



Serpentine Jarrahdale Ward and Representation Review

Submission to the Local Government Advisory Board



Local Government Wards and Representation Review Executive Summary

Local Government Name

Shire of Serpentine Jarrahdale

Outcome of Council Deliberations

At a Special Council Meeting held on 30 January 2023, the Shire of Serpentine Jarrahdale made the following resolutions:

SCM001/01/23

COUNCIL RESOLUTION

That Council:

1. Having **CONSIDERED** the submissions made to the local government during the public notice period in Attachment 1 and **HAVING REGARD** to the following factors:

- community of interests; and
- physical and topographic features; and
- demographic trends; and
- economic factors; and
- the ratio of councillors to electors in the various wards

ADOPTS, for the reasons of:

- *Ensure suitable representation, considering our current and future population numbers;*
- *Current ward reflects our demographic and geographic diversity;*
- *Ensure suitable representation of all communities with an overarching popularly elected president representing the Shire as a whole;*
- *As reflected in the community survey results.*

the following as its preferred ward and representation configuration:

- *Six Councillors plus Shire President distributed evenly across three wards with no changes to existing ward boundaries.*

CARRIED 5/4

SCM002/01/23

COUNCIL RESOLUTION

2. ADOPTS as its recommended approach of implementing the ward and representation configuration the following method:

- *the order specifies that the Councillor positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election.*

for the following reasons:

- Ensure stability over this time of change and moving forward that would be lost with a full spill;
- Suitable support for new councillors elected in 2023 by existing councillors.

CARRIED 5/4

SCM003/01/23

COUNCIL RESOLUTION

3. Having CONSIDERED the submissions made to the local government during the public notice period in attachment 1 and **HAVING REGARD** to the following factors:

- community of interests; and
- physical and topographic features; and
- demographic trends; and
- economic factors; and
- the ratio of councillors to electors in the various wards.

ADOPTS draft Submission A in attachment 2 as its submission to the Local Government Advisory Board.

4. REQUESTS that the Chief Executive Officer remove the draft watermark from the adopted submission and make amendments required to finalise the submission, including **INCORPORATING** the reasons and rationale for Council's preferred approach described above and **AUTHORISES** the Chief Executive Officer to **PROVIDE** the submission and attachments specified in the submission to the Local Government Advisory Board noting that those attachments include the minutes of this meeting which will be available following the meeting's conclusion.

5. REQUESTS that the Chief Executive Officer provide all materials to the Local Government Advisory Board requested by the Minister, Department of Local Government or Board related to the submission.

6. NOTES that the Local Government Advisory Board may make a recommendation to the Minister recommending the making of an order to give effect to the changes and that the Minister may accept or reject a recommendation of the Advisory Board.

7. **REQUESTS** that the Chief Executive Officer prepare a report regarding a future ward and representation review to Council following the 2023 ordinary local government election and lists for consideration a ward and representation review as part of the 2023-24 Annual Budget and Corporate Business Plan process.
8. **REQUESTS** that the Chief Executive Officer write to members of the public who made a submission thanking them for their submission and advising of Council's resolution in relation to this matter.

CARRIED 5/4

The Minutes of the 30 January 2023 Special Council Meeting are contained in **attachment 5**.

Summary of Proposal to Board

In accordance with the Shire of Serpentine Jarrahdale's resolution at the Special Council Meeting held on 30 January 2023, the Submission A adopted by Council at that meeting contains the following recommendation to the Local Government Advisory Board:

That in accordance with Schedule 2.2(9) of the Act having considered the submissions made to the local government and having regard to:

- *community of interests; and*
- *physical and topographic features; and*
- *demographic trends; and*
- *economic factors; and*
- *the ratio of councillors to electors in the various wards*

it is recommended, that in respect to the Shire of Serpentine Jarrahdale, the Local Government Advisory Board recommends that:

1. *an order be made under section 2.18 of the Act to reduce the number of offices of Councillors on the Council from nine (9) to six (6) with Councillors distributed evenly across the three (3) wards (two (2) Councillors per Ward)*
2. *the order specifies that the Councillor positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election*
3. *no change is made to the configuration of the Shire's ward boundaries at this time*
4. *the changes be implemented in time for the 2023 ordinary local government election.*

Submission A sets describes the process undertaken by the Shire in accordance with the *Local Government Act 1995* and its reasons for the above recommendation.

Background

The last ward and representation review was conducted in 2018 where Council resolved at the 17 December 2018 Ordinary Council Meeting the following:

OCM160/12/18

COUNCIL RESOLUTION / Officer Recommendation

- 1. That Council receives the public submissions on the ward boundary review.**
- 2. That Council notes the assessment of options against the prescribed matters as detailed in this report.**
- 3. That, in accordance with Clause 9 of schedule 2.2 of the *Local Government Act 1995*, Council proposes to the Local Government Advisory Board that:-**
 - a) An order be made under section 2.2(1)(c) of the *Local Government Act 1995* to change the ward boundaries as detailed in option 4 of the Discussion Paper;**
 - b) An order be made under Section 2.3 of the *Local Government Act 1995*, that the Wards names be: North West Ward (A); North Ward (B); and South Ward (C);**
 - c) An order be made under Section 2.18 of the *Local Government Act 1995* to designate the following number of offices of Councillor for each ward; North West Ward (3); North Ward (3) and South Ward (3).**
- 4. That Council endorses those Councillors whose term of office does not expire in October 2019 to continue as elected members as follows:**
 - a) Cr Morgan Byas to continue as North West Ward Councillor;**
 - b) Cr Rob Coales to continue as North Ward Councillor;**
 - c) Cr Bill Denholm to continue as North Ward Councillor;**
 - d) Cr Keira McConkey to continue as South Ward Councillor.**
- 5. That the changes be implemented from the Ordinary Council Elections to be held on 19th October 2019. 6. That Council forwards the Ward Boundaries and Elected Members Representation Review 2018 – Discussion Paper and Public Submissions to the Local Government Advisory Board for its consideration.**

CARRIED BY ABSOLUTE MAJORITY 8/0

This proposal was later accepted by the Local Government Advisory Board.

Elector Ratios

Current elector ratios (as of 30 September 2022) as per following table:

Ward	Number of Councillors	Number of Electors	Councillor to Elector Ratio	% Ratio Deviation
North	3	7,501	1:2500	- 5.7%
North West	3	7,472	1:2490	-5.5%
South	3	6,302	1:2100	- 11.1 %
TOTAL	9	21,275		

Proposed elector ratios as per following table/s:

Ward	Number of Councillors	Number of Electors	Councillor to Elector Ratio	% Ratio Deviation
North	2	7,501	1:3750	- 5.7%
North West	2	7,472	1:3736	-5.5%
South	2	6,302	1:3151	- 11.1 %
TOTAL	6	21,275		

Review Process

The review process was initiated by Council at its meeting of 24 October 2022 when the following resolution was made:

SCM028/10/22

COUNCIL RESOLUTION

That Council:

- 1. NOTES** the correspondence from the Minister for Local Government dated 20 September 2022 in attachment 1.
- 2. AUTHORISES** the Chief Executive Officer to **ADVISE** the Director General of the Department of Local Government, Sport and Cultural Industries by 28 October 2022 that the Shire **WILL UNDERTAKE** the voluntary process and **WILL INITIATE** a ward and representation review in the timeframes proposed by the Minister.
- 3. CHANGES** the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the elector's method.
- 4. NOTES** that the change to the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method will commence at the 2023 ordinary local government election and remain in force even if the Minister's reforms are not progressed and that it can only be reversed through the provisions on s2.12A

of the Act which involve regular formal polling of electors of the decision through the provisions of the legislation.

5. **INITIATES** a Ward and Representation Review in accordance with Schedule 2.2 of the *Local Government Act 1995*.
6. **REQUESTS** that the Chief Executive Officer give local public notice for a period that is not less than 6 weeks advising
 - a) that the review is to be carried out; and
 - b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.
7. **NOTES** the local public notice will advise that the Shire is considering options for ward and representation being:
 - six councillors across three wards (no changes to current ward boundaries);
 - eight councillors across three wards (no changes to current ward boundaries);
 - six councillors with no wards; and
 - eight councillors with no wards.
8. **NOTES** that Council will be required in accordance with Schedule 2.2 of the Act following the closure of the public submission period to consider the following when making a determination on the matter:
 - community of interests; and
 - physical and topographic features; and
 - demographic trends; and
 - economic factors; and
 - the ratio of councillors to electors in the various wards.
9. **NOTES** that the following activities will be deferred for the time being to enable the ward and representation review to occur and **AGREES** to their deferment being reflected in the Corporate Business Plan and CEO KPIs where required:
 - Project Management Framework embedding and strengthening;
 - Implementation of findings of the Abernethy Road Inquiry including procurement enhancement
 - Strategic Community Plan review;
 - local government policy review; and
 - preparation of the Shire's first Integrity Framework.

CARRIED 5/3

The Minutes of the 24 October 2022 Special Council Meeting are contained in attachment 1.

This was followed by a Resolution at the 7 November 2022 Special Council Meeting where Council made the following resolution:

SCM033/11/22

COUNCIL RESOLUTION

That Council:

- 1. Pursuant to the resolution made at the 24 October 2022 Special Council Meeting requesting that the Chief Executive Officer give local public notice of a Ward and Representation Review initiated by the Shire, APPROVES the draft Ward and Representation Review Discussion paper as attachment 1, subject to the following revision on page 2, 'Background', by deleting:**

“For the Shire, this means that the Shire will have a President elected by Electors rather than Council and will reduce the size of the elected Council by one member to account for the change in election method of the President.

This is because under the reforms for local governments with a population of between 5,000 and 75,000 (which the Shire currently sits), legislative amendments are proposed to be introduced by the State Government that will cap on the number of Councillors at nine, including the President.”

and inserting:

“For the Shire, this means that the Shire will have a President elected by Electors rather than Council and will reduce the size of the elected Council by at least one member to account for the change in election method of the President.

This is because under the reforms for local governments with a population of between 5,000 and 75,000 (which the Shire currently sits), legislative amendments are proposed to be introduced by the State Government that will cap the number of Councillors to no more than nine, including the President.”

to be published in conjunction with the local public notice per Regulation 3A of the *Local Government (Administration) Regulations 1996*; and

- 2. APPROVES that community engagement will comprise the minimum statutory requirements of Regulation 3A of the *Local Government (Administration) Regulations 1996*.**

CARRIED 5/3

The Minutes from the 7 November 2022 Special Council Meeting are contained in **attachment 7**.

Following Council's resolution, a local public notice was issued in accordance with section 1.7 of the Act. A local public notice is required under section 1.7 of the Act to appear on the local government's website and at least three of the methods set out in Regulation 3A of the *Local Government (Administration) Regulations 1996*.

In this case the local public notice requirements set out in legislation were achieved via:

- publication on the Shire's website through its engagement platform Your Say SJ on 8 November 2022
- a social media post on the Shire's Facebook account on 9 November 2022
- publication on the Shire's noticeboards on 9 November 2022
- an advertisement in the Examiner newspaper circulating in the district on 10 November 2022 (**attachment 2**)
- an article in SJ Matters published on 30 November 2022.

The local public notice advised that all submissions must be received by 5pm on Friday, 23 December 2022. The public notice period met the minimum 6-week period required by the Act.

The public notice advised that submissions were invited through Your Say SJ, the Shire's online engagement website or alternatively in writing to the Shire or via email.

The local public notice was accompanied by a Discussion Paper (**attachment 3**) adopted by Council at the 7 November 2022 Special Council Meeting.

Responses were received from 23 individuals. One individual made two submissions (submissions 21 and 22).

