

**Special Meeting of Council - 11 October 2022 Attachments**

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## **DISCUSSION PAPER**

### **CURRENT COMPOSITION OF CITY OF KALGOORLIE-BOULDER COUNCIL**

The City of Kalgoorlie-Boulder's Council is currently comprised of 12 elected members and one Mayor (13 total members).

The Mayor is elected for a four term by popular community vote. The Deputy Mayor is elected by the Council for a two year term, immediately following a local government election.

Local Government Elections are held every two years and at each election, six Councillors are voted in for a four year term. This allows overlap between incoming and remaining Councillors.

### **ANTICIPATED REFORMS**

The Department of Local Government, Sport and Cultural Industries ("Department") has recently advised local governments and the public of a number of proposed changes to the Local Government Act 1995. In particular, proposed changes which are anticipated to be enacted imminently are:

1. introduction of optional preferential voting;
2. a requirement for local governments with a population of between 5,000 and 75,000 residents, including the City of Kalgoorlie-Boulder, to be reduced to between 5 and 9 Council members (including the Mayor);
3. Mayoral election through public vote (not Council vote); and
4. requirement for review of Wards in local government districts with a view to abolishing Wards in smaller local government districts.

As the City of Kalgoorlie-Boulder already elects the Mayor through public vote and has no Wards, in the short term it is only impacted by the proposed reduction in Council offices.

Two key decisions must be made by the City of Kalgoorlie-Boulder ahead of the October 2023 local government elections:

1. How many elected members should comprise the City of Kalgoorlie-Boulder Council?
2. What is the most effective method to transition to these new representational arrangements?

### **PURPOSE OF THIS DISCUSSION PAPER**

This discussion paper outlines two options which have been developed to encourage discussion and input from the community to help shape Council's determination of the above questions.

These may not be all of the options available and accordingly, the City seeks input from the Community regarding any alternative proposals. Such alternative proposals must be in accordance with the Department's transitional arrangements.

### **COMMUNITY CONSULTATION AND INVITATION FOR PUBLIC SUBMISSIONS**

The City must provide at least six weeks' local public notice that the Ward and Representation Review will be conducted. This public notice period is intended to advise the community of the proposed review and invite submissions from the public to assist and inform Council's review process.

The public is invited to consider and suggest options for representation change in line with the proposed amendments to the Local Government Act 1995.

Submissions can be made either:

- Online at CKB Unearthed (<https://www.ckbunearthed.com.au/>)
- In writing.

Written submissions can be made using the attached Submission Form or in your preferred written format including your full name, address and contact details. Written submissions should be delivered to the attention of the Governance Officer, City of Kalgoorlie-Boulder by:

*Hand delivery*

Administration Building at 577 Hannan Street, Kalgoorlie

*Email*

Mailbag@ckb.wa.gov.au

*Post*

City of Kalgoorlie-Boulder

PO Box 2042

Kalgoorlie WA 6432

**SUBMISSIONS CLOSE AT 9AM MONDAY 28 NOVEMBER 2022**

**DECISION ONE:****HOW MANY COUNCILLORS SHOULD SIT ON THE CITY OF KALGOORLIE-BOULDER COUNCIL?**

The maximum number of Council offices that can be held as a result of the reforms will be 8 Councillors plus the Mayor.

There should be an odd number in order to avoid a split vote.

In accordance with the reforms requiring between 5 – 9 Council members including the Mayor, the options are:

**Option 1:** 8 Councillors plus Mayor (9 member Council)

**Option 2:** 6 Councillors plus Mayor (7 member Council)

**Option 3:** 4 Councillors plus Mayor (5 member Council)

The advantages of less elected members include the following:

- The decision-making process may be more effective and efficient if the number of elected members is reduced.
- Cost efficiencies for the City and ratepayers, with a potential saving of approximately \$42,000 per Councillor per annum (includes all allowances and payments).
- Fewer elected members are more readily identifiable to the community.
- Fewer positions on Council may lead to greater interest in elections with contested elections and those elected obtaining a greater level of support from the community.

The disadvantages of less elected members include the following:

- A smaller number of elected members may result in an increased workload for incumbent members and may reduce efficiency and effectiveness.
- There is the potential for dominance in the Council by a particular interest group.
- A reduction in the number of elected members may limit the diversity of interests around the Council table.
- Opportunities for community participation in Council's affairs may be reduced if there are fewer elected members for the community to contact.

**Questions for the community**

1. Of the above options, which do you support and why?
2. Are there any other advantages or disadvantages to these options not included in this discussion paper which you think Council should consider?

**DECISION TWO:****WHAT IS THE MOST EFFECTIVE WAY TO REDUCE THE NUMBER OF ELECTED MEMBERS?**

In October 2019, six members and the Mayor were each elected for four year terms and pursuant to the Local Government Act, their offices will be declared vacant in 2023.

At that time, the remaining six members who were elected in 2021 will have:

- a. a further two years left in their terms if option 1 of this reform process is adopted; or
- b. their term will be reduced to two years and their seats declared vacant in 2023 if option 2 of this reform process is adopted.

**Option 1: Stagger reductions across 2023 and 2025 Local Government Elections**

This option staggers the reduction of the elected members across two local government elections.

