

From: [DLGSC Act Review](#)
To: [Kenneth Parker](#)
Cc: [Paul Martin](#); [Frazer Sullivan](#)
Subject: RE: Query Local Government Amendment Bill
Date: Tuesday, 14 March 2023 12:47:15 PM
Attachments: [image001.png](#)
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Good Morning Kenneth,

Thank you for your email regarding the *Local Government Amendment Bill 2023*.

Given the Shire of Serpentine Jarrahdale has submitted a ward and representation review, which I understand complies with the voluntary pathway, this will be considered by the Local Government Advisory Board.

You have posed a number of hypothetical and speculative questions regarding change orders. These questions would require the Department to anticipate potential decisions of the Minister and Governor in Council, based on a bill that has not yet passed Parliament. It is not appropriate for the Department to speculate on these matters.

However in relation to your broad questions regarding change orders, they are one of the mechanisms to achieve bring local governments into compliance with the new constitutional requirements. Provisions are also made for regulations and transitional orders and regulations for this purpose as well.

The local governments which are effected by the electoral reform pathway will be provided with relevant advice regarding that pathway at the appropriate time.

However as the Shire of Serpentine Jarrahdale has made a compliant submission to the Local Government Advisory Board by the required deadline it appears the Shire has met the requirements of the voluntary pathway and the relevant provisions would not apply to the Shire.

Kind Regards,

Liam O'Neill

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Department of
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From: Kenneth Parker [REDACTED]
Sent: Tuesday, 14 March 2023 7:54 AM
To: DLGSC Act Review [REDACTED]
Cc: Paul Martin [REDACTED]; Frazer Sullivan [REDACTED]
Subject: Query Local Government Amendment Bill

Good morning

I have three questions regarding the *Local Government Amendment Bill 2023*.

First, can you please confirm that the Change Order under Section 16 of the *Local Government Amendment Bill 2023* is the mechanism by which the electoral reform pathway referenced in the Department's information and Minister's correspondence to local governments will be enacted?

To be clear, by electoral reform pathway I mean here the pathway in the event that a local government does not undertake the voluntary pathway or that the local government's recommended response to the voluntary pathway is not accepted by LGAB or the Minister.

Second, Clause 2.18A states:

1. The Governor may, on the recommendation of the Minister, by order (a change order) –
 - a. specify the number of offices of councillor that the council of a local government is to have; and
 - b. if relevant, - specify the number of offices of councillor that each ward in the district is to have.

Clause 2.18A (7) goes on to state:

(7) If the district is divided into wards, a change order may abolish all of the wards on the day on which the decrease, or part of the increase or decrease, in the number of councillors takes effect

Under what circumstances would the wards of a local government not be abolished by a change order from the electoral reform pathway?

Third, the Shire of Serpentine Jarrahdale has nine Councillors distributed evenly across three wards. The Minister's reforms require the reduction of at least one Councillor position. The Electoral Reform pathway would mean eight Councillors plus a Directly Elected President.

For the Shire of Serpentine Jarrahdale, now that the *Local Government Amendment Bill 2023* has been published would the electoral reform pathway result in the abolishment of wards for the 2023 ordinary local government election because eight councillors can not be divided evenly into

three wards?

If it is not definitive that the electoral reform pathway would abolish all wards in the Shire of Serpentine Jarrahdale by what mechanism would the distribution of Councillor positions to wards occur under the legislation?

Kind regards

Kenneth Parker

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