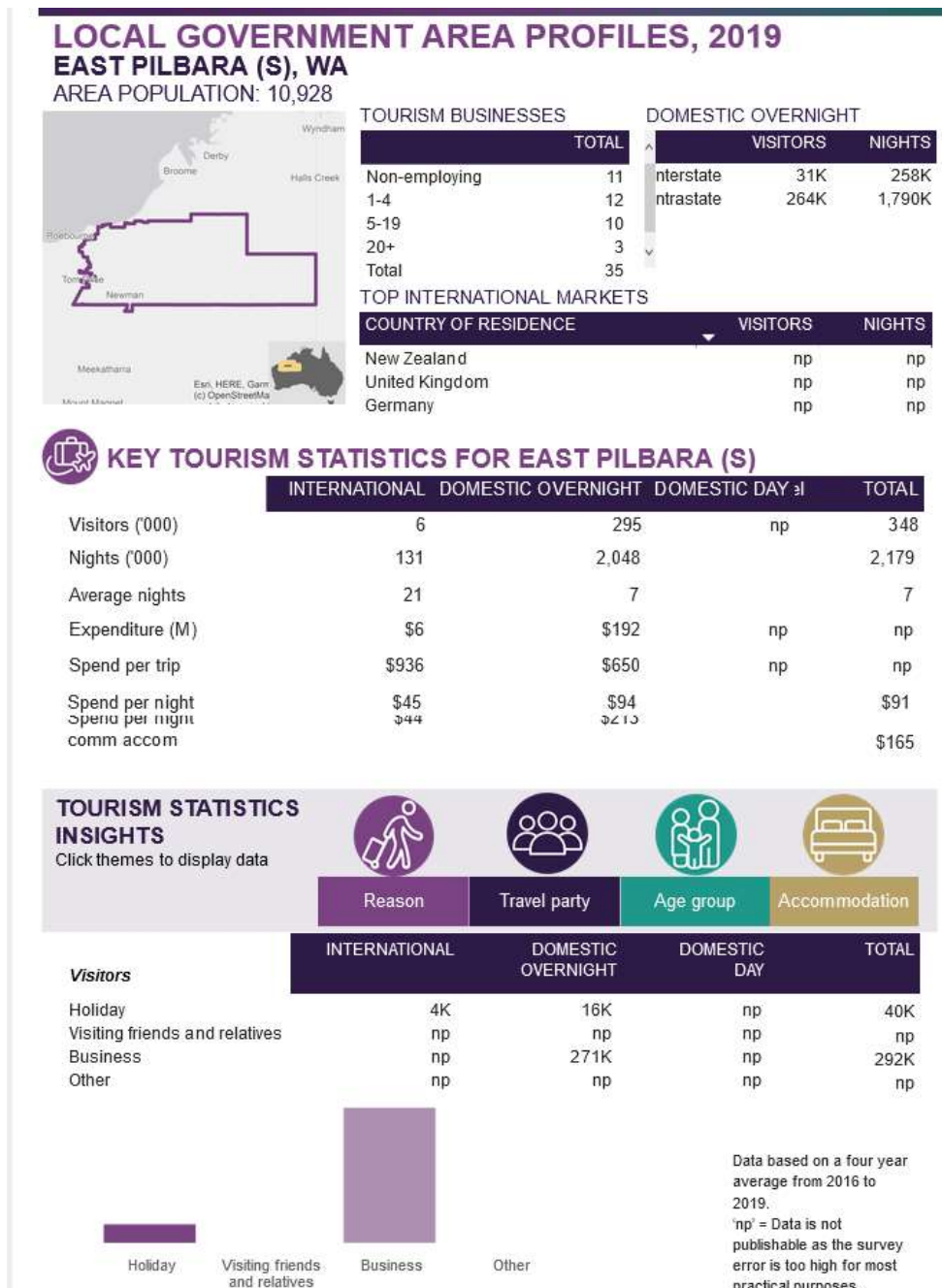
Significant continued mining growth is expected and planned for well into the future in the East Pilbara. <sup>8</sup>

<sup>8</sup> Shire of East Pilbara; 2021 Funding Priorities and Requests; pages 6-7

**b) Tourism**

Tourism is a significant economic activity, with the most recent information from Tourism WA website for the Shire being the pre-COVID data below.

