



## 14.1 REVIEW OF COUNCILLOR REPRESENTATION

PROPONENT:	Minister for Local Government
OWNER:	N/A
LOCATION/ADDRESS:	Shire of Wagin
AUTHOR OF REPORT:	Chief Executive Officer
SENIOR OFFICER:	Chief Executive Officer
DATE OF REPORT:	21 September 2022
PREVIOUS REPORT(S):	
DISCLOSURE OF INTEREST:	Nil
FILE REFERENCE:	G.V.CO 3
ATTACHMENTS:	<ul style="list-style-type: none"><li>• Memorandum on Changes to Council Size - Minister for Local Government.</li><li>• Fact Sheet – Department of Local Government, Sport &amp; Cultural Industries (DLGSC)</li></ul>

### OFFICER RECOMMENDATION

Moved Cr

Seconded Cr

1. That Council advise the DLGSC of its intention to undertake a voluntary process and to include a plan outlining the potential changes to be implemented for the ordinary elections to be held in 2023.
2. That Council initiate a ward and representation review to determine the specific changes to the structure of Council for the 2023 to be completed by 14<sup>th</sup> February 2023.

Carried 0/0

### BRIEF SUMMARY

This report recommends that Council submit to a voluntary process to address potential changes to the number of Councillors from the 2023 elections onwards.

### BACKGROUND/COMMENT

A Bill to amend the *Local Government Act 1995* will be introduced into Parliament in early 2023. One of the amendments will decree the reduction in Councillor numbers where local governments with a population of up to 5000 will have between 5 & 7 Councillors (including the President).

Having 9 Councillors, Wagin falls into this category. The Hon Minister for Local Government has advised that there are two pathways for Council to consider for making the transition to a reduced number of Councillors. These are:

1. A Voluntary Pathway where Council agrees to commence this process in advance of the Act being amended and which would require a review process to be undertaken in accordance with the provisions of the Local Government Act. (Most Councillors would be aware of this process with the Shire having reduced the number of Councillors from 11 to 9 for the 2021 elections) or.



2. A Reform Election Pathway (which obviously is not “voluntary”) where all Councillor positions would be declared vacant and elections then held (in October 2023) to fill the positions. The correspondence from the Minister is silent on how the number of Councillors would be determined (i.e., either 5, 6 or 7).

In order to help ensure that there is not a complete spill of Councillors and to allow the community to have input into the optimum number of Councillors going forward, this report recommends that advice be provided to the DLGSC that Council intends to embark on the “voluntary” process option.

#### **CONSULTATION/COMMUNICATION**

A/DCEO

#### **STATUTORY/LEGAL IMPLICATIONS**

Local Government Act 1995 -*Schedule 2.2 – provisions about names, wards and representation.*

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority



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Hon John Carey MLA  
Minister for Housing; Lands; Homelessness; Local Government

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Our Ref: 78-08502 (Category 5)

20 September 2022

Dear Local Government Chief Executive Officers

MEMORANDUM TO CHIEF EXECUTIVE OFFICERS  
LOCAL GOVERNMENT REFORMS: ELECTION TRANSITION ARRANGEMENTS  
(CHANGES TO COUNCIL SIZE)

On 3 July 2022, I announced the final package of proposed local government reforms, following a review of public submissions. As part of the reforms to strengthen local democracy and increase community engagement, new requirements will be introduced to provide for:

- The introduction of optional preferential voting;
- Directly elected Mayors and Presidents for band 1 and 2 local governments;
- Councillor numbers based on population; and
- The removal of wards for band 3 and 4 local governments.

Work on a Bill to amend the Local Government Act 1995 (the Act) is ongoing, and a Bill is expected to be introduced into Parliament in early 2023.

Many of the reform proposals related to council representation are based on recent trends, and are intended to provide greater consistency between districts. Accordingly, for more than half of all local governments, the reforms will not require any specific change to the size or structure of the council.

However, the reform proposals do require some local governments to:

- Reduce the number of elected members on council in accordance with population thresholds; or
- Change from a council elected mayor or president to a directly elected mayor or president (this reform affects only band 1 and 2 local governments); or  Abolish wards (for band 3 and 4 local governments with wards); or  Implement more than one of the above.

