



2022 Ward and Representation Review Discussion Paper

Background

On 3 July 2022, the Minister for Housing; Lands; Homelessness; Local Government 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 across Western Australia, 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;
- 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.

Many councils have expressed a proactive intent to implement reforms as early as possible. The Minister acknowledges 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 abolish wards and change 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 arrangements related to the size or structure of the council.

Voluntary Pathway

A local government may formulate a plan to implement these changes on a voluntary basis. This pathway will require your local government 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.

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, 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, 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.

Your council 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.

Clause 6(3) of Schedule 2.2 of the Local Government Act 1995 ordinarily requires a Local Government to conduct a Ward and Representation Review every eight years upon request from the Local Government Advisory Board.

The last Ward and Representation Review for the Shire of Nannup was undertaken six years ago in 2016, however as a result of the State Government recently introducing Local Government reforms in time for the October 2023 Council election, the Shire of Nannup is required to make changes to the number of Councillors comprising the Council and this will trigger the need for an unscheduled Ward and Representation Review.

The Shire of Nannup is now obligated to complete the Ward and Representation Review to initiate all applicable Local Government reform changes and finalise this process by 14 February 2023. Any changes resulting from the review will take effect from the October 2023

Council elections. This Discussion Paper explores various options and seeks public comment for a six week period prior to the Council making a final determination.

Ward and Representation Review

The Shire of Nannup is required per the Ministers instructions to;

1. Reduce the number of Councillors from 8 to 7, effective at the 2023 elections.
2. Abolish the Electoral Ward system, effective at the 2023 elections.
3. Decided whether it will implement an optional preferential voting system during elections.

It is important to note that the Council does not get a choice to amend/reject the above changes based on any submissions received. In the event the Shire does nothing the Minister will force the changes to take place.

The Council elected to undertake the 'Voluntary Pathway'.

In order to do this the Shire is required to complete a Ward and Representation Review. This is a process that the Shire is required to complete and advertise for public consultation, however is not able to change any components as a result of the submissions as the changes have been instructed and enforced by the Minister.

The reason the Council elected to undertake the 'Voluntary Pathway' was to avoid a complete vacancy of elected member positions in the the Shire were to do nothing and the Minister invokes the 'Reform (involuntary) Election Pathway'. This would create additional costs to the election process and also increases the risk for Shire instability.

Therefore the cost to complete the Ward and Representation Review exercise (even though it is a mute exercise) is small when compared to the Minister forcing the 'Reform (involuntary) Election Pathway'.

The Shire of Nannup intends to reduce the number of elected members from 8 to 7 at its 2023 election by reducing the number of vacant positions from 4 to 3. The Wards will also be abolished at this time.

Submissions on the above will close Sunday 8th January 2023 and are to be addressed to the Chief Executive Officer via;

Post: Po Box 11, Nannup WA 6275

In Person: 15 Adam Street, Nannup WA 6275

Email: nannup@nannup.wa.gov.au

Shire of Nannup Election Reform Plan (timeline)

Action	Date
Endorse Council position to advise the Minister that the Shire of Nannup choose the Voluntary Pathway for Electoral Reform.	27 October 2022
Advise the Minister of the above	28 October 2022
Advertise Ward and Representation Review	28 October 2022
Submissions close for Ward and Representation Review	8 January 2023
Council considers the outcomes of the advertised submission period.	26 January 2023 OCM
Shire of Nannup to advise Local Government Advisory Board that the review has been completed by 14 February 2023.	27 January 2023
Reduce the number of elected members from 8 to 7 at its 2023 election by reducing the number of vacant positions from 4 to 3.	2023 Elections Shire of Nannup
Abolish the Ward system.	2023 Elections Shire of Nannup