

Annual Report

2004

Local Government Advisory Board
Dumas House
1st floor
2 Havelock Street
WEST PERTH WA 6005

GPO Box R1250
PERTH WA 6844

Tel: (08) 9217 1497
Fax: (08) 9217 1506
Email: advisory.board@dlgrd.wa.gov.au

CONTENTS

Chairman's Report	1
Vision	3
How the Board Operates	3
Guiding Principles	4
Board Membership	7
Activities for 2003/2004	8
<i>Proposals for District Boundary Changes</i>	8
<i>Reviews of Wards and Representation</i>	10
The Future	11
Additional Information	12
<i>Staff</i>	12
<i>Publications</i>	12

CHAIRMAN'S REPORT

2003/04 began with the appointment of new Board members. Cr Helen Dullard and Cr Brent Rudler were appointed as members and Cr Patricia Creevey and Cr Laurie Graham as their deputies. Other new appointments were Mr Eric Lumsden, a former deputy member who brings long experience as a local government CEO, and Dr Shane Silcox as his deputy. I was again given the privilege of chairing the Board and Mr Quentin Harrington was reappointed deputy chairman. Mr Duncan Watson was appointed Mr Harrington's deputy.

My sincere thanks to former Board members, Cr Rod Willox, Cr John Sabourne, Cr Jan Savage, Mr Garry Hunt, Cr Peter Passeri and Mr Stephen Cole for their contribution during the years that they were members. I greatly valued their input on the many matters that the Board considered. I also appreciated their good company and support during Board meetings and on various visits and public hearings around the State.

Two formal inquiries into district boundary change proposals were completed during 2003/2004. The first inquiry was particularly significant as it involved the first proposal to transfer an indigenous community (Mugarinya Community) from one local government (Shire of East Pilbara) to another (Town of Port Hedland). This was supported by the Board.

The Board travelled to country areas to meet with representatives of thirteen (13) local governments, with a particular focus on reviews of wards and representation. Visits were also made to several metropolitan local governments to discuss ward reviews.

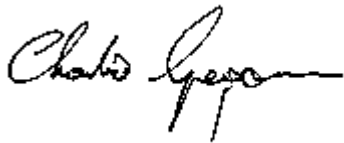
The use of video conferencing gave the Board further options to meet with local governments in remote areas of the State and provide advice about reviews of wards and representation. This technology has also provided a cost effective way of engaging with the whole council.

Overall it has been pleasing to see local governments devoting significant time and resources to developing appropriate representation structures. This has often involved more community consultation than is required by the legislation. In some cases significant discussion has taken place in the community and amongst the Council members as the decision process has progressed.

Of the ten (10) local governments that proposed changes to wards and representation this last year, four (4) amended ward boundaries to create more balanced representation across their district. In addition, three (3) local governments abolished wards altogether and two (2) reduced the number of wards and the number of councillors. One local government decided to reduce the number of councillors.

I acknowledge the work undertaken by officers of the Department of Local Government and Regional Development. I wish to thank Duncan Watson for his contributions to the smooth functioning of the Board and express gratitude to Adrienne Inch, Ashley Parker, Linda Sperring, Louis Naumovski, Sharon Hoare and Kelvin Fowler for their work throughout the year. Peter Hayes and Jenni Law also made valuable contributions to inquiries by the Board.

In accordance with Clause 14 of Schedule 2.5 of the *Local Government Act 1995*, I submit to the Minister for Local Government and Regional Development the 2003/2004 Annual Report of the Local Government Advisory Board.

A handwritten signature in black ink, appearing to read 'Charlie Gregorini', with a long horizontal flourish extending to the right.

Charlie Gregorini OAM JP
CHAIRMAN

30 August 2004

VISION

That Western Australia should have a system of local government that is robust and effective in meeting the needs of Western Australian communities.

This is based on a structure of community focussed local government units that have logical boundaries integrating land use, the environment and transport systems. A sufficient resource base is required to efficiently, effectively, flexibly, and responsively, exercise functions and powers and be capable of embracing micro-economic reform.

HOW THE BOARD OPERATES

The function of the Board is to consider proposals for changes to district boundaries, wards and representation of local governments. These proposals can come from the Minister, local governments and members of the public. After the Board has considered a proposal, a recommendation is made to the Minister for Local Government and Regional Development who makes a decision about any proposed changes.