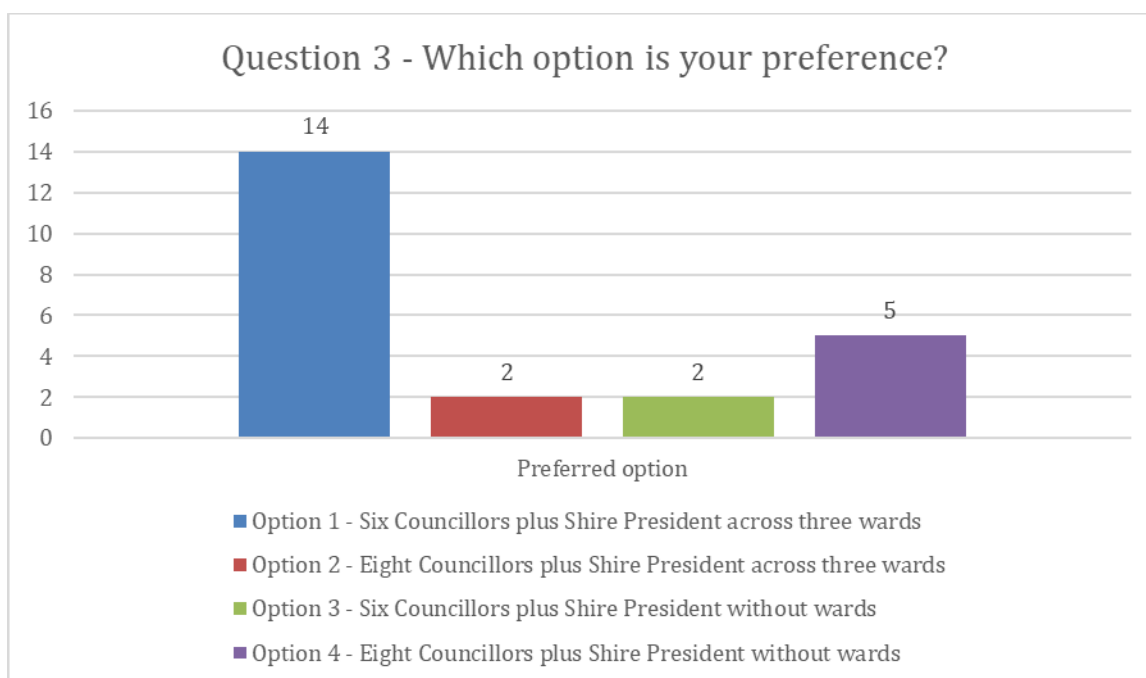
All submissions were received through Your Say SJ. While submissions could be made in any form no submissions were received through other means.

The submissions received are provided verbatim in **attachment 4**.

An analysis of the submissions is provided below and expanded upon in the Officer's Report presented to Council at the 30 January 2023 Special Council Meeting. The Minutes of this meeting which includes the Officer's Report is contained in **attachment 5**.

For the purposes of statistical analysis, the two responses sent by the one individual have been merged so as not to double count these.

In respect to ward and representation configuration posed by Question 3, the most frequently selected option was Option 1 - Six Councillors plus Shire President across three wards. This was selected by 14 respondents representing 60 per cent of individual submissions received. There was no correlation between ward residence and preferred configuration.



Conclusion

At the 30 January 2023 Special Council Meeting, Council considered an Officer's Report (**attachment 5**) and resolved to make Submission A to the Local Government Advisory Board.

Submission A states that

That in accordance with Schedule 2.2(9) of the Act having considered the submissions made to the local government and having regard to:

- *community of interests; and*
- *physical and topographic features; and*
- *demographic trends; and*
- *economic factors; and*
- *the ratio of councillors to electors in the various wards*

it is recommended, that in respect to the Shire of Serpentine Jarrahdale, the Local Government Advisory Board recommends that:

1. *an order be made under section 2.18 of the Act to reduce the number of offices of Councillors on the Council from nine (9) to six (6) with Councillors distributed evenly across the three (3) wards (two (2) Councillors per Ward)*
2. *the order specifies that the Councillor positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election*
3. *no change is made to the configuration of the Shire's ward boundaries at this time*
4. *the changes be implemented in time for the 2023 ordinary local government election.*

At the 30 January 2023 Special Council Meeting, Council resolved its preferred ward configuration for the following specified reasons:

- Ensure suitable representation, considering our current and future population numbers;
- Current ward reflects our demographic and geographic diversity;
- Ensure suitable representation of all communities with an overarching popularly elected President representing the Shire as a whole;
- As reflected in the community survey results.

Council resolved its preferred implementation for the following specified reasons:

- Ensure stability over this time of change and moving forward that would be lost with a full spill;
- Suitable support for new councillors elected in 2023 by existing councillors.

Local government confirmation

☒ The Shire of Serpentine Jarrahdale confirms that the resolution as stated above is consistent with the requirements of the local government electoral reforms.

Please tick which of the following apply to your individual local government, and as are required under the reforms:

- ☒ Change to directly elected Mayor or President
- ☒ Reduce council representation
- ☐ Abolish all wards
- ☐ Other (please specify)

Submission A – Discussion Paper Option 1

Number of Councillors	President and Six (6) Councillors
Ward Configuration	Six Councillors plus Shire President distributed evenly across three wards. Ward boundaries to remain unchanged.
Method of implementation	Positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election

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Background

At the 24 October 2022 Special Council Meeting the Shire of Serpentine Jarrahdale resolved to undertake a Ward and Representation Review in response to a request from the Minister for Local Government.

The minutes of this meeting which record the decision to undertake a review of wards and representation are provided in **Attachment 1**.

The Minister is introducing legislation that will change election processes for local governments across the state. For the Shire, this means that the Shire will have a President elected by electors rather than Council and will reduce the size of the elected Council by at least one member to account for the change in election method of the President.

This is because under the reforms for local governments with a population of between 5,000 and 75,000 (in which the Shire currently sits), legislative amendments are proposed to be introduced by the State Government that will cap the number of Councillors to no more than nine, including the President.

The Minister has requested local governments to implement the changes proposed voluntarily, prior to the introduction of legislation. This requires a Ward and Representation Review and associated amendments to be conducted through the process enshrined in the *Local Government Act 1995* (the Act).

The review process

Following Council's resolution, a local public notice was issued in accordance with section 1.7 of the Act. A local public notice is required under section 1.7 of the Act to appear on the local government's website and at least three of the methods set out in Regulation 3A of the *Local Government (Administration) Regulations 1996*.

In this case the local public notice requirements were achieved via:

- publication on the Shire's website through its engagement platform Your Say SJ on 8 November 2022
- a social media post on the Shire's Facebook account on 9 November 2022
- publication on the noticeboard on 9 November 2022
- an advertisement in the Examiner newspaper circulating in the district on 10 November 2022
- an article in SJ matters published on 30 November 2022.

The local public notice advised that all submissions must be received by 5pm on Friday, 23 December 2022. The public notice period exceeded the minimum 6-week period required by the Act.

A copy of the newspaper advertisement that appeared in the Examiner newspaper on 10 November 2022 is available in **Attachment 2**.

The local public notice advised of the availability of a Discussion Paper adopted by Council on the Shire's website. The Discussion Paper is available in **Attachment 3**.

Submissions received

In accordance with Schedule 2.2 of the Act, the public submission period ran from 8 November 2022 through 23 December 2022. The public notice period exceeded the minimum 6-week period required by the Act.

The public notice advised that submissions were invited through Your Say SJ, the Shire's online engagement hub or alternatively in writing to the Shire or via email.

Responses were received from 23 individuals. One individual made two submissions (submissions 21 and 22).

All submissions were received through Your Say SJ. No submissions were received through other means.

Individuals who chose to respond through Your Say SJ were asked a series of questions.

Question	Available responses
Question 1 – Are you an elector in the Shire?	A- Yes B- No
Question 2 - What ward do you reside in? <i>(Only asked if 'Yes' selected for Question 1)</i>	A- North Ward B- North West Ward C- South Ward D- No
Question 3 – Which option is your preference?	A. Option 1 – Six Councillors plus Shire President across three wards B. Option 2 – Eight Councillors plus Shire President across three wards C. Option 3 – Six Councillors plus Shire President without wards D. Option 4 – Eight Councillors plus Shire President without wards
Question 4 - Which eight Councillor configuration do you prefer? <i>(Only asked if Option 'B' selected for Question 2)</i>	A. North 2 Councillors, North West 3 Councillors, South 3 Councillors B. North 3 Councillors, North West 2 Councillors, South 3 Councillors C. North 3 Councillors, North West 3 Councillors, South 2 Councillors
Question 5 – In making a decision regarding ward and representation, Council is required to give consideration to the following matters: community of interests; physical and	Free text

Question	Available responses
topographic features; demographic trends; economic factors; and the ratio of Councillors to electors in the various wards. Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration	
Question 6 – How did you hear about this community consultation?	A. Social media B. Public notice C. Word of mouth D. Your Say SJ website E. eNewsletter F. Other (please specify)
Question 7 – I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Check Box

The submissions received are provided verbatim in **Attachment 4**.

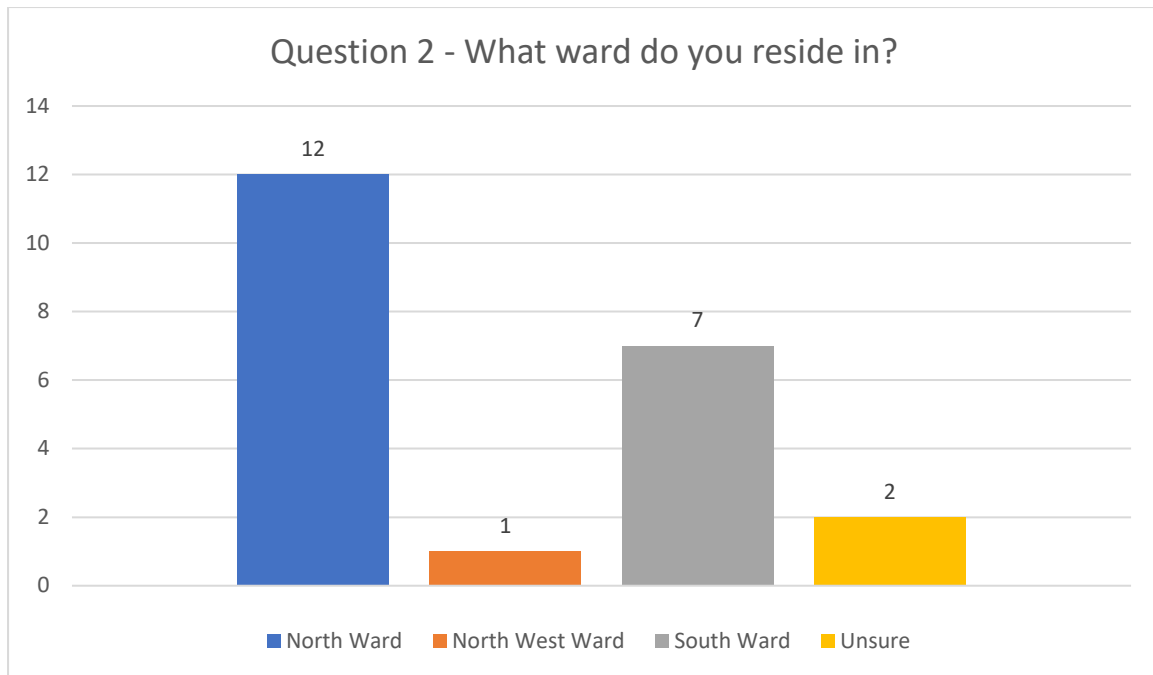
An analysis of the submissions is provided below. However, from a statistical perspective, the sample size would not be considered statistically significant.

For the purposes of statistical analysis, the two responses sent by the one individual have been merged so as not to double count these.

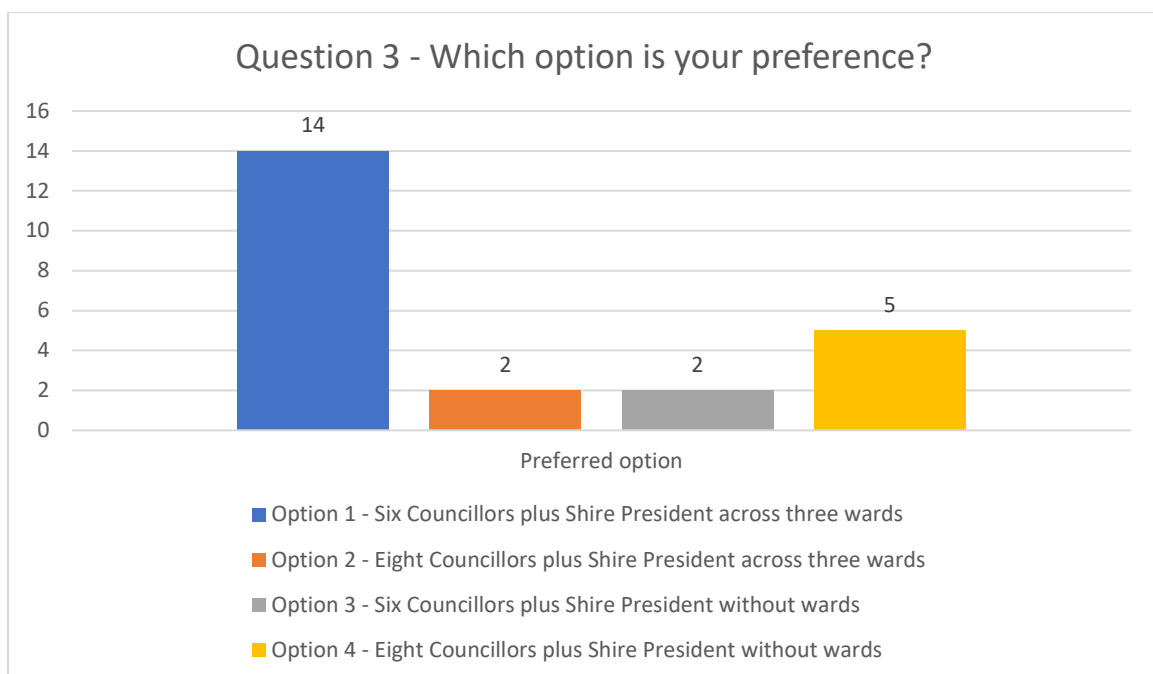
This means that while **Attachment 1** shows the 24 submissions received in full, the statistical analysis below counts only unique individual responses, not the duplicate response.

