



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

Our Ref: 78-08502 (Category 3)

20 September 2022

Dear Local Government Chief Executive Officers

MEMORANDUM TO CHIEF EXECUTIVE OFFICERS
LOCAL GOVERNMENT REFORMS: ELECTION TRANSITION ARRANGEMENTS
(DIRECT ELECTION OF THE MAYOR OR PRESIDENT, AND CONSEQUENTIAL
CHANGES TO THE COUNCIL)

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 potential transitional arrangements for the upcoming 2023 ordinary elections. Many councils have expressed a proactive intent to implement reforms as early as possible.

The Department of Local Government, Sport and Cultural Industries (DLGSC) has completed an initial review, and identified that your local government may need to change to a directly-elected Mayor or President, and consequently reduce the size of the elected council by one to account for the Mayor or President being directly elected. This relatively small change should be implemented for the 2023 ordinary elections.

The Act already provides that local governments may:

- Resolve, by absolute majority of the council, to change the method of filling the office of Mayor or President to a direct vote by the electors of the district, and
- Initiate proposals to change arrangements related to the size or structure of the council through a Ward and Representation Review.

Accordingly, I write to advise of two pathways your council 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 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;
- Pass a resolution to change the method of electing the Mayor or President to a vote by the electors of the district under section 2.11(2) of the Act; and
- Initiate a Ward and Representation Review to determine the specific consequential changes to the structure of the council for the 2023 ordinary elections, to be completed no later than 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.

For councils with wards, this pathway would provide that all council offices can be declared vacant, and all wards can be abolished. 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.

The newly-elected council would then be able to consider whether to establish new wards, through a future Ward and Representation Review.

For councils with no wards, it may be possible to abolish one vacancy arising next year, while also declaring that the Mayor or President is to be elected by a vote of the electors of the district.

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.

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

| Due 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, and then no meeting in January 2023. This is why mid to late December 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 |