Under the *Local Government Act 1995* the Board takes the following factors into consideration when considering district boundary changes:

- (a) community of interest;
 - (b) physical and topographic features;
 - (c) demographic trends;
 - (d) economic factors;
 - (e) the history of the area;
 - (f) transport and communication;
 - (g) matters affecting the viability of local governments; and
 - (h) the effective delivery of local government services.
- (Schedule 2.1)

When assessing changes to local government ward boundaries and representation as proposed by local governments, the Board is required to consider the following factors:

- (a) community of interest;
 - (b) physical and topographic features;
 - (c) demographic trends;
 - (d) economic factors; and
 - (e) the ratio of councillors to electors in the various wards.
- (Schedule 2.2)

Enabling Legislation

The Local Government Advisory Board (the Board) was created under Section 2.44 of the *Local Government Act 1995* that came into operation on 1 July 1996. The Board operates under the provisions of the Act in Sections 2.1, 2.2, 2.3, 2.44, 2.45, and Schedules 2.1, 2.2 and 2.5.

GUIDING PRINCIPLES

The Board's *Guiding Principles* form the basis for considering changes to local government boundaries and take into account the factors set out in the Act.

Community of Interest

Community of interest includes parts of a district that share common interests/values/characteristics/issues giving rise to a separate sense of identity or community.

Factors contributing to a sense of identity or community include shared interests and shared use of community facilities. For example, sporting, leisure and library facilities create a focus for the community. The use of shopping areas and the location of schools also act to draw people together with similar interests. This can also give indications about the direction that people travel to access services and facilities.

The external boundaries of a local government need to reflect distinct communities of interest wherever possible. Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging. The Board believes that wherever possible, it is inappropriate to divide these units between local governments.

Physical and Topographic Features

Physical and topographic features may be natural or man-made and will vary from area to area. They may include:

- water features (such as rivers);
- catchment boundaries;
- coastal plain and foothills;
- parks and reserves; and
- man made features (such as railway lines or freeways).

These features can form identifiable boundaries and can also act as barriers to movement between adjoining areas. In many cases physical and topographical features are appropriate district and ward boundaries.

The Board supports local government structures and boundaries that facilitate the integration of human activity and land use.

Demographic Trends

Local Government should consider the following characteristics when determining the demographics within its locality:

- population size;
- population trends;
- distribution by age;
- gender; and
- occupation.

Current and projected population factors will be relevant as well as similarities and differences between areas within the local government.

Economic Factors

Economic factors can include any factor that reflects the character of economic activities and resources in the area including:

- industries within the local area;
- distribution of community assets; and
- infrastructure.

History of the Area

The history of an area can be a relevant consideration, although the Board believes that in the majority of cases this will not be a primary justification for changing or retaining local governments and local government boundaries.

The nature of historical ties between communities is important to understand, irrespective of where the local government boundaries lie. A community within a local government may have a strong historical identity; alternatively there may be strong historical links between two or more communities in adjacent local governments. It is important to note that historical identity is not necessarily lessened if an area does not have its own local government.

Transport and Communication

The transport and communications linkages between towns and other areas may be a significant barrier to movement and therefore an appropriate boundary between local governments. Consideration of the following factors is important in any assessment of local government boundaries:

- port access;
- neighbouring towns;
- railways; and
- major roads.

Matters Affecting the Viability of Local Governments

Local government should have a sufficient resource base:

- to be able to efficiently and effectively exercise its proper functions and delegated powers and operate facilities and services;
- to be flexible and responsive in the exercise of its functions and powers and operation of its facilities and services;
- to employ appropriate professional expertise and skills; and
- to be capable of embracing micro-economic reform.

Each local government should have a diverse and sufficient rate base to ensure that general purpose grants do not represent the major revenue source.

Effective Delivery of Local Government Services

A broad range of factors can be relevant to the effective delivery of local government services and these are often directly relevant to those that also affect the viability of local governments. They include:

- the size and geographical spread of the population;
- management effectiveness and efficiency;
- the availability of staff expertise;
- appropriate infrastructure and equipment; and
- customer satisfaction and feedback.

BOARD MEMBERSHIP

The Board comprises five members representing local government councillors, officers and the State Government. The Minister for Local Government and Regional Development selects the Chair and an officer from the Department of Local Government and Regional Development. Two members are councillors, who are selected from a list supplied by the Western Australian Local Government Association. The fifth member is a Chief Executive Officer from local government, selected from a list supplied by Local Government Managers Australia). Five deputies are also selected on the same basis as the members.

