



**City of
Kalgoorlie
Boulder**

LATE ITEMS

AGENDA

Ordinary Council Meeting
27 SEPTEMBER 2022

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15 REPORTS OF OFFICERS

15.1 Chief Executive Officer

15.1.1 Local Government Reforms: Election Transition Arrangements

Responsible Officer:	Andrew Brien Chief Executive Officer
Responsible Business Unit:	Office of the CEO Governance
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Attachments:	Nil

Officer Recommendation

That Council requests the Chief Executive Officer to arrange a Special Meeting of Council to consider the impacts of the Local Government Reforms – Election Transition Arrangements (Changes to Council Size) and to adopt the preferred approach to be undertaken.

Executive Summary

The Minister for Housing, Lands, Homelessness and Local Government, the Hon John Carey MLA, has written to local governments advising of the options in relation to the proposed changes to the Local Government Act 1995, specifically the changes to the size of councils.

Local governments have been requested to provide a preferred approach to the implementation of the proposed reforms. Given the timeframes involved, it is recommended that a Special Meeting of Council be held to allow for the matter to be appropriately considered.

Community Engagement Consultation

No community consultation was considered necessary in relation to the recommendations of the report.

Community Strategic Plan Links

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

CAPABLE: We will have the resources to contribute to our community and economy.
CAPABLE: We are continuing to undertake the appropriate risk management and assessment strategies.

Budget Implications

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

Report

As part of the reforms to strengthen local democracy and increase community engagement, new requirements will be introduced by the State government 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. From a City perspective, the relevant changes will be:
 - the need to reduce the number of Councillors from the current 12 Councillors and the Mayor to 8 Councillors and the Mayor; and
 - the introduction of optional preferential voting.

The Minister has identified two alternative pathways to transition to the new arrangements:

1. Voluntary Pathway; or
2. Reform Election Pathway.

Option 1: Voluntary Pathway

A local government may decide to implement these changes on a voluntary basis. This pathway provides the greatest possible lead time to plan for next year's ordinary elections.

Through the voluntary pathway, the reduction in the number of councillors would need to be effected over the 2023 and 2025 ordinary elections. From the City's preliminary review, this would be achieved by reducing council offices at each election and electing four councillors (not six) (and the Mayor in 2023).

In the event that 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.

As set out above, the result of the City's preliminary review is that Council reduction could be effected by electing four, not six, councillors to office over each of the 2023 and 2025 ordinary elections.

As there are no Wards in the City of Kalgoorlie-Boulder, this review should not be too complicated however this 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.

In the course of this review, it is open for council to consider an alternative size of council under the current terms of the Act, however any changes should not diverge from the proposed reforms.

Option 2: Reform Election Pathway

The Reform Election Pathway needs to be enacted as part of the Amendment Act.

It is intended that the effect of this pathway will be that all of council's offices can be declared vacant. The proposed eight Council offices (and Mayor) would therefore need to be filled by election in 2023.

Elections would then be held to fill all council offices, with a split between two and four year terms as necessary to re-establish an ordinary election cycle.

A local government may specifically decide to follow the Reform Election Pathway. If this is the council's intention, it is requested that Council advise the Department 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 relevant dates .

It is requested that Council considers these matters and convene a Special Meeting to adopt its preferred pathway for the change to the number of council offices. The City needs to provide formal written advice on the preferred pathway to the Department by 28 October 2022. Given the timeframes already established in the Act, no extension to the dates specified will be possible and given the 28 October 2022 deadline the City seeks that this matter be determined prior to the 24 October 2022 ordinary council meeting.

Statutory Implications

The calling of a Special Meeting is covered under in the Local Government Act 1995 and Council's Standing Orders Local Law.

The provisions for undertaking a Ward and Representation Review are covered in the Local Government Act 1995 and associated Regulations.

Policy Implications

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