Question 1 asked whether the person was an elector. 22 responses selected 'yes'.

Question 2 asked what ward does the person reside in. As shown below almost half of the responses received were from individuals stating that they resided in the North Ward.



In respect to ward and representation configuration posed by Question 3, the most frequently selected option was Option 1 - Six Councillors plus Shire President across three wards. This was selected by 14 respondents representing 60 per cent of individual submissions received. There was no correlation between ward residence and preferred configuration.



Question 5 provided an opportunity to comment generally when it asked:

“In making a decision regarding ward and representation, Council is required to give consideration to the following matters: community of interests; physical and topographic features; demographic trends; economic factors; and the ratio of Councillors to electors in the various wards. Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration.”

Thirteen individuals responded to this opportunity to provide a response to this question.

The unedited submissions are provided in the table below and in **Attachment 4**.

Respondent number	Question 5 response
1	Economic and to keep wards till South Ward is more developed
2	<i>No Response</i>
3	3 wards, 2 Councillors per ward. Ward boundaries may need to be realigned to reflect equality of size and ratepayers as close as is practical.
4	South Ward is very large with vastly differing features and needs to the other 2 wards, so requires better representation.
5	<i>No Response</i>
6	<i>No Response</i>
7	this states to be all about saving monies from having a lesser number of Councilors !! get rid of some dead wood in the office to make bigger savings.. Councilors MUST elect the President. I believe if you change the current system, it will be to our detriment , esp the South Ward.. you need to keep farmers to the front, esp when you espouse this to be a Rural Shire. Our rates keep increasing and we do not see much being spent in the South Ward, esp roads... so how will the new system improve this outcome ???
8	I agree that 6 councillors is enough and the president should be elected by rate payers
9	i think it is the community interest to stream line the number of councillors and 2 councillors a ward is enough
10	<i>No Response</i>
11	<i>No Response</i>
12	<i>No Response</i>
13	<i>No Response</i>
14	<i>No Response</i>
15	I like the idea of reducing thr number of councillors
16	Best idea ever

Respondent number	Question 5 response
17	<i>No Response</i>
18	Like the American president election is in the community interest
19	None of the options presented are feasible. We need to have a full spill with no wards 8 councillors and 1 Shire President. This is what is fair for the community as a whole
20	Must be a total spill otherwise dies not meet the guidelines once wards are put back in place of 50% spill. As this is totally new its in the community's best interests as a whole to spill all sitting Councillors in all wards. Ward review after 23 election and reinstate wards. I support officers recommendation from October Council Meeting
21 & 22	<p>I strongly support Ward boundaries and elections as they more appropriately provide broad representation from across the Shire. However for the purpose of getting a decision in place for the longer term I support the choice of option 4 with 8 Councillors and a Shire President without Wards in order to retain nine Council positions. This choice is made provided there is a spill of all positions to start the new arrangements, a sensible beginning of reform for what is becoming a divided Council. When the dust settles and a proper full review can be undertaken the reintroduction of Wards would then be possible; desirable; and a new Ward representation system can be reintroduced, with an appropriate spread of (say) 4 Wards and 2 Councillors from each Ward. The Shire population is growing rapidly and these arrangements would appear to be a fairer way of having a Shire Council with fair representation from an expanding population in different pockets of the Shire. We don't want to reduce the size of the Council in these reforms as it will be almost impossible to get agreement on increasing the number of Councillors back to 8 once (if) we have gone backwards to 6 in the current interim reforms.</p> <p>I prefer to have Wards but I dont want the number of councillors to be reduced from 8 to 6. So option 4 seems the best choice right now. But when the current arrangements are settled and the shire can conduct a full proper review Wards could or should be reintroduced. I would like to see Wards reintroduced , perhaps with 4 wards to accommodate the growing population across the Shire. If option 4 is chosen I would want a full spill of all council positions to clean up the current adversarial character of the current council. It is pointless keeping some councilors on and taking some off. That is exactly the sort of weird decision that causes ratepayers to get angry.</p>
23	The Ward and Representation Review Discussion Paper is inaccurate and some information is not compliant. It does not represent the community as a whole. None of the above options suit what we require. I refer to the Officers recommendation of 24 October 2022 to the position of council that is my preferred option.
24	<i>No Response</i>

Assessment of options

Section 8 of Schedule 2 of the Act requires that when conducting a ward and representation review, the local government must consider the following factors:

- Community of interests
- Physical and topographical features
- Demographic trends
- Economic factors
- The ratio of councillors to electors in the various wards.

The Local Government Advisory Board Guide advises that all options under consideration should be assessed against these options.

Option 1 – Six Councillors plus Shire President across three wards

Option 1 proposes a reduction of Councillors to six, with the Office of the President elected by electors. Under this option the Shire would have a total of seven elected officials.

Under this model, two Councillors would be elected from each of the wards.

As no amendments to ward boundaries are proposed, the comparative ratio of electors per Councillor between wards would be unchanged.

Shire of Serpentine Jarrahdale elector to Councillor ratios with six Councillors across three wards (as of 13 September 2022)

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation ¹
North	7,501	2	1:3750	-5.7%
North West	7,472	2	1:3736	-5.3%
South	6,302	2	1:3151	11.1%

The number of votes in the affirmative for an absolute majority decision defined in the Act would be four. This approach could involve savings of approximately \$42,000 annually in Councillor fees and allowances (based on the rates set by Council in 2022) but any savings would be contingent on future Salary and Allowance Tribunal and Council decisions.

Community of interests

As Option 1 does not propose amendments to the ward boundaries there would be no immediate change in relation to communities of interest.

¹ The % ratio deviation is calculated by subtracting the Councillor/Elector ratio for a ward from the average Councillor/Elector ratio. The result is then divided by the average Councillor/Elector ratio and multiplied by 100 to give a percentage. A negative result indicates that the ward is comparatively under represented and a positive result indicates that the ward is comparatively over represented.

Physical and topographic features

As Option 1 does not propose amendments to the ward boundaries there would be no immediate change in relation to physical and topographical features.

Demographic trends

The Shire is a high growth local government. In the 12-month period between the 2021 ordinary local government election and September 2022, the number of electors in the Shire increased by 4.1%. In this period the number of electors in every ward increased but population growth was the highest in the North Ward where it grew by 6.3%.

The Shire's North and North West Wards are known to feature higher density urban development than the more rural South Ward. In the longer term, population growth in the South Ward will increase more rapidly with the expansion of the Tonkin Highway.

Under this option, adjusting boundaries to manage these population changes would need to be something considered in future ward and representation reviews.

Economic factors

As Option 1 does not propose amendments to the ward boundaries there would be no immediate change in relation to economic factors.

Ratio of Councillors to electors in the various wards

While the ratio of Councillors to electors in various wards would be reduced overall, as there are no proposed amendments to the ward boundaries the comparative deviations currently present would not be changed as a result of the proposal.

Future changes in population between wards have not been contemplated as a thorough analysis of forecast data has not been possible in the timeframe required.

When considering options the Local Government Advisory Board's guide states that the ratio of Councillors to electors in the various wards is significant and should be within the tolerance set by the Board:

"It is expected that each local government will have similar ratios of electors to councillors across its wards, generally falling within a deviation of plus or minus 10%."

The 10% tolerance level is not a legislation requirement and the Local Government Advisory Board's guide goes on to state that:

"If local governments consider that they have exceptional circumstances that justify ward councillor/elector ratio deviations greater than plus or minus 10%, they can present their argument to the Board for consideration. Councils experiencing high population growth should give consideration to the ratio deviations for wards at the time of the next ordinary election, especially if the review is conducted a year or more prior to implementation. Current and forecasted figures can be provided to the Board to justify ratio deviations greater than plus or minus 10% in areas with high population growth."

It is not uncommon for local governments to exceed the 10% threshold. As of 30 September 2022 the following metropolitan local governments have elector ratio deviations that exceed the 10% tolerance level:

- Belmont (11.8%)
- Canning (11.8%)
- Claremont (11.4%)
- Joondalup (17.0%)
- Mandurah (13.9%)
- Wanneroo (11.6%).

Ratio deviations above the Advisory Board's tolerance level are also common in regional local governments.

At the time of the Shire's last review of wards conducted in 2018 and considered by the Local Government Advisory Board in 2019, the elector representation of each of the Wards was within the 10% tolerance.

Ward Councillor to Elector Deviations as of October 2018

Ward	Number of Councillors	Number of Electors	Ratio Deviation %
North West	3	6,330	-4.87%
North	3	6,102	-1.09%
South	3	5,678	5.91%

With the Shire's high growth, the population of each of the Shire's three wards can quickly change. This has resulted in the current ward configuration exceeding the 10% tolerance level. It also means that an adjustment to ward configuration that resets the elector deviation may only do so temporarily.

A continuation of the current ward boundaries for the 2023 ordinary local government election would not exceed the 10% tolerance level greatly. The largest deviation is in the South Ward which as of September 2022 exceeded the threshold by 1.1%. This is proposed to be corrected by a subsequent ward and representation review conducted prior to the 2025 local government election.

Option 2 – Eight Councillors plus Shire President across three wards

Option 2 proposes a reduction of Councillors to eight, with the Office of the President elected by Electors. Under this option, the Shire would continue to have a total of nine elected officials.

Under this model, three Councillors would be elected from two of the wards and two Councillors would be elected from the remaining ward.

The number of votes in the affirmative for an absolute majority decision defined in the Act would continue to be five. This approach would not result in savings with Councillor fees and allowances.

Option 2 would involve an uneven distribution of Councillors with one of the wards featuring a sizeable deviation in excess of the preferred tolerance level set by the Local

Government Advisory Board. Based on the elector figures from September 2022 the ratios would be as follows:

Option 2a:

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
North	7,501	2	1:3750	-41.0
North West	7,472	3	1:2490	6.3
South	6,302	3	1:2100	21.0

Option 2b:

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
North	7,501	3	1:2500	5.9
North West	7,472	2	1:3736	-40.4
South	6,302	3	1:2100	21.0

Option 2c:

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
North	7,501	3	1:2500	5.9
North West	7,472	3	1:2490	6.3
South	6,302	2	1:3151	-18.4

Due to the relative populations of the North and North West Wards, Options 2a and 2b would exacerbate the comparative ratio deviation with the South Ward. Option 2c would overcorrect the ratio deviation from -18.4.

Arithmetic dictates that eight does not divide evenly into three and option 2, without boundary changes, will result in an uneven distribution of Councillors.

Community of interests

As Option 2 does not propose amendments to the ward boundaries there would be no immediate change in relation to communities of interest.

Physical and topographic features

As Option 2 does not propose amendments to the ward boundaries there would be no immediate change in relation to physical and topographical features.

Demographic trends

The Shire is a high growth local government. In the near 12-month period between the 2021 ordinary local government election and September 2022, the number of electors in the Shire increased by 4.4%. In this period the number of electors in every ward increased but population growth was the highest in the North Ward where it grew by 6.8%.

The Shire's North and North West Wards are known to feature higher density urban development than the more rural South Ward. In the longer term, population growth in

the South Ward will increase more rapidly with the expansion of the Tonkin Highway.

