



**City of  
Kalgoorlie  
Boulder**

# **AGENDA**

**Notice is hereby given  
for the Special Council Meeting**

**commencing at 6:00 PM**

**on**

**11 OCTOBER 2022**

**at the**

**Kalgoorlie Town Hall**

7 October 2022



## NOTICE OF MEETING

A Special Council Meeting of the City of Kalgoorlie-Boulder will be held in the **Kalgoorlie Town Hall** on **Tuesday, 11 October 2022** commencing at **6:00 PM**.

Regards

A handwritten signature in black ink, appearing to read "Andrew Brien". The signature is stylized with a long, sweeping underline that extends to the right.

**ANDREW BRIEN**

Chief Executive Officer

## Table of Contents

<b>1</b>	<b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS</b> .....	<b>4</b>
<b>2</b>	<b>DISCLAIMER READING</b> .....	<b>4</b>
<b>3</b>	<b>RECORD OF ATTENDANCE</b> .....	<b>4</b>
	3.1 ATTENDANCE .....	4
	3.2 APOLOGIES .....	4
	3.3 LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	4
<b>4</b>	<b>PUBLIC ACCESS AND PUBLIC QUESTION TIME</b> .....	<b>5</b>
	4.1 PUBLIC ACCESS .....	5
	4.2 PUBLIC QUESTION TIME .....	5
<b>5</b>	<b>PETITIONS / DEPUTATIONS / PRESENTATIONS</b> .....	<b>5</b>
<b>6</b>	<b>NOTATIONS OF INTEREST</b> .....	<b>5</b>
	6.1 INTEREST AFFECTING IMPARTIALITY CITY OF KALGOORLIE-BOULDER CODE OF CONDUCT .....	5
	6.2 FINANCIAL INTEREST LOCAL GOVERNMENT ACT SECTION 5.60A .....	5
	6.3 PROXIMITY INTEREST LOCAL GOVERNMENT ACT SECTION 5.60B .....	5
<b>7</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b> .....	<b>5</b>
<b>8</b>	<b>URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION</b> .....	<b>5</b>
<b>9</b>	<b>REPORTS OF OFFICERS</b> .....	<b>6</b>
	9.1 CHIEF EXECUTIVE OFFICER.....	6
	9.1.1 Determination of electoral reform pathway .....	6
<b>10</b>	<b>CONFIDENTIAL ITEMS</b> .....	<b>10</b>
<b>11</b>	<b>CLOSURE</b> .....	<b>10</b>

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

### **2 DISCLAIMER READING**

The Mayor will read the disclaimer to those present.

Please note this meeting is being recorded and streamed live on the Council's website in accordance with Council's Recording and Streaming of Council Meetings Policy, which can be viewed on Council's website.

All reasonable care is taken to maintain your privacy; however, as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery, it is assumed your consent is given if your image is broadcast.

The recommendations contained in this Agenda are Officer's Recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the Minutes of the Council Meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

### **3 RECORD OF ATTENDANCE**

#### **3.1 Attendance**

**In Attendance:**

**Members of Staff:**

**Visitors:**

**Press:**

#### **3.2 Apologies**

**Apologies – Elected Members:**

**Apologies - Members of Staff:**

#### **3.3 Leave of Absence (Previously Approved)**

**Leave of Absence:**

Cr Wayne Johnson

## **4 PUBLIC ACCESS AND PUBLIC QUESTION TIME**

### **4.1 Public Access**

### **4.2 Public Question Time**

## **5 PETITIONS / DEPUTATIONS / PRESENTATIONS**

## **6 NOTATIONS OF INTEREST**

### **6.1 Interest Affecting Impartiality City of Kalgoorlie-Boulder Code of Conduct**

### **6.2 Financial Interest Local Government Act Section 5.60A**

### **6.3 Proximity Interest Local Government Act Section 5.60B**

## **7 APPLICATIONS FOR LEAVE OF ABSENCE**

## **8 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

## 9 REPORTS OF OFFICERS

### 9.1 Chief Executive Officer

#### 9.1.1 Determination of electoral reform pathway

<b>Responsible Officer:</b>	Andrew Brien Chief Executive Officer Frances Liston Executive Manager Governance and Risk Services
<b>Responsible Business Unit:</b>	Office of the CEO Governance
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple
<b>Attachments:</b>	1. Community discussion paper (proposed draft) [9.1.1.1 - 10 pages] 2. Letter from Minister Carey [9.1.1.2 - 5 pages]

#### Officer Recommendation

That Council:

1. Adopt the Voluntary Pathway option proposed by the Department of Local Government, Sport and Cultural Industries;
2. Adopt the attached Community Discussion Paper and request the Chief Executive Officer to commence a Ward and Representation Review (including consultation process outlined in that Discussion Paper and this report) in accordance with the provisions of the Local Government Act 1995, associated Regulations and the advice provided by the Minister for Local Government, Sport and Cultural Industries.
3. Authorise the Chief Executive Officer to notify the Department of Local Government, Sport and Cultural Industries that it has adopted the Voluntary Pathway and commenced a Ward and Representation Review;
4. Authorise the Chief Executive Officer to make administrative amendments to the Community Discussion Paper as may be required.
5. Authorise the Chief Executive Officer to complete Department of Local Government, Sport and Cultural Industries template Ward and Representation Review document/s when they become available, in accordance with requirements of that department.

#### Executive Summary

The Department of Local Government, Sport and Cultural Industries (“Department”) has notified the City that proposed Local Government Act reforms will result in a requirement that the number of Council offices (current 13 including the Mayor) will reduce to between 5 and 9 (including the Mayor) (see attached letter from Minister Carey).