The Amendment Act will also provide that optional preferential voting will apply for all local government elections. As you may know, optional preferential voting means that all electors have the choice to number preferences for as many or as few candidates as they wish to.



I appreciate the significant interest in the reform proposals, and transitional arrangements for the upcoming 2023 ordinary elections. Many councils have expressed a proactive intent to implement reforms as early as possible.

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I also acknowledge that, for some local governments, it may be desirable to implement changes to the size of the elected council over two ordinary election cycles.

The Department of Local Government, Sport and Cultural Industries (DLGSC) has completed an initial review, and identified that your local government may need to reduce the number of council members under the proposed reforms.

As you would know, the Act already provides that local governments may initiate proposals to change the size or structure of the council. Accordingly, I write to advise of two pathways your local government may consider for making these election transition arrangements.

#### Voluntary Pathway

Your local government may decide to implement these changes on a voluntary basis. This pathway will require the council to make the steps outlined below, and could involve staging any larger changes in the number of councillors over two ordinary elections. This pathway provides the greatest possible lead time to plan for next year's ordinary elections.

If your council wishes to undertake this process, it should, by 28 October 2022:

- Advise the DLGSC of its intention to undertake a voluntary process. This advice should include a high-level plan outlining the potential changes to be implemented for the ordinary elections to be held in 2023 (and in 2025, if applicable); and
- Initiate a Ward and Representation Review to determine the specific changes to the structure of the council for the 2023 and 2025 ordinary elections, to be completed by 14 February 2023.

I appreciate that significant effort is required to complete a Ward and Representation Review. The Ward and Representation Review would need to be initiated ahead of the 28 October 2022 date, and finalised by 14 February 2023, to ensure that the timeframes set out in the Act can be practically met. While the Ward and Representation Review can consider the size of the council, and any wards, any changes should not diverge from the proposed reforms.

Further information is attached to this letter to assist with this process.

#### Reform Election Pathway

Alternatively, it is intended that the Amendment Act will provide for all changes to be implemented through reform elections in 2023. This pathway would provide that all of the council's offices can be declared vacant, all wards can be abolished (if applicable), and the number of council offices would be set based on the reform proposals.

Elections would then be held to fill all council offices, with a split between two and four year terms as might be necessary to re-establish an ordinary election cycle. For local governments in band 1 or 2, the newly-elected council would then be able to consider whether to establish new wards through a future Ward and Representation Review.

Your local government may specifically decide to follow the Reform Election Pathway. If this is the council's intention, I request that you advise the DLGSC by 28 October 2022.

It is also intended that the Amendment Act will contain provisions for the Reform Election Pathway to apply if a local government:

- Does not advise of an intention to follow the Voluntary Pathway, or
- Decides to follow the Voluntary Pathway, but does not suitably complete a Ward and Representation Review by the dates outlined in this letter.

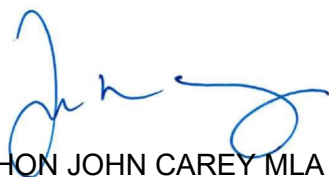
#### Next Steps

In line with the above, I request that your council considers these matters, and provides formal written advice on the preferred pathway to the DLGSC by 28 October 2022. Given the timeframes already established in the Act, no extension to the dates specified in this letter will be possible.

The DLGSC is available to assist with these election transition arrangements. If you require any assistance, please contact Ms Julie Craig, Strategy and Research Officer, on 6552 7300 or at [advisoryboard@dlgsc.wa.gov.au](mailto:advisoryboard@dlgsc.wa.gov.au).

I have also written a formal letter to the Mayor or President of your local government, which contains the same information as this memorandum. That letter should be received shortly.

Yours sincerely



HON JOHN CAREY MLA

MINISTER FOR LOCAL GOVERNMENT

Att: Timeline and steps – local government ward and representation reviews

Timeline and steps – local government ward and representation reviews

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The following steps will need to occur to allow all required local governments to meet the 30 June 2023 timeframe of publication in the Government Gazette of any proposed ward and representation review changes, ahead of the October 2023 local government elections.



Please note that all stages that are currently followed for ‘regular’ reviews are included below.