The deviation ratio associated with options 2a and 2b in the short to medium term would likely increase in future years, while in option 2c the over-corrected deviation ratio would likely decrease in the short and medium term. Long term development will alter demographics considerably, but these population changes would need to be something considered in future ward and representation reviews.

Economic factors

As Option 2 does not propose amendments to the ward boundaries there would be no change in relation to economic factors.

Ratio of Councillors to electors in the various wards.

As noted above, options 2a, 2b and 2c would result in an uneven distribution of Councillors between the wards. This disparity would be well in excess of the tolerance of 10% set by the Local Government Advisory Board. It would also be a significant deviation from the intent of the three ward approach previously adopted by Council which was predicated on even representation between the wards.

Option 3 – Six Councillors plus Shire President without wards

Option 3 proposes a reduction to six Councillors plus the President, elected by electors but without wards. This approach would mean that the six Councillor positions as well as the President would be filled through a general election across the entire district.

In general terms, the Local Government Advisory Board describes the advantages and disadvantages of a no ward system as:

The advantages of a no ward system may include:

- *Elected members are elected by the whole community not just a section of it. Knowledge and interest in all areas of the Council's affairs would result broadening the views beyond the immediate concerns of those in a ward.*
- *The smaller town sites and rural areas have the whole Council working for them.*
- *Members of the community who want to approach an elected member can speak to any elected member.*
- *Social networks and communities of interest are often spread across a local government and elected members can have an overview of these.*
- *Elected members can use their specialty skills and knowledge for the benefit of the whole local government.*
- *There is balanced representation with each elected member representing the whole community.*
- *The election process is much simpler for the community to understand and for the Council to administer.*

The disadvantages of a no ward system may include:

- *Electors may feel that they are not adequately represented if they don't have an affinity with any of the elected members.*
- *Elected members living in a certain area may have a greater affinity and understanding of the issues specific to that area.*

- *There is potential for an interest group to dominate the Council.*
- *Elected members may feel overwhelmed by having to represent all electors and may not have the time or opportunity to understand and represent all the issues.*
- *It may be more difficult and costly for candidates to be elected if they need to canvass the whole local government area.*

This approach could involve savings of approximately \$42,000 annually in Councillor fees and allowances (based on the rates set by Council in 2022) but any savings would be contingent on future Salary and Allowance Tribunal and Council decisions.

Community of interests

This approach would negate any benefits or disbenefits associated with the communities of interest derived from the current ward structure. As communities of interest is defined by the Advisory Board as a sense of community identity and belonging which is inherently difficult to quantify, it is not possible to quantify the extent that the change will impact community of interests.

Physical and topographic features

This approach would negate any benefits or disbenefits associated with wards and physical and topographic features. The Shire's current ward structure does not employ physical or topographic features as a major factor in the currency boundary alignment.

Demographic trends

This approach would negate any benefits or disbenefits associated with demographic trends derived from the current ward structure.

Economic factors

This approach would negate any benefits or disbenefits associated with economic factors derived from the current ward structure.

Ratio of Councillors to electors in the various wards

The ratio of Councillors to Electors would be 1:3537. Comparatively, every elector would have the same level of representation as every other elector now and into the future regardless of the Shire's uneven growth across the district.

Option 4 – Eight Councillors plus Shire President without wards

Option 4 proposes a reduction to eight councillors plus the President, elected by Electors but without wards.

This approach would mean that the eight Councillor positions as well as the President would be filled through a general election across the entire district.

This approach would not result in savings in Councillor fees and allowances.

Community of interests

This approach would negate any benefits or disbenefits associated with the communities of interest derived from the current ward structure. As communities of interest is defined by the Advisory Board as a sense of community identity and belonging which is inherently difficult to quantify, it is not possible to quantify the extent that the change will impact community of interests.

Physical and topographic features

This approach would negate any benefits or disbenefits associated with wards and physical and topographic features. The Shire's current ward structure does not employ physical or topographic features as a major factor in the currency boundary alignment.

Demographic trends

This approach would negate any benefits or disbenefits associated with demographic trends derived from the current ward structure.

Economic factors

This approach would negate any benefits or disbenefits associated with economic factors derived from the current ward structure.

Ratio of Councillors to electors in the various wards

The ratio of Councillors to electors would be 1:2653. Comparatively, every elector would have the same level of representation as every other elector now and into the future regardless of the Shire's uneven growth across the district.

Consideration of options

At the 30 January 2022 Special Council Meeting, Council considered options for future ward and representation based on the five factors and the submissions received before making a decision. The minutes of this meeting including the associated Officer's report are provided in **Attachment 5**.

Recommended ward configuration

It is recommended that to give effect to the Minister's electoral reform program that the composition of the Council comprise a total of six Councillors plus the Shire President elected at large with an equal representation of Councillors (two per ward). No changes to the ward boundary configuration are to be made at this time. The deposited plans showing the unchanged ward boundaries are provided in **Attachment 6**.

This is referred to as Option 1 in the Discussion Paper.

Reasons for recommended ward configuration

At the 30 January 2022 Special Council Meeting Council resolved a recommended ward configuration of six Councillors plus the Shire President elected at large with an equal representation of Councillors (two per ward). No changes to the ward boundary configuration are to be made at this time for the following reasons:

- *Ensure suitable representation, considering our current and future population numbers;*

- *Current ward reflects our demographic and geographic diversity;*
- *Ensure suitable representation of all communities with an overarching popularly elected president representing the Shire as a whole;*
- *As reflected in the community survey results.*

Implementation of proposed changes

Implementing the Minister's electoral reforms voluntarily involves the reduction of Councillor positions in time for the 2023 ordinary local government election. The reduction of Councillor positions can be implemented through either:

- abolishing three (3) offices of Council that would have otherwise been contested at the 2023 ordinary local government election and filling the two (2) available offices at that election as well as the Office of the President; or
- conducting a full spill of positions including those of Councillors whose term was due to expire in 2025 and using the 2023 local government election to fill six (6) Councillor positions with two (2) positions available in each of the three (3) wards. The term of office for one (1) position in each ward (3 total) would be for 4 years, the term of office for the second position in each ward (3 total) would be 2 years. An election for the Office of the President for a four (4) year term would also be held.

Scenario a) would result in the 2023 ordinary local government election having the following positions contested:

Office	Ward	Term
President	N/A	21 October 2027
Councillor	North West	21 October 2027
Councillor	South	21 October 2027

Scenario b) would result in the 2023 ordinary local government election have the following positions contested:

Office	Ward	Term
President	N/A	21 October 2027
Councillor	North West	21 October 2027
Councillor	North West	21 October 2025
Councillor	North	21 October 2027
Councillor	North	21 October 2025
Councillor	South	21 October 2027
Councillor	South	21 October 2025

A summary of the implications of each of these scenarios is detailed in the table below:

Scenario a) – Positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election	Scenario b) – full spill method
<ul style="list-style-type: none"> • Could result in a subsequent extraordinary election following 2023 election for a Councillor 	<ul style="list-style-type: none"> • No extraordinary election following 2023 election as any Councillor positions vacated by

Scenario a) – Positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election	Scenario b) – full spill method
<p>position if the President office is won by a sitting Councillor</p> <ul style="list-style-type: none"> • Electors in the North Ward would only participate in the President election at the 2023 election • Does not terminate the terms of any Councillors • Is the conventional method of reducing Councillor numbers 	<p>election as President would be determined by countback</p> <ul style="list-style-type: none"> • Electors in all three wards would participate in both Councillor and President election at the 2023 election • Would prematurely terminate the terms of Councillors requiring those Councillors to recontest the 2023 election to remain on Council

Reasons for recommended implementation method

At the 30 January 2022 Special Council Meeting Council resolved a recommended implementation method that the order specifies that the Councillor positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election for the following reasons.

- *Ensure stability over this time of change and moving forward that would be lost with a full spill;*
- *Suitable support for new councillors elected in 2023 by existing councillors.*

Recommendation to the Local Government Advisory Board

That in accordance with Schedule 2.2(9) of the Act having considered the submissions made to the local government and having regard to:

- community of interests; and
- physical and topographic features; and
- demographic trends; and
- economic factors; and
- the ratio of councillors to electors in the various wards

it is recommended, that in respect to the Shire of Serpentine Jarrahdale, the Local Government Advisory Board recommends that:

1. an order be made under section 2.18 of the Act to reduce the number of offices of Councillors on the Council from nine (9) to six (6) with Councillors distributed evenly across the three (3) wards (two (2) Councillors per Ward)
2. the order specifies that the Councillor positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election
3. no change is made to the configuration of the Shire's ward boundaries at this time
4. the changes be implemented in time for the 2023 ordinary local government election.

List of Attachments

Attachment 1	Minutes from the Special Council Meeting held on 24 October 2022 where Council agreed to undertake a ward and representation review
Attachment 2	Copy of the Examiner Newspaper showing the local public notice dated 10 November 2022
Attachment 3	Ward and Representation Review Discussion Paper November 2022
Attachment 4	Collation of public submissions received
Attachment 5	Minutes from the Special Council Meeting held on 30 January 2023 where Council's decision to make a submission occurred
Attachment 6	Deposited plans
Attachment 7	Minutes from the Special Council Meeting held on 7 November 2022



Swearing In Ceremony and Special Council Meeting Confirmed Minutes Monday, 24 October 2022 7pm

Purpose of Special Council Meeting: Consideration of the following reports:

1. Response to the Minister for Local Government's request for Local Governments to conduct a Ward and Representation review as part of election transitional arrangements (Direct election of President and consequential amendments to ward and representation) (SJ1369-15)
2. Audit, Risk and Governance Committee - Appointment of Members following the section 4.15 Fresh Election in the North Ward (SJ4006)
3. CEO Employment Committee – Appointment of Members following the section 4.15 Fresh Election in the North Ward (SJ4006)
4. Bush Fire Advisory Committee - Appointment of Members following the section 4.15 Fresh Election in the North Ward (SJ4006)
5. Local Emergency Management Committee – Appointment of Members following the section 4.15 Fresh Election in the North Ward (SJ4006)

Contact Us

Enquiries

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Email: info@sjshire.wa.gov.au

In Person

Shire of Serpentine Jarrahdale
6 Paterson Street, Mundijong WA 6123
Open Monday to Friday 8.30am-5pm (closed public holidays)



www.sjshire.wa.gov.au



Councillor Attendance Register

In accordance with the 11 April 2022 Ordinary Council Meeting, Council Resolution OCM067/04/22, clause 1 – “That Council requests the Chief Executive Officer maintain a Councillor Attendance Register recording Councillor Attendances at Ordinary Council Meetings, Special Council Meetings, Q & A briefings for Ordinary Council Meetings, Q & A briefings for Special Council Meetings, Councillor Workshops held for Project Briefings, Councillor Workshops held for Budget Preparations and Policy Concept Forums”.