A new Board was appointed in August 2003. The new members are:

Chairman Cr Charlie Gregorini OAM JP

Council Representatives Cr Helen Dullard OAM
Cr Patricia Creevey (Deputy)

Cr Brent Rudler
Cr Laurie Graham (Deputy)

Chief Executive Officer Representative Mr Eric Lumsden
Dr Shane Silcox (Deputy)

Department of Local Government and Regional Development Officer
Mr Quentin Harrington
(Deputy Chairman)
Mr Duncan Watson (Deputy)

The Board members were appointed until 31 August 2006.

ACTIVITIES FOR 2003/2004

The Board's work falls into two main areas:

1. Proposals for district boundary changes.
2. Reviews of wards and representation.

Upon receiving a proposal for a district boundary change, the Board's first decision is to determine the level of inquiry to be undertaken. The Board may decide that the matter is minor and not one about which public submissions need to be invited. In this case an informal inquiry is conducted.

A formal inquiry is undertaken for all other boundary change proposals. This involves giving formal notice of the inquiry to local governments and the affected communities and inviting public submissions. The Board also visits the affected area and meets with members of the affected local governments, the community and key stakeholders.

Proposals for District Boundary Changes

The Minister for Local Government and Regional Development referred to the Board a proposal to transfer the Mugarinya Community and its associated lands from the Shire of East Pilbara to the Town of Port Hedland.

Mugarinya is located approximately 130 km south of Port Hedland and the community uses the town as its service centre. Newman, the service centre for the Shire of East Pilbara, is located approximately 300 km south east of the community.

The main reasons for the proposed transfer were community of interest and the desire for an improvement in the provision of local government services. Given the size of the area of land involved, at least 12,000 square kms, and the number of people directly affected, approximately 250, the Board commenced a formal inquiry into the proposal in October 2003.

By the end of the public submission period the Board had received five verbal submissions and six written submissions. Three verbal submissions were followed by written submissions, resulting in a total of eight submissions. Of the eight submissions received, six supported the proposal and one did not support the proposal. One submission did not indicate whether or not it supported the proposal.

The Board considered all the submissions and assessed the proposal against the prescribed factors (community of interest, physical and topographic features, demographic trends, history of the area, economic factors, transport and communication, matters affecting the viability of local governments and the effective delivery of local government services). The Board concluded that it supported the proposal to transfer the Mugarinya Community and its associated lands from the Shire of East Pilbara to the Town of Port Hedland. It

was considered that community of interest, the history of the area, economic factors and the effective delivery of local government services would be enhanced by the proposal in comparison to the current situation.

The Minister accepted the Board's recommendation.

The Board also received a valid proposal from electors of the Shire of Victoria Plains to transfer land in the locality of Mogumber from the Shire of Victoria Plains to the Shire of Chittering. Given the size of the area of land involved, approximately 100 square kms, and that the Shire of Victoria Plains had expressed strong opposition to the proposal, the Board commenced a formal inquiry into the proposal.

The Board held a public hearing on 6 April 2004 where members of the public were invited to address the Board to express their views. The Board also met separately with the Shires of Chittering and Victoria Plains. The Board received 37 submissions, including verbal submissions during the public hearing and also written submissions.

During the inquiry the Board reviewed data about the current status of the local governments and the community and analysed the impact of the proposal on the area. Ms Jenni Law from the Department of Local Government and Regional Development undertook a financial analysis of the proposal for the Board.

Having considered submissions and the prescribed factors, the Board concluded that it did not support the proposal to transfer land in the locality of Mogumber from the Shire of Victoria Plains to the Shire of Chittering.

It was considered that the proposal could affect the economic viability of the Shire of Victoria Plains and adversely affect the Shire's ability to maintain the current level of services and facilities to remaining residents of the Shire of Victoria Plains.

The Minister for Local Government and Regional Development accepted the Board's recommendation that the proposal be rejected.

Proposals for minor district boundary changes were received from the **City of Perth** and **Town of Vincent**, **Shires of Murchison, Mullewa** and **Northampton**, **Cities of Armadale** and **Gosnells**, **Shires of Nungarin** and **Mukinbudin** and, **the Shires of Tambellup** and **Broomehill**. The Board supported these changes and the Minister accepted the Board's recommendation.