Council must determine whether it wishes to proceed down:

1. Voluntary Pathway, where it conducts a Ward and Representation Review and determines its preference regarding the number of Council members to be elected to Council from October 2023 (between 5 and 9 members including the Mayor) and transitional process to achieve those new representational arrangements; or
2. Electoral Reform Pathway, where the Department determines the number of Council members to be elected to Council from October 2023 (between 5 and 9 including the Mayor) under a process which will result in all Council offices being declared vacant and requiring re-election at that time.

### **Community Strategic Plan Links**

This report links to the Strategic Community Plan through the following Guiding Theme/s:

EMPOWERED: We continue to believe in the principles of representational democracy and are enabled to make decisions about our lives.

### **Budget Implications**

There are no financial implications resulting from the recommendations of this report.

### **Report**

#### BACKGROUND

The Department 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 in early 2023 include:

1. Introduction of optional preferential voting;
2. a requirement for local governments with a population of between 5,000 and 75,000 residents to be restricted to between 5 and 9 councillors (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 removing wards in small local government districts.

As the City already elects the Mayor through public vote and has no Wards, it is only currently impacted by the proposed reduction in Council offices. A separate report regarding optional preferential voting will be provided to Council at a later stage.

#### TRANSITIONAL ARRANGEMENTS

The Department has offered two strategies (outlined below) for the transition to the proposed new arrangements. It is recommended that Council adopt option one ("Voluntary Pathway") but it is open for Council to adopt option two ("Electoral Reform Pathway"). Failure to adopt one of these pathways will result in option two ("Electoral Reform Pathway") being imposed by the Department.

#### **Option 1: Voluntary Pathway**

Resolution by Council as to its preference regarding the:

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1. number of Council offices (between 5 and 9 including the Mayor); and
2. process of reducing those offices (ie. staggering the reduction across the next two elections, declaring all offices vacant and electing the full Council in 2023 or through an alternative process).

If Council adopts the Voluntary Pathway as its preferred strategy, the following must happen:

- a. Council must commence a Ward and Representation Review, including six weeks of public consultation to seek community input as to the number of Council offices and the process of reducing offices;
- b. The City must by no later than 28 October 2022 notify the Department that this Voluntary Pathway is preferred, provide a detailed plan of its transitional plan and advise that a Ward and Representation Review has been initiated;
- c. Upon completion of the public consultation process (anticipated to be completed in late November 2022), Council must consider public submissions and resolve on its preferred number of Council members and the transitional plan;
- d. Upon resolution by Council of the preferred number of Council members and transitional plan, submission of the same must be given to the Local Government Advisory Board (by no later than 14 February 2023) for review.

#### *Some advantages of Voluntary Pathway*

- Retention of a level of control over the outcome.
- Opportunity to seek community input.
- Ability to determine a preference as to whether to:
  - stagger the reduction in numbers across 2023 and 2025 elections and thereby retain some Council members across the two year transitional period;
  - vacate all Council offices in 2023 and elect the whole Council in 2023;
  - or
  - adopt an alternative transitional strategy proposed by the community.

#### *Some disadvantages of Voluntary Pathway*

- Delay in outcomes being resolved due to mandatory Ward and Representation Review processes to be completed.
- More costly than Electoral Reform Pathway due to work involved by administrative staff and additional disbursement expenses.
- A decision reached by Council as to its preferred Council composition and transitional plan following the Ward and Representation Review is subject to review and endorsement by the Local Government Advisory Board which may impose alternative requirements.

### **Option 2: Electoral Reform Pathway**

The Department will determine the number of Council offices (between 5 and 9 elected members including the Mayor), and all Council offices will be declared vacant and re-elected (at the reduced number) in 2023.

If Council resolves to adopt this pathway, notice must be given to the Department by no later than 28 October 2022 that this is the preferred strategy.



The Electoral Reform Pathway will also apply where Council fails to make a decision as to its preferred pathway, or fails to meet particular Department requirements (including timeframes) during this reform process.

*Some advantages of Electoral Reform Pathway*

- More cost effective than the Voluntary Pathway due to reduced work for administrative staff and less need for expense disbursements.
- 2023 local government election requirements are identifiable now – all Council offices will be vacated and the 2023 local government election will fill all Council offices (at the reduced number determined by the Department).

*Some disadvantages of Electoral Reform Pathway*

- Loss of community input.
- Loss of Council input.
- Councillors elected in 2021 will serve a two year term (not four years) as all position will become vacant in 2023 irrespective of when members were elected.
- Risk of loss of knowledge if 2023 elections result in no current Council members being re-elected.

### **Community consultation**

If the Voluntary Pathway is preferred by Council, then as part of the Department's requirements for a Ward and Representation Review, a six week community consultation period is required. A proposed Community Discussion Paper and Submission Form have been developed by the City and are attached to this report.

As set out in the proposed Discussion Paper, this is to seek input from the public regarding:

1. the number of members that should be elected to Council (between 5 and 9 members including the Mayor); and
2. how to best achieve the transition to the new representational arrangements.

Invitations for public submissions will be advertised on a variety of forums including the City's public notice boards, website, Facebook page, CKB Unearthed (online survey) and newspaper.

The Department has indicated it will provide template documents for the Ward and Representation Review which are not yet available but the City will be required to complete those in accordance with Department requirements.

### **Statutory Implications**

There are no statutory implications resulting from the recommendations of this report.

### **Policy Implications**

There are no policy implications resulting from the recommendations of this report.

## **10 CONFIDENTIAL ITEMS**

Nil

## **11 CLOSURE**