Council 24 October 2022 –

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
24/10/22	Q & A (SCM)	✓	✓	A	✓	✓	✓	✓	✓	✓

Council 1 July 2022 – 22 October 2022

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Vacant	Cr Dagostino	Cr Duggin	Vacant	Cr Strange	Cr Strautins
17/10/22	OCM	✓	✓	✓		✓	✓		A	✓
10/10/22	Q & A (OCM)	✓	✓	✓		A	✓		✓	✓
03/10/22	PCF	A	✓	✓		✓	✓		✓	✓
19/09/22	Q & A cont. (OCM)	✓	✓	✓		✓	✓		✓	✓
12/09/22	Q & A (OCM)	✓	✓	✓		✓	✓		✓	A
05/09/22	PCF	A	✓	✓		✓	✓		✓	A
22/08/22	PCF	✓	✓	A		A	✓		A	✓
15/08/22	OCM	✓	✓	✓		✓	✓		✓	✓
15/08/22	Q & A cont. (OCM)	✓	✓	✓		✓	✓		✓	A
08/08/22	Q & A (OCM)	✓	✓	A		A	✓		✓	✓
01/08/22	PCF	✓	✓	✓		A	✓		✓	✓
25/07/22	SCM	✓	✓	✓		✓	✓		✓	LoA
25/07/22	Q & A (SCM)	✓	✓	✓		✓	✓		✓	LoA
18/07/22	OCM	✓	✓	✓		✓	✓		✓	LoA
18/07/22	Q & A cont. (OCM)	✓	✓	✓		✓	✓		✓	LoA



Minutes - Swearing In Ceremony and Special Council Meeting - 24 October 2022

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Date	Type	Cr Rich	Cr Atwell	Cr Byas	Vacant	Cr Dagostino	Cr Duggin	Vacant	Cr Strange	Cr Strautins
13/07/22	WORKSHOP (CEO KPI Presentation)	✓	✓	✓		A	✓		✓	LoA
11/07/22	Q & A (OCM)	✓	✓	✓		✓	A		✓	LoA
11/07/22	SCM	✓	✓	✓		✓	✓		✓	LoA
04/07/22	PCF	✓	✓	✓		A	✓		✓	A

Council October 2021 – 30 June 2022

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Singh	Cr Strange	Cr Strautins
27/06/22	PCF	✓	✓	✓	✓	✓	✓	✓	A	✓
20/06/22	OCM	✓	✓	A	✓	✓	✓	✓	✓	✓
15/06/22	SCM	✓	✓	✓	✓	✓	✓	EPNG	✓	✓
13/06/22	Q & A (OCM)	A	✓	✓	✓	✓	✓	A	✓	✓
08/06/22	WORKSHOP (CBP)	✓	✓	✓	✓	✓	✓	✓	✓	✓
30/05/22	WORKSHOP (Budget)	✓	✓	✓	A	✓	✓	✓	✓	✓
23/05/22	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
16/05/22	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
11/05/22	Q & A cont. (OCM)	✓	✓	✓	A	A	✓	A	✓	A
09/05/22	Q & A (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
02/05/22	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/04/22	WORKSHOP (Rates / LTFF / Fees and Charges)	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/04/22	WORKSHOP (PMO / Draft Facilities Plan)	✓	A	✓	✓	A	✓	✓	✓	A
20/04/22	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
19/04/22	Q & A (SCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓



Minutes - Swearing In Ceremony and Special Council Meeting - 24 October 2022

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Singh	Cr Strange	Cr Strautins
11/04/22	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
28/03/22	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
21/03/22	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
28/02/22	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
21/02/22	OCM	✓	✓	A	✓	✓	✓	✓	✓	✓
07/02/22	PCF	✓	✓	✓	A	A	✓	✓	A	✓
13/12/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
06/12/21	SCM	✓	✓	A	✓	✓	✓	✓	✓	A
29/11/21	PCF	✓	✓	A	✓	✓	✓	✓	✓	✓
22/11/21	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
15/11/21	OCM	✓	✓	✓	✓	A	✓	✓	✓	✓
10/11/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
01/11/21	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
01/11/21	SCM	✓	✓	✓	✓	A	✓	✓	✓	✓
25/10/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
25/10/21	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/10/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓

A – Apology

LoA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted



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The purpose of this Special Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware of the provisions of the *Local Government Act 1995* (section 5.25(1)(e)) and Council's *Standing Orders Local Law 2002 (as Amended)* – Part 14, Implementing Decisions. No person should rely on the Resolutions made by Council until formal advice of the Council Resolution is received by that person.

The Shire of Serpentine Jarrahdale expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any Resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

At the 20 June 2022 Ordinary Council Meeting, Council resolved that Council and Committee Meetings will be audio recorded in accordance with Council Policy. If you are asking a public question or making a statement or deputation to the



Minutes - Swearing In Ceremony and Special Council Meeting - 24 October 2022

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meeting this will be audio recorded. Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed.



Minutes of the Swearing In Ceremony and Special Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 24 October 2022 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

Swearing In Ceremony

1. Introduction and welcome

Shire President, Councillor Michelle Rich commenced proceedings at 7:01pm and welcomed attendees, acknowledged that the ceremony was being held on the traditional land of the Noongar People and paid her respects to the Traditional Owners, Elders Past, Present and Emerging.

Shire President, Councillor Michelle Rich welcomed Mr Bob Fawcett, Justice of the Peace and Distinguished Guests, and provided an overview of the evening's programme.

Shire President, Councillor Michelle Rich advised that the event would be conducted in two parts, firstly, the Declaration by the two newly elected Councillors, and secondly, the Special Council Meeting involving the determining of the two Councillor seating allocations.

2. Declaration of Council Members

In accordance with section 2.29 of the *Local Government Act 1995*, Councillors-elect declared an Oath of Office in the presence of Mr Bob Fawcett, JP:

Councillor Robert Coales.

Councillor Shaye Mack.



Special Council Meeting Agenda

Opening of the Special Council Meeting

The Shire President, Councillor Rich declared the meeting open at 7:15pm and welcomed Councillors, Staff and members of the gallery and acknowledged that the meeting was being on the traditional land of the Noongar People and paid her respects to the Elders Past, Present and Emerging.

1. Allocation of Seating:

Seat P – Councillor Michelle Rich

Seat DP – Councillor David Atwell

Seat 1 – Councillor Dean Strautins

Seat 2 – Councillor Michael Dagostino

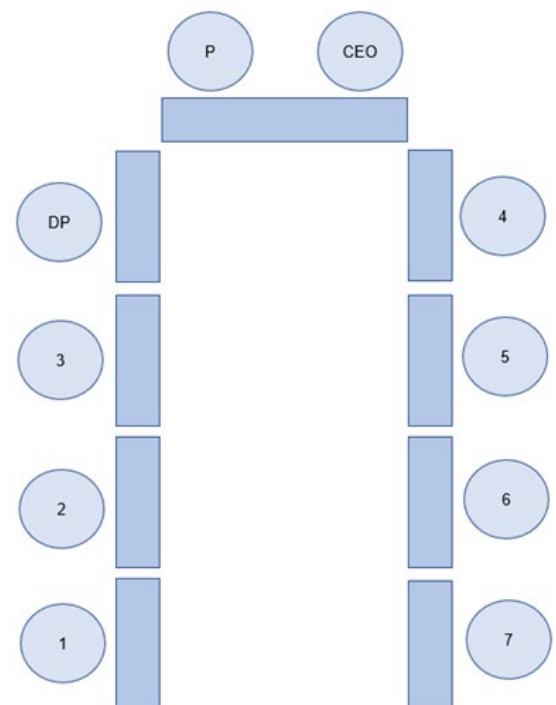
Seat 3 – Councillor Tricia Duggin

Seat 4 – Councillor Morgan Byas

Seat 5 – Councillor Lauren Strange

Seat 6 – Vacant

Seat 7 – Vacant



The Shire President, Councillor Rich advised that under clause 8.2 of the *Standing Orders Local Law 2002 (as Amended)* that at the first meeting held after each ordinary elections day, the Chief Executive Officer is to allot by random draw, a position at the Council table to each Councillor and the Councillor is to occupy that position when present at meetings of the Council.

The election held on Saturday, 22 October 2022 was a fresh election under section 4.15 of the *Local Government Act 1995*, and the *Standing Orders Local Law 2002 (as Amended)* is silent on seating allocation following this type of election.

Councillor Coales and Councillor Mack indicated to the Chief Executive Officer prior to the meeting that they would not object to occupying the seats that they presently occupy.



For the purposes of the minutes, Shire President, Councillor Rich asked Councillor Coales and Councillor Mack to confirm that they have no objections. Councillor Coales and Councillor Mack confirmed that they have no objections. Under the *Standing Orders Local Law 2002 (as Amended)*, the following seating allocation is to remain until the next ordinary election (2023) or until there is a call supported by a majority of Councillors to conduct a random drawer:

Seat P – Councillor Michelle Rich

Seat DP – Councillor David Atwell

Seat 1 – Councillor Dean Strautins

Seat 2 – Councillor Michael Dagostino

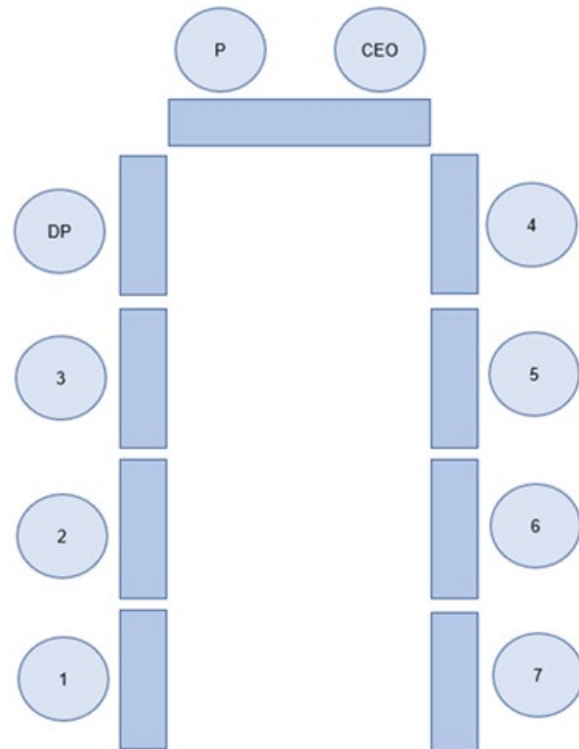
Seat 3 – Councillor Tricia Duggin

Seat 4 – Councillor Morgan Byas

Seat 5 – Councillor Lauren Strange

Seat 6 – Councillor Shaye Mack

Seat 7 – Councillor Robert Coales





2. Attendances and apologies (including leave of absence):

Attendees:

Councillors: M Rich.....Presiding Member

D Atwell
R Coales
M Dagostino
T Duggin
S Mack
L Strange
D Strautins

Officers: Mr P Martin.....Chief Executive Officer
Mr B Oliver.....Acting Director Community Engagement
Mr A TrosicDirector Development Services
Mr F SullivanDirector Corporate Services
Mr R NajafzadehDirector Infrastructure Services
Dr K ParkerManager Governance and Strategy
Ms M Gibson.....Governance Officer – Council and Committees
(Minute Taker)

Leave of Absence: Nil.

Apologies: Councillor M Byas

Invited Guests: Mrs Carolyn Fawcett
Mr Bob Fawcett, Justice of the Peace

Observers: 16

3. Public question time:

3.1 Public questions:

Public question time commenced at 7:18pm.

Lee Bond, Box 44 Armadale WA 6122

Question 1

Are Councillors gagged in any way from speaking to the ratepayers and residents regarding tonight's agenda item 7.1.1 regarding changes to the election of the President, ward boundaries, changes to how many Councillors we have in the future, preferential voting, if yes, what major factors are a no go zone?

Response (Shire President)

No. This is no different to any other item Council considers.

Section 2.10 of the Local Government Act 1995 provides that a role of a Councillor is to facilitate communication between the community and Council.



Councillors are also bound by legislation, including the Local Government (Model Code of Conduct) Regulations 2021. This legislation sets out who may speak on behalf of Council, regardless of the issue.

Question 2

Does Council still not support a public vote to elect the President of the Shire and not support preferential voting and why do you not support these two reforms if this is still the case, if your position has changed on these two matters, why?

Response (Shire President)

This matter will be considered at this evening's Council Meeting.

Question 3

Why does Council support tiered limits on Councillors?

Response (Shire President)

This matter was previously presented to Council in December 2021 where Council supported the Minister's proposal of tiered limits on the number of Councillors. The associated Officer Report noted that the Minister's proposal would limit local governments, like the Shire, with a population of 5,000 to 75,000 to a total of between five and nine elected members. The Minister's proposed thresholds was consistent with the number of elected member offices at the Shire at the time.

Presiding Member, Councillor Rich asked if there were any public questions from the floor at 7:21pm.

Lee Bond, Box 44 Armadale WA 6122

Question 1

Is this meeting being recorded?

Response (Shire President)

Yes, the meeting is being audio recorded.

Presiding Member, Councillor Rich asked if there were any further public questions from the floor. No further public questions were asked.

Public question time concluded at 7:22pm.

4. Public statement time:

Public statement time commenced at 7:22pm.

Lee Bond, Box 44 Armadale WA 6122

Congratulations to Shaye Mack for the diligent effort he has displayed since the last election and all its fraud. He has been a hard worker in the community for a long time but not looked for accolades. This is the kind of Councillor we are in need of and I am sure he will not disappoint those who showed support for his election.

Congratulations to Rob Coales for persisting to care enough about the ratepayers and residents amid some very exhausting and sometimes tumultuous behaviour



displayed towards him and his knowledge and concern for the community of this Shire. Having said nice things about the two new Councillors, which are very deserved, I am sure we may butt heads over some matters. I know they will be there for everyone, that has already been proven by both of them, very approachable.

When making decisions on the local government reforms, all Councillors should consider what is best for the ratepayer and residents, not your own personal needs, no matter how much it may hurt. I have looked at this from every angle and it won't take much effort to see who will make it all about their personal needs and that makes you expendable as a Councillor.

