



MINUTES

SPECIAL COUNCIL MEETING

Held on

Thursday 9 February 2023

Commenced at 7.40pm

Shire of Boyup Brook Shire Council Chambers, Boyup Brook

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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

PRESENT:	Shire President	Richard F Walker
	Deputy Shire President	Helen C O'Connell
	Councillor	Sarah E G Alexander
		Steele Alexander
		Charles A D Caldwell
		Philippe Kaltenrieder
		Darren E King
		Kevin J Moir
		Adrian Price
	Chief Executive Officer	Dale Putland
	Deputy Chief Executive Officer	Carolyn Mallett
	Executive Assistant	Maggie Le Grange

APOLOGIES:	Nil
LEAVE OF ABSENCE:	Nil
MEMBERS OF PUBLIC:	Carina Wilson
	Ian Kugler

3. DISCLOSURE OF INTEREST

Nil

4. REPORT

4.1 2022 Ward and Representation Review – Discussion Paper

Location:	Not applicable
Applicant:	Not applicable
Disclosure of Officer Interest:	None
Date:	10/01/2023
Author:	Dale Putland – Chief Executive Officer
Authorising Officer:	Dale Putland – Chief Executive Officer
Attachments:	1. Shire of Boyup Brook 2022 Ward & Representation Review Discussion Paper 2. Copy of Submissions

SUMMARY

In October 2022, Council resolved to follow a Voluntary Pathway to reduce its number of Council members and remove wards, as required by the Minister for Local Government to prevent a complete spill of Council.

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, where 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.

1. 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 be 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.

2. 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, 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.

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

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 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
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

COMMENT

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

At a Special Council Meeting on 20th October 2022, Council resolved the following:

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.**

Following the Council decision, the Shire advised the DLGSCI that it was intending to follow the voluntary pathway and prepared a Ward and Representation Review Discussion Paper outlining the two options (Attachment 1).

- Option 1 proposed that the Shire Council be reduced to seven (7) elected members.
- Option 2 proposed that the Shire Council be reduced to five (5) elected members.

The discussion paper was advertised broadly through the Shire, with 26 submissions received. Most submissions (15) expressed a preference for Option 2, and 11 submissions expressed a preference for Option 1.

Currently the Shire has 9 Councillors who are elected for four-year terms, with elections for half of the Councillors held every two years. The terms of four Councillors will end in October 2023, with the remaining 5 Councillors terms expiring in 2025.

The Options available to Council are:

5 Councillors

- 3 Councillors elected in 2023 and 2 Councillors in 2025 or
- 2 Councillors elected in 2023 and 3 Councillors in 2025
- Or a staged reduction over two election cycles to 7 Councillors from 2023 to 2025 and 5 Councillors from 2025 onwards.
- This could occur through election of 2 Council positions in 2023 and 3 Council positions in 2025.

7 Councillors

- 3 Councillors elected in 2023 and 4 Councillors elected in 2025 or
- 4 Councillors elected in 2023 and 3 Councillors elected in 2025.

Or a staged reduction over two election cycles to 8 Councillors from 2023 to 2025 and 7 Councillors from 2025 onwards.

It is recommended that Council resolve to reduce the number of Councillors to seven (7) through a staged process. While reduction in the number of Councillors to less than seven does provide some savings to the Shire, it also would introduce several risks.

1. There is increased risk that Council may not have a quorum available for meetings if 3 Councillors are unable to attend.
2. If one Councillor is absent, decisions will be made by 2 elected members (the presiding member using their casting vote in the event of a tie) that may not be representative of the community.

The Staged reduction in the number of Councillors to 7 elected positions would result in the least disruption to Council and allow all Councillors whose terms end in 2025 to complete their elected terms in office.

CONSULTATION

The 2022 Ward and Representation Review Discussion Paper was advertised widely in the Boyup Brook community with 26 submissions received.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Reduction in Elected Members from 9 to 7 Councillors will result in savings to the Shire of \$17,790.00 per year based on annual allowances of:

- Elected member annual meeting fees \$7,615.00
- Information Technology Allowance \$1,280.00

Reduction in Elected Members from 9 to 5 Councillors will result in an annual savings to the Shire of \$35,580.00 per year.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 4.1

MOVED: Cr Helen C O’Connell

SECONDED: Cr Darren E King

That Council:

- 1. Advises the Local Government Advisory Board that it:**
 - a. Has conducted a Ward and Representation Review and consulted with the community.**
 - b. Has considered submissions made during the consultation on its proposed Ward Review and has resolved to abolish the Ward Review System and reduce the number of Councillors to seven (7) elected members following a staged reduction over two election cycles to 8 Councillors from 2023 to 2025 and 7 Councillors from 2025 onwards based on the following consideration:**
 - The Staged reduction in the number of Councillors to 7 elected positions would result in the least disruption to Council and allow all Councillors whose terms end in 2025 to complete their elected terms in office.**
- 2. Authorises the Chief Executive Officer to forward the Council Resolution, copy of the Shire of Boyup Brook Ward Review and copies of submissions received by the Shire of Boyup Brook to the Local Government Advisory Board.**

CARRIED 9/0

Res 23/02/003

5. CLOSURE OF MEETING

There being no further business the Shire President, thanked all for attending and declared the meeting closed at 7.45pm.