

9.1 - Notice of Motion – *Local Government Amendment Bill 2023* and future Council configuration (SJ4081)

Councillor	Councillor Rich
Disclosure of Officers Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Notice of Motion

An initial Notice of Motion was received from Councillor Rich via email on Tuesday, 7 March 2023. In accordance Clause 3.10 of the Shire's Standing Orders, amendments to the original form of the Notice of Motion have been made with the agreement of the Councillor submitting the Notice of Motion.

The Notice of Motion is "That Council:

1. NOTES that the *Local Government Amendment Bill 2023* at **attachment 1** has been tabled in Parliament;
2. AUTHORISES the Shire President to write to the Minister for Local Government and advise that:
 - a. Council welcomes the tabling of the *Local Government Amendment Bill 2023* to Parliament and looks forward to continuing to work with the Government to provide innovative solutions for Local Government Reform and other future issues faced by the Serpentine Jarrahdale Community.
 - b. In light of the legislation now being available and tabled in Parliament, the Council's preference is for a configuration of eight Councillors plus a directly elected Shire President with no wards implemented through a complete spill of positions at the 2023 Ordinary Local Government Election.
3. RECONFIRMS its commitment to undertake a comprehensive Ward and Representation Review that considers the reintroduction of wards prior to the 2025 Ordinary Local Government Election."

Officer Comment

At a Special Council Meeting held on 7 November 2022, Council resolved to initiate a Ward and Representation Review in accordance with Schedule 2.2 of the Act and requested that the opportunity to provide a submission to the review be promoted via a local public notice.

The Ward and Representation Review was initiated at an earlier Special Council Meeting held on 24 October 2022, where the Council resolved to commence a process voluntarily to implement electoral reforms proposed by the Minister for Local Government that would result in the Shire President being elected at large (rather than by Council) and a reduction in the number of Councillor offices in line with population thresholds that are proposed to be set in legislation.

Contact Us

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Ordinary Council Meeting – 20 March 2023 – 9.1 – Notice of Motion – Local Government Amendment Bill 2023 and future Council configuration (SJ4081)

At the 30 January 2023 Special Council Meeting, Council resolved to make a submission to the Local Government Advisory Board recommending that the size of Council be reduced with a new configuration being a total of six Councillors plus a Shire President elected at large split evenly across the Shire's existing three wards.

At the time of writing this report, Officers had not been advised of the timetable for the Local Government Advisory Board's consideration of the Shire's submission.

On 23 February 2023 the *Local Government Amendment Bill 2023* (**attachment 1**) was introduced to Parliament.

In accordance with section 5.4 of the *Local Government Act 1995*, a Special Council Meeting was called by more than 1/3 of Councillors to consider a motion to revoke Council's decision made at the 30 January meeting. At the meeting, which was held on 27 February 2023, Council resolved to proceed to the next order of business.

Councillor Rich has submitted this Notice of Motion for Council consideration.

In response to receipt of the Notice of Motion, Officers contacted the Department of Local Government, Sport and Cultural Industries to clarify how the provisions of the *Local Government Amendment Bill 2023* would be applied to the Shire in the event that the electoral reform pathway was pursued or otherwise eventuated.

The Department's correspondence is provided in **attachment 2**.

In relation to the Notice of Motion proposed, Officers are of the view that on balance the Notice of Motion does not seek to revoke or change the decision made at the 30 January 2023 Special Council Meeting as contemplated under Regulation 10 of the *Local Government (Administration) Regulations 1996*. Instead, the Notice of Motion proposes that a position of advocacy is taken to the Minister that seeks to implement a different Council configuration now that the *Local Government Amendment Bill 2023* has been published and the configuration of the legislative reform pathway is apparent.

Attachments (available under separate cover)

- **9.1 - attachment 1** – *Local Government Amendment Bill 2023* (E23/2656)
- **9.1 – attachment 2** - Correspondence from DLGSC regarding Legislative Reform Pathway - 14 March 2023 (E23/3554)



Voting Requirements: Simple Majority

Councillor Recommendation

That Council:

- 1. NOTES** that the *Local Government Amendment Bill 2023* at attachment 1 has been tabled in Parliament;
- 2. AUTHORISES** the Shire President to write to the Minister for Local Government and advise that:
 - a. Council welcomes the tabling of the *Local Government Amendment Bill 2023* to Parliament and looks forward to continuing to work with the Government to provide innovative solutions for Local Government Reform and other future issues faced by the Serpentine Jarrahdale Community.**
 - b. In light of the legislation now being available and tabled in Parliament the Council's preference is for a configuration of eight Councillors plus a directly elected Shire President with no wards implemented through a complete spill of positions at the 2023 Ordinary Local Government Election.**
- 3. RECONFIRMS** its commitment to undertake a comprehensive Ward and Representation Review that considers the reintroduction of wards prior to the 2025 Ordinary Local Government Election.