Public statement time concluded at 7:24pm.

5. Petitions and deputations:

Nil.

6. Declaration of Councillors and Officers interest:

Councillor Morgan Byas declared a Financial Interest in item 7.1.1 - Response to the Minister for Local Government's request for Local Governments to conduct a Ward and Representation review as part of election transitional arrangements (Direct election of President and consequential amendments to ward and representation) (SJ1369-15), as the item relates to the Minister for Local Government's Reform Agenda which will potentially impact Councillor Byas' term on Council. The extent of the interest is that in considering the matter Council has the option of effectively halving the terms of those elected at the 2021 regular election and the subsequent special election, reducing terms from the standard 4 years to 2 years. This would result in 2x direct financial interests, being loss of sitting fees and the requirement to fund a premature campaign. As noted in the Officers' report (pg.25) "This would mean that all Councillors regardless of the term of their office would need to recontest at the 2023 ordinary local government election."

Chief Executive Officer, Mr Paul Martin, declared a Financial Interest in item 7.1.3 – CEO Employment Committee – appointment of members following the section 4.15 Fresh Election in the North Ward (SJ4006), as the Committee deals with matters relating to Mr Martin's employment. The extent of the interest is that Mr Martin is the CEO. Mr Martin will leave the Chambers while this item is discussed.



7. Receipt of Reports:

7.1 Reports:

7.1.1 – Response to the Minister for Local Government’s request for Local Governments to conduct a Ward and Representation review as part of election transitional arrangements (Direct election of President and consequential amendments to ward and representation) (SJ1369-15)	
Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Chief Executive Officer
Disclosure of Officer’s 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> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

The purpose of this report is to enable Council to consider steps following receipt of correspondence from the Minister for Local Government titled: ‘Local Government Reforms: Election Transition Arrangements (Direct Election of the Mayor or President, and Consequential Changes to the Council)’.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 19 September 2022 – OCM238/09/22 - COUNCIL RESOLUTION / Officer Recommendation

That Council:

- 1. NOTES the Minister’s final Reform Proposals as set out in attachment 1; and*
- 2. REQUESTS that the Shire President write the Minister for Local Government seeking clarification from the Minister on their timetable for the introduction of the reforms to enable the Shire to plan for their implementation and ensure business continuity.*

**Special Council Meeting – 6 December 2021 – SCM089/12/21 - COUNCIL RESOLUTION
- extract**

That Council:

1. *RESOLVES the following positions regarding the proposed Local Government reforms announced by the Minister on 10 November 2021:*

<i>Reform number</i>	<i>Proposed reform</i>	<i>Shire of Serpentine Jarrahdale position</i>
4.2	<i>Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)</i>	<i>SUPPORTED</i>
4.3	<i>Introduction of Preferential Voting</i>	<i>NOT SUPPORTED</i>
4.4	<i>Public Vote to Elect the Mayor and President</i>	<i>NOT SUPPORTED</i>
4.5	<i>Tiered Limits on the Number of Councillors</i>	<i>SUPPORTED</i>

**Ordinary Council Meeting – 17 December 2018 - OCM160/12/18 - COUNCIL
RESOLUTION / Officer Recommendation**

1. *That Council receives the public submissions on the ward boundary review.*
2. *That Council notes the assessment of options against the prescribed matters as detailed in this report.*
3. *That, in accordance with Clause 9 of schedule 2.2 of the Local Government Act 1995, Council proposes to the Local Government Advisory Board that:-*
 - a) *An order be made under section 2.2(1)(c) of the Local Government Act 1995 to change the ward boundaries as detailed in option 4 of the Discussion Paper;*
 - b) *An order be made under Section 2.3 of the Local Government Act 1995, that the Wards names be: North West Ward (A); North Ward (B); and South Ward (C);*
 - c) *An order be made under Section 2.18 of the Local Government Act 1995 to designate the following number of offices of Councillor for each ward; North West Ward (3); North Ward (3) and South Ward (3).*
4. *That Council endorses those Councillors whose term of office does not expire in October 2019 to continue as elected members as follows:*
 - a) *Cr Morgan Byas to continue as North West Ward Councillor;*
 - b) *Cr Rob Coales to continue as North Ward Councillor;*
 - c) *Cr Bill Denholm to continue as North Ward Councillor;*
 - d) *Cr Keira McConkey to continue as South Ward Councillor.*
5. *That the changes be implemented from the Ordinary Council Elections to be held on 19th October 2019.*
6. *That Council forwards the Ward Boundaries and Elected Members Representation Review 2018 – Discussion Paper and Public Submissions to the Local Government Advisory Board for its consideration.*



Background

On 10 November 2021, the Minister for Local Government announced the latest tranche of Local Government reforms through amendments to the *Local Government Act 1995* (the Act). The reforms build on previous Act reforms that introduced universal training for elected members, new processes for CEO recruitment, and the introduction of a model code of conduct for Councillors, committee members and candidates.

In December 2021, Council resolved a series of positions in response to the Minister's proposals. In accordance with Council's resolution the Shire's position was presented to the Western Australian Local Government Association and Department of Local Government, Sport and Cultural Industries. Overall, the Shire was largely supportive of the direction of Minister's proposed reforms presented in November 2021. Two of the reforms where Council's and the Minister's position differed was in the method used to elect Mayors and Presidents and introduction of preferential voting.

On 3 July 2022, the Minister for Local Government announced the final package of reforms. These were presented to Council via a report at the September 2022 Ordinary Council Meeting held on 19 September 2022.

In a letter dated 20 September 2022, the Minister advised the intention to introduce the electoral reforms component in a bill to Parliament in the first half of 2023 to enable those reforms to be introduced in time for the 2023 ordinary local government elections. The letter is contained in **attachment 1** and was distributed by the Chief Executive Officer when received to both Councillors, and in the interests of transparency, the candidates contesting the section 4.15 fresh election in the North Ward.

The Minister's reforms include the following changes:

- the introduction of optional preferential voting;
- directly elected Mayors and Presidents for band 1 and 2 local governments; and
- Councillor numbers based on population.

This paper deals with the second and third of the changes above – the introduction of directly elected Presidents and a reduction in Councillor numbers. These two elements of the reform are those where the local government has an active role. The first issue – that of preferential voting, may be academically interesting but there is no action that the local government can take one way or another.

The second and third reforms proposed are noteworthy and potentially there is significant work for the Shire to ready itself for the reforms implementation.

In respect to the Shire, the Minister has identified that the practical impact of the reforms will be that the Shire will need to

“Change to a directly-elected President, and consequently reduce the size of the elected Council by one member to account for the President being directly elected.”

The reduction of Councillor numbers is required to ensure that the Shire is within the representation bands that the Minister proposes to introduce as part of the legislative reform package. Namely, for local governments with a population of between 5,000 and 75,000 there will be a cap on the number of Councillors at nine, including the Mayor/President. A Mayor/President elected by electors is an stand-alone Office, without subtracting a



Councillor, the Shire of Serpentine Jarrahdale would exceed the number of Council elected offices.

The Minister is proposing that this change should be implemented for the 2023 ordinary local government elections.

The Minister's correspondence provides two options for impacted local governments:

1. Voluntary pathway
2. Reform election pathway

The two options can be most simply summarised as:

1. Voluntary pathway - the local government voluntarily implements the Minister's proposal through the lengthy mechanisms provided for in the Act as currently constituted albeit within the expedited timeframes set out by the Minister
2. Reform election pathway - the reforms are implemented through Act amendments that result in the Minister's objectives of a popularly elected President, reduced Councillors with initially no wards at the 2023 local government elections and the term of office of existing Councillors shortened to accommodate the pathway.

Both options are complex and have different scenarios and associated consequences and implications. The implications for local governments are different depending on that local government's ward and representation structure and the method by which the local government's Mayor or President is elected.

As will be detailed in this paper implications for the Shire of Serpentine Jarrahdale are especially complex because its ward structure involves equal representation across three wards with the office of the President elected by Council. In informal discussions with the Department, the Department has acknowledged that the Shire's circumstances make it one of the most complex transitions.

This paper describes what each of these options entail to enable Council to consider what to do in response.

Before detailing the scenarios and their associated consequences and implications it is important to establish the context for the method of electing the President and wards. These are separately discussed therein:

President election method

The President is a role set out in the Act with named powers in legislation. The default method of electing the President on the Council is through an election by the Council.

Section 2.11 of the Act provides a power for a Council to change the method of electing the President from Council-election to election by electors (the electors method). Section 2.11 provides that Council can make such an amendment via a resolution of the Council.

Legislation also provides the option to return from electors method to Council-election through section 2.12a of the Act. However, the process of returning to a Council-elected President involves more steps, is very costly and exceedingly unlikely to succeed as it requires a poll be conducted of electors to support the change and a subsequent poll of electors every 4 years to ensure that the electors still agree with the change back.

This in practice means that once a Council resolves to go to the electors method it is unlikely to ever go back. If the Minister successfully passes the legislation proposed, this itself will



become a moot point for Band 1 and 2 local governments because all Band 1 and 2 local governments will use the electors method by law.

In local governments that use the electors method, the candidates select whether to run for the office of Councillor, for the office of the President, or may nominate for both positions. If a candidate runs for both the office of Councillor and the office of President and is successful in both elections then they must select which office to hold (presumably President), and an extraordinary election is held for the office they do not take up. In these circumstances, under the current legislative framework an extraordinary election must be held, there is no option to award the Office to the candidate who received the next amount on votes. In some cases, this would not be possible in any case because there are insufficient candidates to appoint to the vacated office.

Wards

Legislation provides that a district can be divided into Wards by the Governor on the recommendation of the Minister (who in turn takes recommendations from the Local Government Advisory Board).

Wards are a construct of the electoral process.

It is convenient to think of wards as being similar to electorates in State and Federal Government. However, importantly wards do not operate in entirely the same way. Wards only restrict the powers of the elector. The circumstances where an elector is eligible to vote in multiple wards are limited but a candidate may be elected in any ward if they are an elector in the entire district. There is no requirement to reside or own property in the ward that a candidate runs in.

This is because the Act is clear that Councillors do not represent a ward – Councillors represent the interests of electors across the district. This is enforced by legislation provisions that forbids separate ward accounts to be kept under the *Local Government (Financial Management) Regulations 1996*.

Wards matter for the purpose of this paper and the reforms more widely because of the links between wards and representation. The ward structure of a local government is linked to the representation through representative democracy and as detailed in the comment part of this paper, reducing the overall number of Councillors can change the relevant weighting or value of each electors' vote.

The Shire is currently divided into three wards with three Councillors per ward and the President elected by the Council. As of 13 September 2022 the number of electors per ward was:

- North Ward – 7,469 (35.19%)
- North West Ward 7,466 (35.18%)
- South Ward 6,289 (29.63%)

The number of electors in any given ward is fluid. At the 2021 ordinary local government election the number of electors in each ward was:

- North Ward - 7,020 (34.46%)
- North West Ward - 7,214 (35.41%)
- South Ward - 6,137 (30.01%)



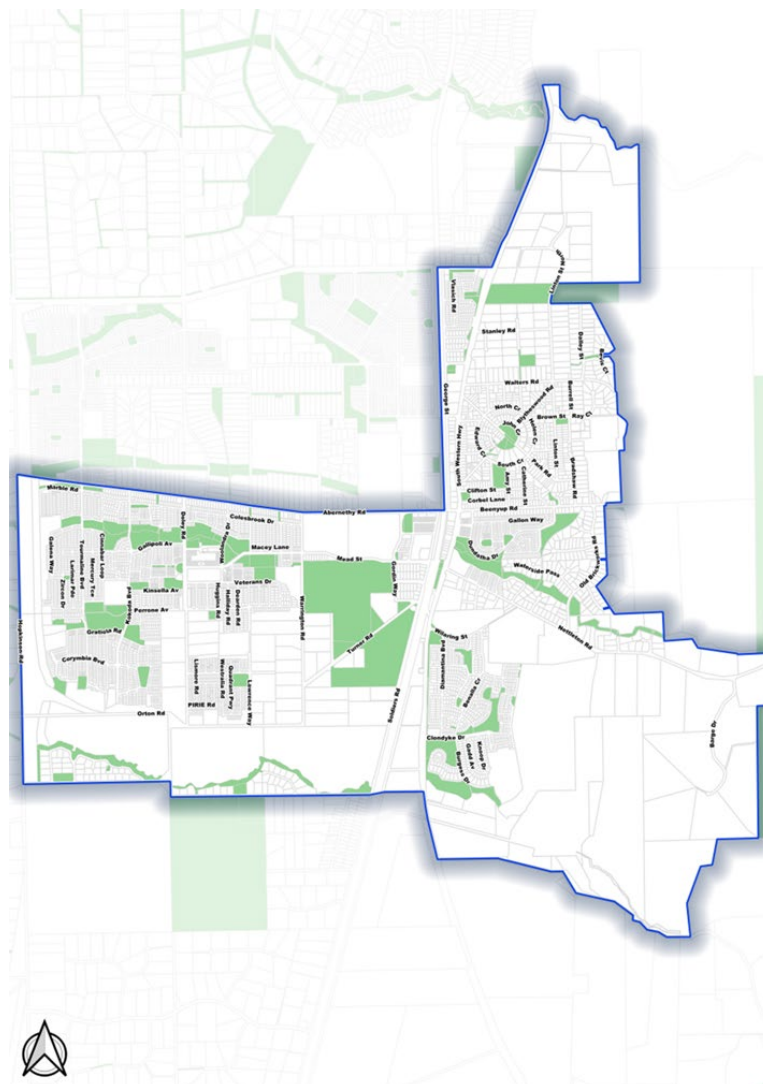
In a growing district like the Shire, the population changes that can occur only increase the fluidity of wards.