Tourism is largely focused in the western part of the Shire as well, but the Canning Stock Route is a quite popular experience for dedicated 4 wheel drive enthusiasts who are experienced in remote area.



Information provided by Tourism WA reinforces the importance of visitors to the Shire –<sup>9</sup>

Total Visitors	Total Visitor Nights	Total Spend (\$ Million)
394,000	2,836,000	\$198
Annual average 2020/21	Annual average 2020/21	Annual average 2018/19/20/21

Domestic business visitors in 2020/21 were between 88% and 93%, and 19% of international visitors were for business purposes.

Holidays amounted to 5-8% of domestic visitors, and almost 60% of international visitors.

These figures are consistent with the type of accommodation utilised – high or low hotel/motel/rented as opposed to other accommodation.

### c) Pastoral

The Department of Planning, Lands and Heritage, the parent department of the Pastoral Lands Board advised on 1 November 2022, that the 434 pastoral stations in Western Australia were primarily involved in beef production, estimated to be worth \$850 million to the State. This is about half of the States herd, with 20% occurring in the Pilbara. Whilst detailed figures for East Pilbara were not available at the time of publication, they are clearly significant.

They also noted that there is an increasing number of diversification activities, including tourism, which are increasing economic conditions.

#### 6.2.5 Ratios of electors per Councillor

The ratio of councillors to electors in the various wards is given particular significance by the LGAB. They expect that each local government will have similar ratios of electors to councillors across its wards. Generally, the LGAB will not support variations of more than plus or minus 10% of the average ratio of electors to councillors between wards.

The current arrangement, numbers and ratios can be seen in Section 4.

The argument for One Vote One Value, does not recognise that –

- some areas are so widely and unevenly dispersed, that a concentration of elected members in one pocket is not fair;
- that a reliance on a maximum variance of plus/minus 10% is an artificial imposition that is quite unsuitable for the circumstances of East Pilbara;
- it ignores the potential developments evidenced by mining leases;
- it does not take into account the number of visitors and tourists that travel through the area;

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<sup>9</sup> Tourism WA, Shire of East Pilbara Overnight Visitors Factsheet 2021, in email of 31 October 2022

- it has overlooked the large number of fly in fly out, or temporary employees of pastoral stations, mining companies etc.

Details of the ABS Statistical Area 1 data and the information provided by WA Electoral Commission is as follows –

WAEC data					
ABS SA1 name	WAEC Estimated electors	Current Ward	Absentee electors	Ward No.	Total Electors
Jigalong	112	South		1	112
Gibson Desert North	168	East		2	168
Newman	2325	South	4	1	2,329
<b>WAEC = 2,330</b>	5	Lower Central		6	5
Nullagine	5	Central		5	5
<b>WAEC=69</b>	64	Lower Central		6	64
Telfer	76	East		2	76
<b>WAEC = 76</b>					
Pardoo	8	North West		4	8
Marble Bar	93	Central	4	5	97
<b>WAEC=138</b>	10	North		3	10
	35	North West		4	35
	<b>2901</b>		<b>8</b>		<b>2,909</b>