In April 2004 the Minister for Local Government and Regional Development requested that the Board conduct an assessment into the feasibility of establishing a separate local government based on indigenous communities in the south of the Shire of Halls Creek.

The major aim of the assessment is to determine the resource needs of a separate local government; and the impact of a new local government on the existing resources of the relevant communities and the Shire of Halls Creek. The Board is also expected to look at alternative ways of increasing funding for services to the communities and of delivering municipal services.

The Board is planning to complete the assessment in the first half of 2004/05.

Reviews of Wards and Representation

All local governments who had yet to submit a review of wards and representation by 1 July 2004 were offered Board assistance with their reviews if required. Letters were also sent to local governments due to review again in 2004 or 2005 and local governments that had been requested to conduct a further review due to the imbalance in representation.

The Board received and assessed fifteen (15) ward reviews during 2003/2004. Nine (9) country and six (6) metropolitan local governments submitted reports to the Board.

The Board continued to see an improvement in the standard of reviews with local governments giving more satisfactory consideration to the application of the prescribed factors.

Country

Of the ward reviews received from country local governments, three (3) maintained their current ward structure and level of representation. These included the **Shire of Shark Bay**, **Shire of Toodyay** and the **Shire of Wandering**. The Board noted these reviews and either referred them back to council to consider options to address imbalances in representation or requested that a further review be conducted.

The **Shire of Dardanup**, **Shire of Kondinin** and the **Shire of Narrogin** all resolved to abolish their wards as a result of the ward review process.

The **Shire of Esperance** proposed to reduce its number of wards from four (4) to two (2) and the number of councillors from thirteen (13) to eleven (11). The **Shire of Irwin** submitted a proposal to reduce representation from 10 to 9, change representation across wards, alter ward boundaries and change a ward name.

Although not required to do a review as it has no wards, the **Shire of Trayning** completed an assessment of the number of councillors and proposed a reduction from nine (9) to seven (7).

The Board supported all these changes and recommended them to the Minister.

Metropolitan

The **City of Rockingham** and **Town of Cottesloe** submitted ward reviews to the Board proposing to maintain the current ward and representation arrangements. The Board noted these reviews and in the case of the **City of Rockingham**, requested that a further review be undertaken prior to 2007.

Four local governments proposed to amend their ward boundaries to create more balanced representation across their districts. These included the **City of Nedlands**, **Town of Mosman Park**, **Shire of Kalamunda** and the **Shire of Mundaring**.

The Board supported these changes and recommended them to the Minister.

THE FUTURE

The Board is expecting to receive more reviews of wards and representation as councils finalise new representational arrangements for the 2005 local government elections.

More visits to local governments will be arranged to provide assistance for the completion of these reviews and reviews for the 2007 elections.

The Board is aware that local governments and members of the community across the State are considering proposals for changes to local government district boundaries. The Board welcomes opportunities to discuss with local governments and members of the community the processes for change.

The Board encourages local governments to take steps to assess their own situations to determine the best ways to deliver local government functions and services to their communities. The Board looks forward to on-going discussions regarding structural reform in Western Australia.

ADDITIONAL INFORMATION

Staff

The following staff have serviced the work of the Board during the 2003/2004 year:

Executive Officer:	Duncan Watson
Other Officers:	Adrienne Inch <i>Policy & Research Officer</i> Lou Naumovski <i>Senior Advisory Officer</i> Jenni Law <i>Senior Compliance Officer</i> Peter Hayes <i>Senior Project Officer</i> Ashley Parker <i>A/Policy & Research Officer</i> Linda Sperring <i>A/Policy & Research Officer</i> Sharon Hoare <i>A/Advisory Officer</i> Kelvin Fowler <i>A/Administration Officer</i>

Publications

August 2003	Information Package: Review of Wards and Representation
September 2003	Annual Report 2003
February 2004	Assessment of the East Pilbara/Port Hedland Proposal: An assessment by the Local Government Advisory Board in response to a proposal to transfer the Mugarinya Community and its associated lands from the Shire of East Pilbara to the Town of Port Hedland.
June 2004	Assessment of the Victoria Plains/Chittering Proposal: An assessment by the Local Government Advisory Board of the proposal to transfer land in the locality of Mogumber from the Shire of Victoria Plains to the Shire of Chittering

Note: Information required to be reported under Section 175ZE of the *Electoral Act 1907* is included in the Annual Report of the Department of Local Government and Regional Development.