

**9.1.2 SHIRE OF KENT ELECTED MEMBER REPRESENTATION REVIEW**

<b>PROPOSED MEETING DATE:</b>	19 October 2022
<b>PROPONENT:</b>	Minister for Local Government
<b>LOCATION:</b>	Whole of Shire
<b>AUTHOR:</b>	Peter Clarke – Acting Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Clarke – Acting Chief Executive Officer
<b>FILE NO:</b>	
<b>ASSESSMENT NO:</b>	Nil
<b>ATTACHMENTS:</b>	Attachment 1 - Draft Discussion Paper – Shire of Kent Representation Review 2022
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

To present to Council the proposed Discussion Paper for the Representation Review as per the instructions from the Minister for Local Government of the requirement for this process to be undertaken in line with the Local Government Structural Reforms.

**BACKGROUND**

At the September 2022 Briefing Session, the A/CEO advised that he had received a memorandum from the Minister for Local Government, the Hon. John Carey MLA, advising Council that as part of the Local Government 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.

**COMMENT**

The Minister's memorandum contained the following information in respect to the above:-

*"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.

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.

### **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.*

As indicated in the Minister's memorandum, the Department of Local has completed an initial review, and identified that the Shire of Kent will need to reduce the number of council members under the proposed reforms. The Minister also indicates that Council will need to consider which pathway it will take, either the Voluntary or Reform Election Pathway in which to undertake the reduction of Councillors and for written notification of the preferred Pathway to be provided to the Department by **28 October 2022**.

As advised, there are two ways in which Council can take to implement the reduction in numbers, therefore dependent upon which option Council takes in the reduction of its numbers, it will determine the preferred pathway.

- **Current** Elected Member Split for elections **based on its 8 members**  
2023 – 4 positions  
2025 – 4 positions

### **Voluntary Pathway**

Implemented over 2 election cycles (2023 and 2025) as follows:-

- Voluntary Method **based on 7 Members**  
2023 – Call for 3 positions (4 year terms expiring in 2027 – see below)  
2025 - Current 4 positions expiring in 2025
- Voluntary Method **based on 6 Members**  
2025 – Call for 3 positions (Reduced by one (1) position)  
2027 – 3 positions (4 year terms based on 2023 Elections)

- Voluntary Method **based on 5 Members**  
2025 – Call for 2 positions (Reduced by two (2) positions)  
2027 - 3 positions (4 year terms based on 2023 Elections)

### **Reform Election Pathway**

A clean way in which to undertake the reform would be along the Reform Election Pathway at the 2023 Elections. This would provide all of the council's Elected Member positions to be declared vacant and the number of Elected Member positions would be set based on the reform proposals.

Elections would then be held to fill all Elected Member positions, with a split between two and four year terms as might be necessary to re-establish an ordinary election cycle.

The A/CEO has prepared a Draft Discussion Paper, for distribution to the community relating to the Review for Council's consideration which is attached to the Agenda document. The public consultation period will commence from Monday, 24 October and close on Friday, 9 December 2022. This is a 7 week period to ensure adequate time is allowed for the process to take place.

### **STATUTORY IMPLICATIONS**

*Local Government Act 1995 – Schedule 2.2 Wards and Representation Review*  
Local Government Act Reforms

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

**Community Strategic Plan 2017-2027**

**Civic Leadership Objective – Continually enhance the Shire's organisational capacity to service the needs of our community**

Outcome 4.1 An efficient and effective organisation

### **RISK IMPLICATIONS**

N/A

### **VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION*****That Council:-***

- 1. Prior to 28 October 2022, advises the Department of Local Government, Sport and Cultural Industries (DLGSC) that it has commenced a Representation Review as per the Minister for Local Government's Memorandum of 20 September 2022 and that Council's preferred method for a reduction in Councillor numbers for the election transition arrangements is via the Reform Election Pathway; and***
- 2. Endorses the content of the Discussion Paper prepared by the A/CEO and commences the mandatory 6 week advertising period associated with the Review from Monday, 24 October 2022 with the close of written submissions being Friday, 9 December 2022.***
- 3. As part of the Representation Review, Council conducts Public Meetings to gauge resident's views in Nyabing and Pingrup within the above advertising period.***

<b>OCM2122/034 - COUNCIL RESOLUTION</b>
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**MOVED Cr WD Tapscott / Cr GW Hobley**

***That Council:-***

- 1. Prior to 28 October 2022, advises the Department of Local Government, Sport and Cultural Industries (DLGSC) that it has commenced a Representation Review as per the Minister for Local Government's Memorandum of 20 September 2022 and that Council's preferred method for a reduction in Councillor numbers for the election transition arrangements is via the – Voluntary Election Pathway; and***
- 2. Endorses the content of the Discussion Paper prepared by the A/CEO and commences the mandatory 6 week advertising period associated with the Review from Monday, 24 October 2022 with the close of written submissions being Friday, 9 December 2022.***
- 3. As part of the Representation Review, Council conducts a public meeting in Nyabing on Thursday, 3 November 2022 at the Nyabing Community Hub within the above advertising period to gauge resident's views in the district. .***

**CARRIED 7/0  
By Absolute Majority**

**REASON FOR ALTERATION TO RECOMMENDATION**

Council considered that the Voluntary Pathway was more preferable to implement than the Reform Pathway as proposed in the recommendation. The Voluntary Pathway would ensure implementation of these changes over 2 election cycles. In respect to community consultation, Council also considered that only 1 Public Meeting was sufficient on the proviso that notice of the Representation Review was distributed widely to ratepayers and residents in the district.