Table 1 includes suggested timeframes which will need to be considered by all local governments that will be required to undertake a review ahead of the October 2023 elections.

All local governments should aim to have their completed reviews submitted to the Local Government Advisory Board (the Advisory Board) by no later than 14 February 2023.

Table 1 – proposed timeframes for local government actions

Due date (latest possible)	Requirements/actions
28 October 2022	Council resolves to undertake a ward and representation review A comprehensive discussion paper is developed
December 2022	Completion of six-week consultation period
December 2022 January 2023	Draft review report is prepared, considered and adopted by council
14 February 2023	Formal review report is submitted to the Advisory Board

Please note that the above dates are suggestions only, as each council will have to consider their own calendars for their monthly meetings. It is also possible that some affected councils will have an earlier meeting in December 2022, and then no meeting in January 2023. This is why mid to late December 2022 is suggested as the date by which the draft review report should be considered by council.

Table 2 - Ward and representation review process – for local governments

	Existing requirements/actions	Timeframe
1	The council resolves to undertake a ward and representation review	Variable
2	A comprehensive discussion paper is developed	Variable
3	Council advertises that it is conducting a review and the associated public submission period opens (minimum 6 weeks)	6 weeks
4	The discussion paper is made available to the community for consideration, and public submissions are invited on the matter	
5	Public submission period closes	
6	The Council assesses all submissions, considers options for change against the relevant factors to be considered, and drafts a report, which includes their decision, for the Local Government Advisory Board (the Advisory Board)	Variable
7	The formal report is presented to Council on the outcome of the public submissions and the proposed ward and/or boundary changes	Variable
8	Council resolves to adopt the report to the Advisory Board	Variable



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9	The preferred option is submitted to the Advisory Board via the formal report, for the Board's consideration and recommendation	Variable
10	The Advisory Board considers the council's review report, and a recommendation is submitted to the Minister, which can either be accepted or rejected	Variable

# Stronger local democracy and community engagement

## Factsheet: Local Government Reform

### Direct election of the mayor or president

All electors in large local governments will be able to vote directly for the Mayor or President, giving ratepayers more power to choose the leadership of their council. This reflects a broader trend, with councils such as Stirling and Rockingham already having moved to a public vote for the election of their Mayors.

### Preferential voting

Local government members will be elected by 'optional preferential voting'. Electors can 'vote for one, vote for some, or vote for all' candidates on their ballot paper. This system strikes a balance between encouraging electors to vote, whilst ensuring the result reflects the community's views and preference.

### Consistent number of elected members

To increase consistency, the number of elected members on any council will be set based upon the population within that local government. The Local Government Panel Report recommended a number of elected members as follows:

- population of up to 5000 — 5, 6 or 7 councillors (including the president)
- population of between 5000 and 75,000 — 5 to 9 councillors (including the mayor/president)
- population of above 75,000 — 9 to 15 councillors (including the mayor).

### No wards for small local governments

Wards in small local governments can cover very limited areas, with small populations. This means that councillors are more likely to be elected unopposed, or with a very small number of votes. In line with a broader trend, it is proposed that wards for all small local governments be abolished



## Reforms to ensure valid candidate and voter eligibility

Rules for who is eligible to vote or run for council will be tightened, ensuring that only legitimate residents or businesses will be eligible. New laws will prevent candidates from using sham leases in council elections. The basis for why a candidate is eligible to run will also be required to be publicly disclosed.

### Community engagement charter

Local governments will be required to establish a charter which sets out how it will engage with ratepayers and the community about the local government's proposed policies, initiatives, and projects. A model charter will be published to assist local governments who wish to adopt a standard charter.

### Other amendments

There are also more reforms proposed to further enhance local government democracy and community engagement, including proposed minor changes to the annual meeting and the use of rate payer satisfaction surveys.

### Feedback

[Questions? Get in touch with DLGSC via email to \[actreview@dlgsc.wa.gov.au\]\(mailto:actreview@dlgsc.wa.gov.au\)](mailto:actreview@dlgsc.wa.gov.au)

[\(mailto:actreview@dlgsc.wa.gov.au\)](mailto:actreview@dlgsc.wa.gov.au)

### Related pages

[Local government reform \(/local-government/strengthening-local-government/local-government-act-reform\)](#)