



# **MINUTES SPECIAL COUNCIL MEETING**

held on

Thursday, 20 October 2022

Commenced at 6.04pm

Shire of Boyup Brook Council Chambers, Boyup Brook

---

**TABLE OF CONTENTS**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS ..... 3

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED ..... 3

3. APPLICATIONS FOR LEAVE OF ABSENCE..... 4

4. REPORT..... 4

4.1 Local Government Reform - Election Transition Arrangements.....4

5. CLOSURE OF MEETING ..... 10

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

We acknowledge and pay our respects to the traditional custodians of the land on which we meet and work.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**

PRESENT:	Shire President Councillor	Richard F Walker Sarah E G Alexander Steele Alexander Charles Caldwell Kevin J Moir Philippe Kaltenrieder Adrian Price
APOLOGIES:	Councillor Deputy Shire President	Darren E King Helen O'Connell
STAFF:	Chief Executive Officer Executive Assistant	Mr Dale Putland Mrs Maria Lane

**3. DISCLOSURE OF INTEREST**

Nil

#### 4. REPORT

##### 4.1 Local Government Reform – Election Transition Arrangements

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>18/10/2022</i>
<b>Author:</b>	<i>Maria Lane – Executive Assistant</i>
<b>Authorising Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes</i>

---

##### **SUMMARY**

The purpose of this report is for Council to consider whether to follow a Voluntary Pathway or a mandated Election Pathway to reduce its number of Council members and remove wards, as required by the Minister for Local Government.

##### **BACKGROUND**

On the 20th September 2022 the Minister for Local Government wrote to Local Governments regarding the impending Local Government Reforms and in particular the reduction in Councillor numbers in line with the reforms, with Local Government with populations of less than 5,000 being required to have between 5 – 7 Councillors.

The Minister's letter states:

*Work on a Bill to amend the Local Government Act (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 Council.*

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

- Reduce the number of elected members on council in accordance with population threshold; 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 large changes in the number of councillors over two ordinary elections. This pathway provides the greater 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 the 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 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 a might be necessary to re-establish an ordinary election cycle. For local governments in band 1 or 2, they 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.*

**Timeline and steps – local government ward and representation reviews**

*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***

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

*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 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**

	<b>Existing Requirements/Actions</b>	<b>Timeframe</b>
1	<i>The council resolves to undertake a ward and representation review</i>	Variable
2	<i>A comprehensive discussion paper is developed</i>	Variable
3	<i>Council advertises that it is conducting a review and the associated public submission period opens (minimum 6 weeks)</i>	6 Weeks
4	<i>The discussion paper is made available to the community for consideration, and public submissions are invited on the matter</i>	
5	<i>Public submission period closes</i>	
6	<i>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)</i>	Variable
7	<i>The formal report is presented to Council on the outcome of the public submissions and the proposed ward and/or boundary changes</i>	Variable
8	<i>Council resolves to adopt the report to the Advisory Board</i>	Variable
9	<i>The preferred option is submitted to the Advisory Board via the formal report, for the Board's consideration and recommendation</i>	Variable
10	<i>The Advisory Board considers the council's review report, and a recommendation is submitted to the Minister, which can either be accepted or rejected</i>	Variable

**COMMENT**

Council had initial discussions on the 13<sup>th</sup> October 2022 regarding the impending changes to the Local Government Act and Boyup Brook's requirements to reduce Councillor numbers between 5 – 7.

A review of Ward Boundaries was prepared and adopted at the Ordinary Council meeting held on 25<sup>th</sup> March 2021. Please see below council recommendation:

***That Council advise the Local Government Advisory Board that Council has considered submissions made during the consultation on its proposed ward review and has resolved to adopt Option 5 as detailed in Council's Review of Ward Boundaries and Representation Discussion Paper, retaining the current number of Wards, being the Benjinup Ward, Dinninup Ward, Scotts Brook Ward and Boyup Brook Ward and retaining the current representation with 9 Councillors based on the following considerations***

- ***Each of the wards is based on a locality within the Shire, are centred around activity centres and nodes that share a common community of interest.***
- ***Each of the wards are centred on localities that share common physical and topographical features.***
- ***Each of the wards share common demographic factors and trends***
- ***Each of the wards contain communities that share common economic factors.***
- ***The ratio of Councillors to Electors in the various wards will be within the thresholds set by the boards with the lowest deviation ratio of the options considered.***

**CONSULTATION**

Nil

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

The majority of the costs to undertake the review will be in staff resource time. Other administrative costs of a minor nature including advertising and printing costs will form part of the administration budget.

**STRATEGIC IMPLICATIONS**

The review of the wards will result in the mandated removal of wards and reduction in the number of Councillors.

**VOTING REQUIREMENTS**

Absolute Majority

**MOVED INTO COMMITTEE**

**MOVED: Cr Kevin Moir**

**SECONDED: Cr Charles Caldwell**

**That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.to allow members free discussion on the matter.**

**CARRIED 9/0**

**Res 22/10/138**



**MOVED OUT OF COMMITTEE**

**MOVED: Cr Kevin Moir**

**SECONDED: Cr Sarah Alexander**

**That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.**

**CARRIED 7/0**

**Res 22/10/139**

**OFFICER RECOMMENDATION – Item 4.1**

**MOVED: Cr Philippe Kaltenrieder**

**SECONDED: Cr Sarah Alexander**

**That Council advises the Department of Local Government, Sport and Cultural Industries that:**

- 1. its preferred pathway for Election Transition Arrangements is the Voluntary Pathway; and**
- 2. it will undertake a Representation Review and prepare, consider and adopt a Review Report for submission to the Local Government Advisory Board by 14 February 2023.**

**AMENDMENT**

**MOVED: Cr Kevin Moir**

**SECONDED: Cr Charles Caldwell**

**That Council :**

- 1. Advises the Department of Local Government, Sport and Cultural Industries that its preferred pathway for Election Transition Arrangements is the Voluntary Pathway; and it will undertake a Representation Review and prepare, consider and adopt a Review Report for submission to the Local Government Advisory Board by 14 February 2023.**
- 2. Writes to the Premier expressing the community and council's extreme dismay at the Minister for Local Government's blatant disregard for democratic processes and wishes of our community.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**Res 22/10/140**

**MOTION**

**That Council :**

- 1. Advises the Department of Local Government, Sport and Cultural Industries that its preferred pathway for Election Transition Arrangements is the Voluntary Pathway; and it will undertake a Representation Review and prepare, consider and adopt a Review Report for submission to the Local Government Advisory Board by 14 February 2023.**
- 2. Writes to the Premier expressing the community and council's extreme dismay at the Minister for Local Government's blatant disregard for democratic processes and wishes of our community.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**Res 22/10/141**

**5. CLOSURE OF MEETING**

There being no further business the Shire President, thanked all for attending and declared the meeting closed At 6.39pm.



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

---

Our Ref: 78-08502 (Category 6)

20 September 2022

Dear Local Government Chief Executive Officers

**MEMORANDUM TO CHIEF EXECUTIVE OFFICERS**  
**LOCAL GOVERNMENT REFORMS: ELECTION TRANSITION ARRANGEMENTS**  
**(ABOLISH WARDS AND CHANGE NUMBER OF COUNCIL MEMBERS)**

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 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; 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 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.

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 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.

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, 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, 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.

### **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

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**

<b>Due date (latest possible)</b>	<b>Requirements/actions</b>
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**

	<b>Existing requirements/actions</b>	<b>Timeframe</b>
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
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