The last time the Shire's wards were amended was following a review by Council in 2018. Prior to those changes that remain to the present day the Shire of Serpentine Jarrahdale still had nine Councillors spread across three wards, albeit with different boundaries and population levels, but the north ward had four councillors, the North West Ward had two and the Southern Ward had three Councillors. This demonstrates the types of changes to ward, the scale of changes possible and representation that occur following a review to keep up with changing demographics.

In considering options later in this paper it is also worth highlighting that the 2018 review 'commenced' with Council approving the advertising of a discussion paper at a Council meeting in October 2018 but that work on that discussion paper had commenced much earlier by Officers than the October to December timeframe indicates.

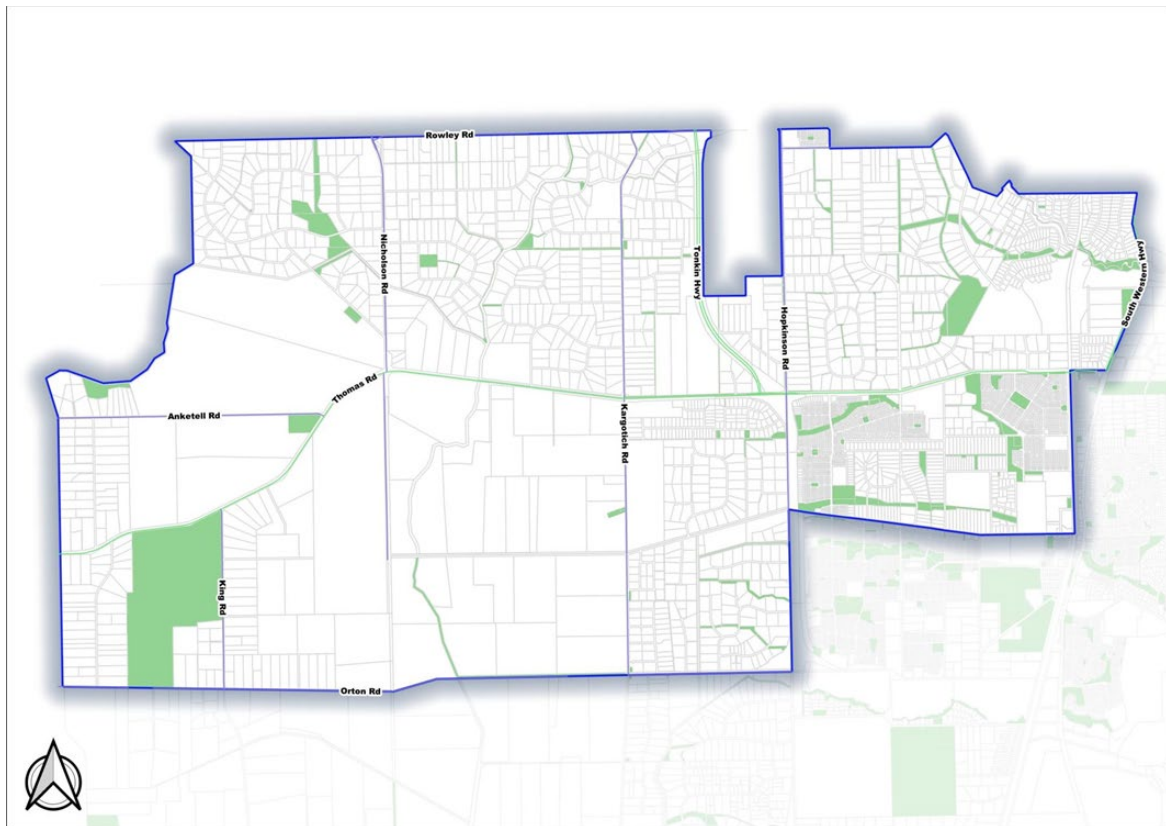
The 2018 ward review provided the current boundaries of the Shire's wards used for the 2019 and 2021 ordinary local government elections as well as the recent section 4.15 fresh election in the North Ward:

North Ward

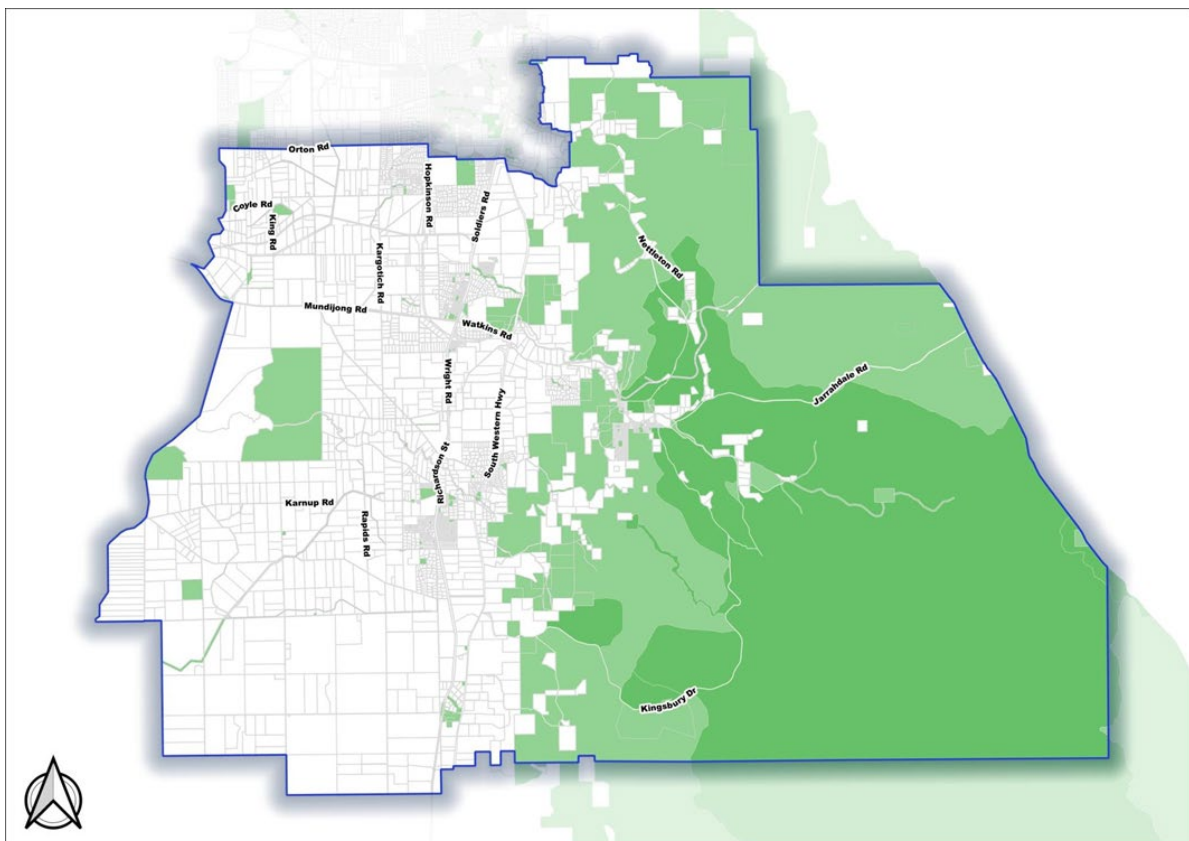




North West Ward



South Ward





Community / Stakeholder Consultation

Nil.

Statutory Environment

Provisions regarding representation and the methods of changing representation are dealt with in various sections of the Act. The sections below summarise those as they apply to wards and methods of electing the President.

This legislation is complex, in some case rarely utilised by local governments.

Wards and representation

Under section 2.18 of the Act, when a local government is established, the Governor by order on recommendation of the Minister, is to specify the number of Councillors and the number of Councillors per ward if the district is to have wards.

Section 2.18(3) and (4) of the Act provides that:

“(3) The Governor, on the recommendation of the Minister, may make an order —

- (a) changing the number of offices of councillor on a council; or*
- (b) specifying or changing the number of offices of councillor for a ward; or*
- (c) as to a combination of those matters.*

(4) The Minister can only make a recommendation under subsection (1) or (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.”

Section 2.2 of the Act provides that:

The Governor, on the recommendation of the Minister, may make an order —

- (a) dividing a district into wards; or*
- (b) creating new wards in a district that is already divided into wards; or*
- (c) changing the boundaries of a ward; or*
- (d) abolishing any or all of the wards into which a district is divided; or*
- (e) as to a combination of any of those matters.*

(2) For the purposes of this Act —

- (a) an order that divides a district into wards is to be regarded as establishing a ward system for the district; and*
- (b) an order that abolishes all of the wards into which a district is divided and does not create new wards, is to be regarded as discontinuing the ward system for the district.*

(3) Schedule 2.2 (which deals with wards and representation) has effect.

(4) The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.”

Schedule 2.2 of the Act [as opposed to Section 2.2] deals with the Local Government Advisory Board and the process for making recommendations under section 2.18.



Schedule 2.2, section 5 of the Act provides that a local government may propose ward amendments through the following clauses:

“A local government may, whether or not it has received a submission —

- (a) carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should, in the council’s opinion, be made; or*
- (b) propose to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is —*
 - (i) one of a minor nature; and*
 - (ii) not one about which public submissions need be invited;*
- or*
- (c) propose to the Minister the making of an order changing the name of the district or a ward.”*

Schedule 2.2, section 6 of the Act provides that a local government is give local public notice of a review and invite submissions received not less than 6 weeks after the notice is first given. A local government must consider the submissions made to it.

Schedule 2.2, section 8 and section 9 go on to state:

“8. Matters to be considered in respect of wards

Before a local government proposes that an order be made —

- (a) to do any of the matters in section 2.2(1), other than discontinuing a ward system; or*
- (b) to specify or change the number of offices of councillor for a ward,*
or proposes under clause 4(2) that a submission be rejected, its council is to have regard, where applicable, to —
- (c) community of interests; and*
- (d) physical and topographic features; and*
- (e) demographic trends; and*
- (f) economic factors; and*
- (g) the ratio of councillors to electors in the various wards.*

9. Proposal by local government

On completing a review, the local government is to make a report in writing to the Advisory Board and may propose to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit.”

Schedule 2.2, section 10 provides that the Advisory Board can accept the local government’s recommendation, or it if it does not believe that the local government has taken into account the matters listed in schedule 2.2, section 8, propose an alternative approach to the Minister. This process whereby the Advisory Board can recommend to the Minister an option which is not recommended by the local government is set out in Schedule 2.2, section 10(4):



“Where a local government fails to carry out a review as required by clause 6, the Advisory Board, in a written report to the Minister, may recommend the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account the matters referred to in clause 8.”*

Under Schedule 2.2, clause 11 the Advisory Board can also carry out an Inquiry as it thinks necessary and recover the costs of that Inquiry from the local government concerned.