#### 6.2.6 Summary

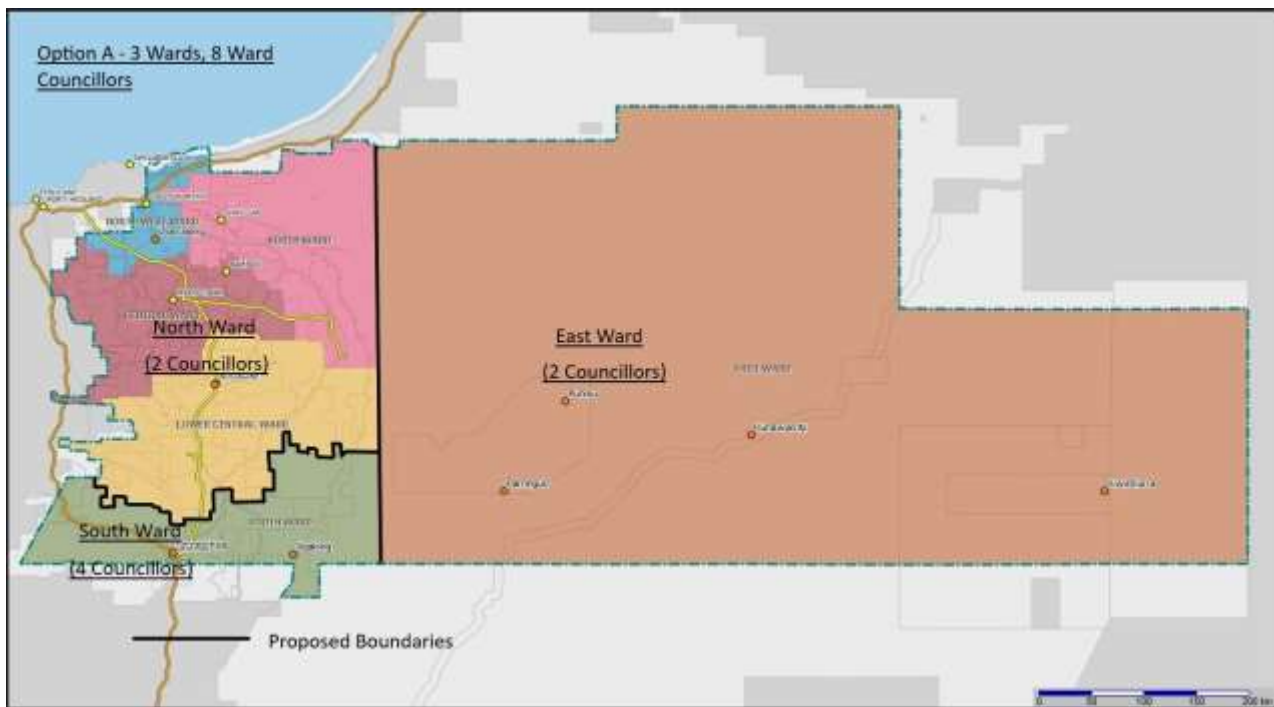
Equal does not necessarily mean equitable.

In considering these concerns, there were two options that Council felt could be considered as approaching a degree of equity across the Shire –

- recognising that Newman has by far the greatest concentration of electors, and whatever ward boundaries are put in place, the majority of elected members will be from Newman;
- strong options to preserve the voice of First Nations peoples in the eastern areas of the Shire to preserve their representation on Council;
- ensuring that the actual and potential economic drivers of mining and tourism are able to be observed, promoted, planned for, and represented on Council;
- a lack of people on the ground has a negative impact on planning, and therefore budget considerations.

While the LGAB may be reluctant to recommend a proposal to the Minister where the ratio is not within their preferred range, there is no legislation that prevents them from doing so.

**6.3 Option A – 3 Wards, 8 Ward Councillors**



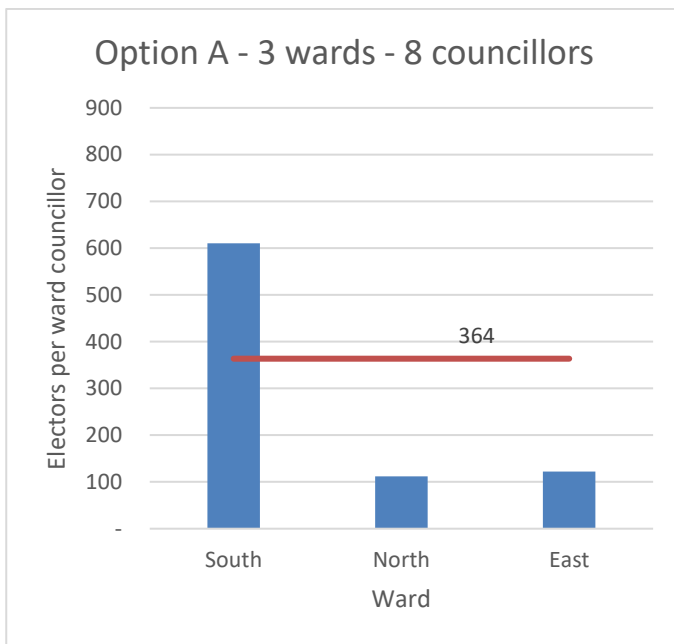
<b>Wards</b>	<b>3</b>	
<b>EMs</b>	<b>8</b>	<b>President at large</b>
<b>Electors / Cr</b>	<b>364</b>	

Possible Ward	Ward No.	Electors incl	
		Absentee	Crs
South	1	2441	4
North	2	224	2
East	3	244	2
		2,909	8

Possible Ward	Ward No.	Ratio –	
		Electors / Cr	Variance
South	1	610	-67.58%
North	2	112	69.23%
East	3	122	66.48%

Ratios outside LGAB preferred range are highlighted in red.





