

Shire of Wyndham East Kimberley Ward and Representation Review

Background

On 20 September 2022, the Minister for Housing; Lands; Homelessness; Local Government, wrote to the Shire to request the Councillors to consider the following as part of the State Government's local government 'reform' agenda:

- 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.

The Shire of Wyndham East Kimberley is a band 2 local government and does not have wards. The second dot point (above) has the effect of reducing the number of Councillors by one, from nine to eight, and requiring the Shire President to be elected by a separate vote of electors. These matters are proposed to be brought into force in early 2023 by an amendment to the Local Government Act.

'Reform Pathways'

The Minister, in his letter to the Shire, advised of two 'pathways' for the Council, being a 'voluntary pathway' and a 'reform election pathway'. These are explained below.

Voluntary Pathway

A local government may formulate a plan to implement the changes proposed on a voluntary basis. This pathway requires the Shire to make the steps outlined below in the lead up to the next ordinary election in October next year. They are:

- Advise the Department of Local Government, Sport and Cultural Industries (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.

Reform Election Pathway

As an alternative to the 'voluntary pathway', the Council could choose the 'reform election pathway', which would be implemented through the 'reform' elections in 2023.

For our Shire, under this 'pathway' all positions on Council would be declared vacant and therefore the election next year would be to elect all Council positions, with a split between two and four years; as is usual practice. The Council would still need to abolish one Council position with the Shire President elected by a vote of electors in the district, similar to what is required of the 'voluntary election pathway'.

The Minister's letter required a response to his department by 28 October 2022 and the Council at its meeting of 10 October 2022 decided the following (in *italic*):

1. *Notes that the Department of Local Government, Sport and Cultural Industries has advised the Shire of the need to change to a directly elected Shire President and consequently reduce the size of the elected Council by one, to eight elected Councillors;*
2. *Direct the Chief Executive Officer to advise the Department of Local Government,*

- Sport and Cultural Industries of its intention to undertake a voluntary process to address the local government reform of directly electing the Shire President;*
3. *Resolves to change the method of electing the Shire President to a vote of electors of the district at the next election and reduce the number of elected Councillors by one; and*
 4. *Endorses that a ward and representation review only be undertaken if advised to do so in a reply from the Minister to correspondence requesting clarification on the need to do so.*

It is important to note that the Council did not get a choice to accept or reject these proposed changes and neither will it on the basis of this Ward and Representation Review. If the Council did not accept the ‘voluntary pathway’, it would be forced to accept the ‘reform election pathway’, which would mean to abolish all Council offices for the October 2023 election, which was not preferred by Council owing to the additional costs (to ratepayers) and inconvenience it would incur.

The Shire wrote to the Minister to advise of Council’s decision and the Minister’s office since emailed back on 4 November 2022, compelling the Shire to undertake a Ward and Representation Review to adopt the ‘voluntary pathway’.

The DLGSC provides a guide for Ward and Representation Reviews, which the Shire has followed, noting that the municipality has no wards. In line with the guide, the Shire is providing notice in excess of the minimum six week notice period; following which the matter will be referred to Council for a decision at a Special Meeting of Council and this is explained on the Reform Plan (timeline). Following this meeting, the Shire will write to the Local Government Advisory Board to advise of Council’s decision.

Ward and Representation Review

The Shire is required per the Minister’s instructions to reduce the number of Councillors from nine to eight, effective at the October 2023 elections and to include a directly elected Shire President. The table below lists some advantages and disadvantages relevant to the direct election of the Shire President, noting that the Shire will retain the same number of elected members (Councillors).

Advantages	Disadvantages
Direct link between electors and leader	Focus on popularity and personality
Increased public interest in elections	May be divisive between Councillors and the administration
Increased visibility of the leader	Can draw attention from more fundamental matters
Draws candidates from outside established (political) parties	No accountable to the balance – elected membership
Potential for quicker decisions	Potential loss of group representation

The Council has previously decided to accept the ‘voluntary pathway’ in order to meet the Minister’s deadline of 28 October 2022, so if submissions are made on this part of the Ward and Representation Review, the Council is unable to amend or reject the changes being made by the Minister, noting that the Council decided to accept this ‘pathway’ in light of the narrow timeframe for responses (one month) and to avoid the additional costs and inconvenience to run an election for all Council office positions, if it were to chose the ‘reform election pathway’. Nevertheless, the Shire invites submissions from community members with respect to these matters noting that the reforms are to be implemented irrespective of the feedback of the community.

Submissions on any of the above must be received **by close of business Friday 20 January 2023** and must be sent to the Chief Executive Officer via:

Post: PO Box 614, Kununurra WA 6743

Email: ceo@swek.wa.gov.au

In person: 20 Coolibah Drive, Kununurra or 6 Koolama Street, Wyndham

Shire of Wyndham East Kimberley Reform Plan (timeline)

Action	Date
Advertise Ward and Representation Review	10 November 2022
Submissions close for Ward and Representation Review	20 January 2023
Council considers the outcomes of the submission period	7 February 2023 (Special Council Meeting)
Shire advises the Local Government Advisory Board that the review has been completed by 14 February 2023	10 February 2023
Reduce the number of elected members (Council offices) from nine to eight at the Shire's 2023 election and to directly elect the Shire President.	2023 elections