If this staggered approach is taken, the following will need to occur:

1. In October 2023, the local government election will take place to elect, for four year terms:
  - a. the Mayor; and
  - b. a reduced number of Councillors, being either (depending on the determination of Decision 1 above):
    - i. 4 Councillors;
    - ii. 3 Councillors; or
    - iii. 2 Councillors.
2. For the period between elections in 2023 and 2025, Council will have a transitional number of offices. Depending on the determination of Decision 1 above, that transitional number will be:
  - a. 11 elected members (to achieve a final 9 member Council);
  - b. 9 elected members (to achieve a final 7 member Council); or
  - c. 7 elected members (to achieve a final 5 member Council).
3. In October 2025, the local government election will take place to elect, for four terms a reduced number of Councillors, being either (depending on the determination of Decision 1 above):

- a. 4 Councillors;
  - b. 3 Councillors; or
  - c. 2 Councillors.
4. From 2027, election cycles will continue every two years to re-enter the ordinary election cycle and fill the relevant number of offices for four year terms.

***Some advantages of Option 1***

- Retention of Councillors elected in 2021 means knowledge and strategic insight is retained.
- Councillors elected in 2021 would be able to finish the four year term that they were originally elected for.

***Some disadvantages of Option 1***

- Transitional arrangements will be in place for two years until the 2025 local government election.
- Longer transition period could create confusion for some members of the community given the reduced number of vacant positions at each election.

**Option 2: Declare all offices vacant for re-election in 2023**

This option means that all elected members' offices, regardless of whether they were elected in 2019 or 2021 (and only halfway through their four year term) will be declared vacant and the entire Council including the Mayor will be voted in in 2023.

If this approach is taken, the following will need to occur during the October 2023 election:

1. All offices will be declared vacant;
2. Depending on the determination of Decision 1 above, the total number of offices needing to be filled through the October 2023 election will be:
  - a. 8 plus Mayor;
  - b. 6 plus Mayor; or
  - c. 4 plus Mayor.
3. The Mayor will be elected for a four year term.
4. Depending on the determination of Decision 1 above:
  - a. To achieve a final 9 member Council:
    - i. 4 Councillors will be elected for four year terms; and

- ii. 4 Councillors will be elected for two year terms;
  - b. To achieve a final 7 member Council:
    - i. 3 Councillors will be elected for four year terms; and
    - ii. 3 Councillors will be elected for two year terms;
  - or
  - c. To achieve a final 5 member Council:
    - i. 2 Councillors will be elected for four year terms; and
    - ii. 2 Councillors will be elected for two year terms.
5. The determination of which elected members are elected for a four year term and which elected members are elected for a two year term will be based on the number of votes received (ie. those with the higher number of votes will be allocated to four year terms and those with the lower votes will be appointed for two year terms).
6. At the 2025 local government election, the offices of those members who were elected for two year terms will become vacant and the ordinary election will fill those offices for four year terms.
7. At the 2027 local government election, the offices of those elected members who were elected for four year terms, including the Mayor, will become vacant and the ordinary election will fill those offices.

#### ***Some advantages of Option 2***

- The final outcome for the representational changes will be achieved through the October 2023 local government election.
- Opportunity for community to develop a mandate for Council by voting for an entire Council in one election.
- The opportunity for a newly elected Council to set a clear strategic direction for the future based on the election outcomes.

#### ***Some disadvantages of Option 2***

- Risk of loss of knowledge if no current Councillors are re-elected in 2023.

#### **Option 3: Alternative process proposed by community**

The City invites alternative suggestions from the City as to how a reduction in Council members could be effected between 2023 and 2025 local government elections. Any such suggestions must be consistent with the Local Government Act and not diverge from the proposed reforms.

#### **Questions for the community**

1. Of the above options, which do you support and why?
2. Are there any other advantages or disadvantages to any of these options not included in this discussion paper which you think Council should consider?



**PUBLIC SUBMISSION FORM**

FULL NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

**DECISION ONE:**

**HOW MANY COUNCILLORS SHOULD SIT ON THE CITY OF KALGOORLIE-BOULDER COUNCIL?**

*Please tick your preferred option*

- Option 1:** 8 Councillors plus Mayor (9 total)
- Option 2:** 6 Councillors plus Mayor (7 total)
- Option 3:** 4 Councillors plus Mayor (5 total)

Why do you support the option you have ticked?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are there any other advantages or disadvantages to these options not included in the discussion paper which you think Council should consider?

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DECISION TWO:**

**WHAT IS THE MOST EFFECTIVE WAY TO REDUCE THE NUMBER OF ELECTED MEMBERS?**

*Please tick your preferred option*

- Option 1:** Stagger reductions across 2023 and 2025 elections
- Option 2:** Declare all offices vacant for re-election in 2023
- Option 3:** Alternative process proposed by community. Please provide details:

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Why do you support the option you have ticked?

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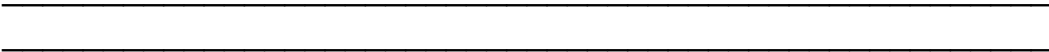
Are there any other advantages or disadvantages to these options not included in the discussion paper which you think Council should consider?

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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.

Level 7, Dumas House, 2 Havelock Street, West Perth, WA, 6005  
Telephone: +61 8 6552 5300 Facsimile: +61 8 6552 5301 Email: [minister.carey@dpc.wa.gov.au](mailto:minister.carey@dpc.wa.gov.au)

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

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