### Council comments

A straightforward option that retains –

- South and East Wards as currently constituted;
- merger of the 4 other wards into one ward.

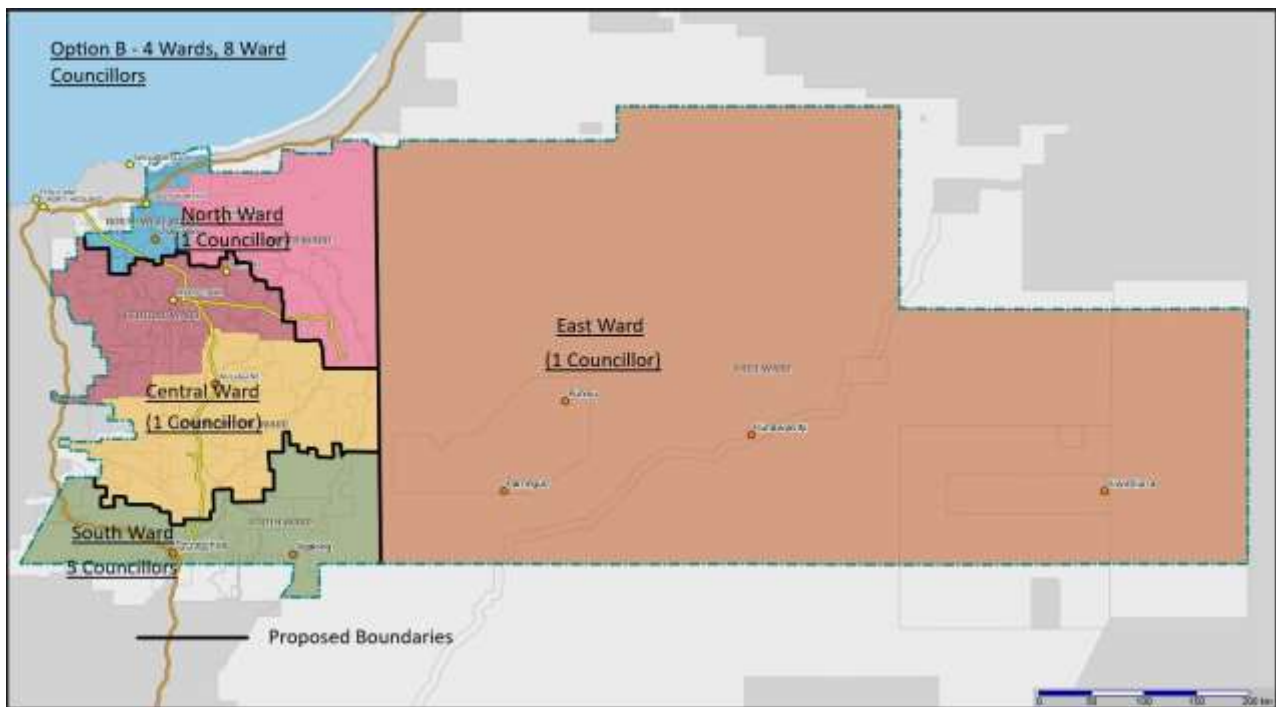
It has the benefits of having fairly equal representation for North and East Wards, allowing for some growth over time in the North Ward, as appears to be likely from the population growth figures noted in section 6.2.3.

This option preserves a strong voice and good representation for these areas, recognising –

- the wide dispersal of population in the East Ward, and the various communities;
- the current and future economic pressures and considerations for the North Ward.

Despite the under-representation of the South Ward, Council believes this is more than compensated for by the concentration of Councillors in the ward which makes up less than 10% of the total Shire area.

**6.4 Option B – 4 Wards, 8 Ward Councillors**

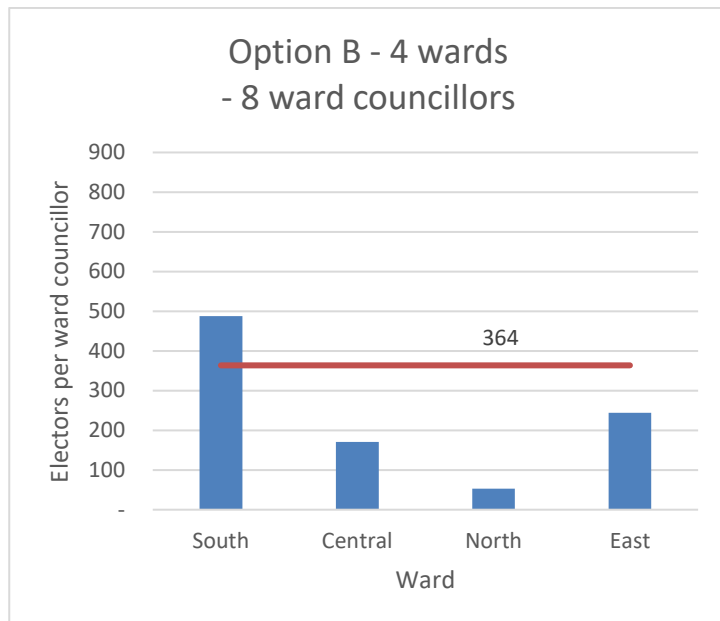


<b>Wards</b>	<b>4</b>	
<b>EMs</b>	<b>8</b>	<b>President at large</b>
<b>Electors / Cr</b>	<b>364</b>	

Possible Ward	Ward No.	Electors incl Absentee	Crs
South	1	2441	5
Central	2	171	1
North	3	53	1
East	4	244	1
		2,909	8

Possible Ward	Ward No.	Ratio – Electors / Cr	Variance
South	1	488	<b>-34.07%</b>
Central	2	171	<b>53.02%</b>
North	3	53	<b>85.44%</b>
East	4	244	<b>32.97%</b>

Ratios outside LGAB preferred range are highlighted in red.



### Council comments

This option is also quite straightforward option that retains –

- South and East Wards as currently constituted;
- merges North and North-West into a third ward; and
- Central and Lower Central into a final ward.

Although the ratios between the Central, North and East Wards are not equal, it is considered to still be equitable –

- East Ward remains well below the average number of electors per councillor;
- Central and North wards both are experiencing substantial and increasing mining activity; population, and therefore elector numbers, remain quite stable for East Ward, but reducing for the Central Ward and increasing for the North Ward;
- this will have the trend to even out the ratio difference between Central and North.

See section 6.2.3 for ABS data on population trends.

This option preserves a strong voice and good representation for these areas, recognising –

- the wide dispersal of population in the East Ward, and the various communities;
- the current and future economic pressures and considerations for both Central and North Wards; and
- the different trends and gradual equalisation of population and elector numbers in Central and North Wards.

As with Option A, despite the under-representation of the South Ward, Council believes this is more than compensated for by the concentration of Councillors in the ward which makes up less than 10% of the total Shire area.

## 7 IMPACT OF CHANGES

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### 7.1 Requirements of the *Local Government Act 1995*

After undertaking community consultation, the Council must make a proposal to the LGAB. The effect of proposed changes on existing councillors will depend on the precise proposal put forward, and ultimately, approved by the Minister.

When offices of councillor are to be redistributed into new wards, or there is a reduction or increase in the number of offices of councillor, the implementation method must give consideration to clauses 1 and 2 of Schedule 4.2 of the Act.

In summary, this provides that as near as practical to half of the total number of councillors are to retire every two years and as near as practical to half of the councillors representing each ward are to retire every two years.

It is expected that being elected at large, the President will be elected for a 4 year term, as stipulated in the current LG Act.

### 7.2 Time frames

Target time frames –

Target date	Action required
3 November 2022 Special Council meeting	Council to approve final discussion paper for public comment
4 November 2022	Notice calling for public comment – minimum period of 6 weeks
23 December 2022	Close of public comment
Mid January 2023 Special Council meeting	Council to consider submissions and authorise preparation of proposal for submission to the LGAB
Before 14 February 2023	Submission of proposal to LGAB
February / March 2023 (est.)	LGAB recommendation to Minister
March 2023 (est.)	Minister’s decision
March to June 2023	Finalise mapping for wards if required Publication of Governor’s Order in Government Gazette
July / August 2023	Implementation of new arrangements for 2023 local government election
October 2023	Local government election with new arrangement

## 8 HOW TO MAKE A SUBMISSION

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Members of the community are invited to make a written submission about any aspect of this review.

Submissions must be received by – 4.00 pm on 19 December 2022

Submissions may be forwarded via –

Email – [admin@eastpilbara.wa.gov.au](mailto:admin@eastpilbara.wa.gov.au)

Post – PMB 22, Newman 6753  
or PO Box 4, Marble Bar 6760

In person – Corner Kalgan & Newman Drives, Newman 6753  
or 20 Francis Street, Marble Bar 6760

For further information on this discussion paper, please contact –

Joshua Brown,  
Manager Governance Risk & Procurement,  
Telephone (08) 9175 8000.

## 9 APPENDIX

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### 9.1 Definitions and Acronyms

In this document –

**ABS** means the Australian Bureau of Statistics;

**CEO** means the Chief Executive Officer;

**Council** specifically means the elected members as a group;

**DLGSC** means the Department of Local Government, Sport and Cultural Industries;

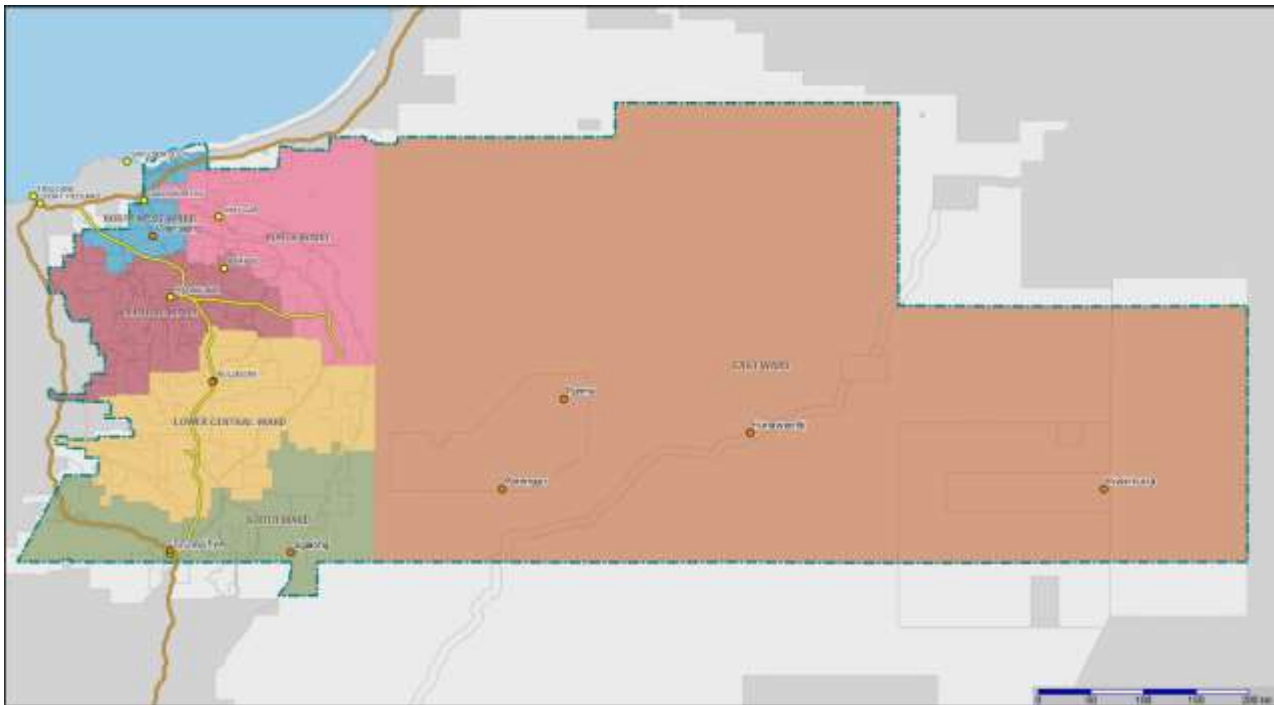
**District** means the individual local government area;

**LG Act** means the Local Government Act 1995;

**LGAB** means the Local Government Advisory Board.

## 9.2 Shire map

Current wards, showing towns, communities, major and important roads, significant access tracks, pastoral station homesites, and localities.



**6 CLOSURE**