Method of electing President

Section 2.11 of the Act provides:

- “(1)When an order is made under section 2.1 declaring an area of the State to be a district, the Governor is, by order, to specify whether the first mayor or president of the local government is to be —*
- (a) elected by electors of the district under Part 4; or*
 - (b) elected by the council from amongst the councillors under Schedule 2.3, Division 1.*
- (2)A local government may change the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.*
- (3) A local government may exercise the power conferred by subsection (2) whether or not a proposal has been made under section 2.12.*
- (4) The method of filling the office of mayor or president used by a local government is changed from the election by the electors method to the election by the council method if the result of a poll declared under section 2.12A(4) is that a majority of electors of the district who voted at the poll voted in favour of the change.”*

Section 2.12A deals with elongated and complex process of reversing a decision to return to a Council elected President from a direct elected President:

- (1) If —*
- (a) electors of the district, acting under section 2.12(1), propose; or*
 - (b) the council, by motion passed by it, proposes,*
to change the method of filling the office of mayor or president of the local government from the election by the electors method to the election by the council method, the local government is to —
 - (c) give local public notice of the proposal stating that submissions about the proposal may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (d) consider or reconsider the proposal in view of any submissions received.*
- (2) Subject to section 2.13(3), if the local government decides to proceed with the proposal, there is to be a poll of the electors of the district on the proposal and —*
- (a) the Advisory Board is to —*
 - (i) determine the question to be voted on by the electors of the district; and*
 - (ii) prepare a summary of the case for each way of voting on the question;*



and

(b) *the Electoral Commissioner is to —*

(i) make the summary available to the electors before the poll is conducted; and

(ii) be responsible for the conduct of the poll; and

(iii) appoint a person to be the returning officer of the local government for the poll;

and

(c) the local government is to meet the expenses of the Electoral Commissioner in connection with the poll to the extent required by regulations.

(3) *The returning officer is to conduct the poll for and under the direction of the Electoral Commissioner.*

(4) *As soon as is practicable after the result of the poll is known the returning officer is to declare and give notice of the result in accordance with regulations.*

(5) *A poll referred to in this section is not to be held more than once in every 4 years in a district, even if a proposal has been made by the electors under section 2.12.*

Following a ward and representation review and the Governor's orders, section 2.35 of the Act provides the power for Governor to direct that offices on Council are declared vacant at a time nominated by the Governor to give effect to the changes set by the Governor:

Directions given by order under section 9.62 to give effect to an order under one or more of sections 2.1, 2.2 and 2.18 may direct which offices of members (if any) of a council are to become vacant, and when those offices become vacant."

The power in section 2.35 references section 9.62 of the Act which states:

(1) *Where under this Act the Governor makes an order, the Governor may, either then or subsequently, by order, give any directions the Governor thinks necessary to give effect to the order.*

(2) *Without limiting the operation of subsection (1), directions given under that subsection may modify the operation of this Act.*

It is worth reiterating that the Governor's powers in respect to ward and representation can be used only on the recommendation of the Minister who in turn can only accept or reject recommendations from the Local Government Advisory Board.

Comment

As noted above the Minister's correspondence has stated that the implications of the reforms will for the Shire involves a:

"Change to a directly-elected President, and consequently reduce the size of the elected Council by one member to account for the President being directly elected."

This is to occur in time for the 2023 ordinary local government elections in October 2023.

The Minister has given local governments two options:

1. implement the reforms themselves using the existing powers in the Act (voluntary pathway) or



2. have the reforms implemented on the local government through legislation passed by Parliament in 2023 (reform election pathway).

These two pathways have varying scenarios implications and consequences which are described in detail in the following analysis.

1. Voluntary pathway

According to the Minister's correspondence, the Shire would need to complete the following tasks to implement the Minister's reform program 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.

The Minister goes on to state in his correspondence that 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 and that while the Ward and Representation Review can consider the size of the council, and any wards, any changes should not diverge from the Minister's proposed reforms.

Overall, regardless of whether Council shares the objective of the Minister to introduce a directly elected President and reduce the number of Councillors, the voluntary pathway proposed by the Minister is not recommended because:

- The voluntary option only permits very limited community engagement. The community opportunity to comment is limited to the minimum set in the Act of no less than six weeks and that consultation is limited to the absolute minimum proposal that Officers have prepared following the Minister's correspondence. Ideally a proposal of this importance would have greater options for the community to consider.
- The timeline does not permit the Shire to meet the approach for conducting ward and representation reviews set out in the Department of Local Government's guide (**attachment 2**). Among other things, the Guide sets out that the types of matters that should be set in a Discussion Paper published to coincide with the engagement period. This includes proposals for ward and representation based on evidence and the factors that local governments are required by legislation to consider when determining the recommended structure being Community of interest; Physical and topographic features; Demographic trends; Economic factors; and Ratio of Councillors to Electors in the various wards. It also would not permit a fulsome ward review to achieve short or long term equal representation between electors in different wards and would not be an improvement in respect to elector to councillor representation.
- Council may not have the opportunity to approve the Discussion Paper meaning that the options for ward and representation would be generated by Officers without Council input.



- The limited engagement required by the timeline would not be consistent with Shire's community engagement policy.
- A range of projects previously committed would need to be shelved or deferred. This opportunity cost would result in delays to the embedding of the Project Management Framework; Strategic Community Plan review; Procurement enhancement; local government policy review and preparation of the Shire's first Integrity Framework.
- There is no guarantee that the Advisory Board will agree to the proposal. In fact, under legislation the Advisory Board can recommend an alternative approach to the Minister.
- There are risks to pursuing the voluntary option if Parliament does not pass the legislation. In that scenario Council would have more not fewer elected officials at the 2023 local government election with a popularly elected President as well as nine Councillors.
- Under legislation, a proposal to amend wards under the existing process can result in the Advisory Board deciding to have an Inquiry – the costs of which must be met by the local government.
- This approach would be contrary to the Council's resolution at the 6 December 2021 Special Council Meeting regarding policy positions on the proposed reforms.

If Council opted to proceed with the Minister's approach the following timetable would be required. The timings provided in this table align to the supporting information enclosed in the Minister's correspondence on the matter provided in **attachment 1**:

Event	Date
Council meeting to resolves to undertake a ward and representation review	24 October 2022
Publication of the discussion paper via local public notice for a period of 6 weeks and 1 day (minimum) following publication of the meeting minutes	31 October 2022
Close of public notice period	Tuesday, 13 December 2022
Prepare Council report based on the submissions	Monday, 13 January 2023
Publish agenda for Special Council meeting	Friday, 20 January 2023
Special Council Meeting	Monday, 30 January 2023
Presentation of final report to Local Government Advisory Board	February 2023

If Council opted to voluntarily conduct a ward and representation review, the question then would be what scenarios to present for community consultation? The Minister's reforms present significant potential change to representation based on many different scenarios.

These scenarios are complicated by the fact that under sections 2.35 and 9.62 of the Act, the Governor can make any orders the Governor thinks necessary to give effect to the changes required to implement ward and representation changes, including declaring offices on Council vacant.



The scenarios are also complicated by the Minister's proposal to set the total number of elected members a Council may have to population to the population of the district. The Minister's proposal means that a local government with a population of no greater than 75,000 may not have more than nine elected members (including the Mayor / President). If Council was to move to the elector method of electing the President it would be required to also reduce the number of elected members.

Some (but not all) of the scenarios are summarised as follows:

Eight Councillors plus directly elected President across three wards

The Minister's letter proposes that the number of total Councillors in the Shire is reduced by one, with that abolished Councillor office being replaced by a directly elected President office. This would result in a total of eight Councillors and a popularly elected President. Arithmetic dictates that eight does not go into three. If implemented this would result in an uneven and irregular distribution of Councillors across wards – with three wards and eight Councillors one ward would always be under-represented.

To achieve representation parity in the Minister's model the wards would need to be reconfigured in such a way to decrease the population of one of the wards and increase the population of the other two to ensure equal representation.

This involves a complex consideration of realignment of ward boundaries. Remembering, the legislative requirements this consideration must take into the following:

- community of interests; and
- physical and topographic features; and
- demographic trends; and
- economic factors; and
- the ratio of councillors to electors in the various wards.

While it would be possible to present to the community a proposal to reduce to eight Councillors and promise to reconfigure the wards in a manner across three wards, then use the public consultation period to consider the factors above, this approach would mean that the community would not have actual input into the proposal that was ultimately considered by Council in January 2023. This is not considered appropriate or consistent with the Department's guidance and would result in an unequal representation that would exceed the tolerances for unequal representation set out in the Local Government Advisory Board (set out in **Attachment 1**).

Six Councillors plus directly elected President across three wards

Another option is to reduce the number of Councillors by an amount greater than what the Minister proposes. By reducing representation in each ward equally, representation parity across the three wards could be maintained. Instead of three councillors per ward, there could be six councillors with two in each ward.

However, this approach presents some problems.



At the time of preparing this report, the composition of Council is as follows:

Ward	Councillor	Expiry of term
North	Cr Lauren Strange	21 October 2023
North	Vacant	18 October 2025
North	Vacant	18 October 2025
North West	Cr Michael Dagostino	21 October 2023
North West	Cr Dean Strautins	21 October 2023
North West	Cr Morgan Byas	18 October 2025
South	Cr Michelle Rich	21 October 2023
South	Cr Dave Atwell	21 October 2023
South	Cr Tricia Duggin	18 October 2025

Reducing the number of Councillors to six for the 2023 ordinary election would mean that one office from each ward would be eliminated at the election meaning that the following offices would be contested:

- North West Ward – one position
- South Ward – one position
- President

As the North Ward has two offices expiring in October 2025, there would be no election in the North Ward in October 2023.

However, if a north ward councillor successfully contested the election in the office of the President it would trigger an extraordinary election to fill their North Ward office. This would occur even if count-back provisions were introduced as part of the Minister's reforms because there would be no election in the North Ward in October 2023 to count back from.

This approach would also mean that in the cycle of ordinary elections every two years that there would be two vacancies in the North Ward in half of elections moving forward and no vacancies in the North Ward in the other half of elections. For example, if this approach was approved by the Governor following the ward and representation review at the 2025 ordinary local government election both North Ward positions would be available but in 2027 no election would be conducted in the North Ward. This means that electors in the North Ward would only have an opportunity to participate in the democratic process to elect candidates every four years but there would be no reduction in election costs because an election for the President by the electors would need to be conducted in the alternate year.

Moving to six Councillors could also reduce diversity on Councillor and potentially reduce the range of opinions and perspectives provided by Councillors. While there would be savings associated from reduced Councillor fees it could be foreseen that these would be offset by additional extraordinary elections and by an increase in individual Councillor remuneration commensurate with the additional workload. The latter would be a matter for subsequent Councils within the bands set by Salaries and Allowances Tribunal.

*Eight Councillors plus directly elected President across two or four wards*

Arithmetic dictates that an even number of Councillors can be split across an even number of wards. If the Shire was to alter the number of wards to an even number of four example two or four wards, then representative parity could be achieved. However, there is insufficient time to formulate a plan for a two or four ward layout that would be able to adequately consider:

- community of interests; and
- physical and topographic features; and
- demographic trends; and
- economic factors; and
- the ratio of councillors to electors in the various wards.

Eight or fewer Councillors plus directly elected President with no wards

Equal representation across wards becomes a moot point where there are no wards in place. This is the scenario that would nominally occur in the event that the Shire opts to take on the Minister's model of dropping one Councillor. If this is the preferred model it would appear to be unnecessary to conduct the ward and representation review voluntarily as this would just occur with the passage of legislation with little effort being expended on the part of the Shire.

Boundary changes

In all the scenarios involving wards a separate question exists on where the boundaries of these wards should be. This is true even of the current three ward structure.

Ward boundaries are a line on the map and can be proposed to be amended by the Governor in almost any manner that Council chooses.

Moving a ward boundary one or two streets can dramatically alter the Councillor to Elector ratios or not depending on how the boundaries are changed. During a conventional ward review such matters are considered using the most currently available Census and Electoral Commission data, however in this case there has been insufficient time to collect and analyse this data required to adequately consider the impact of possible boundary changes on current and future elector ratios.

The Local Government Advisory Board sets a tolerance of 10% for unequal representation across wards and expresses that it does not wish to approve boundaries that exceed this tolerance level.

How the voluntary pathway would be implemented if Council resolved to pursue Option 2

If Council wishes to pursue the voluntary pathway which is provided for in Option 2, then Officers would publish a discussion paper summarising the ward and representation options of:

- six councillors across three wards (no changes to boundaries);
- eight councillors across three wards (no changes to boundaries);
- six councillors with no wards; and



- eight councillors with no wards.

In the case of the three ward options no boundary changes would be proposed because there is insufficient time to calculate the population impact of boundary adjustments.

There would not be sufficient time to consider any other potential make-up of wards for example two wards, four wards or any other configuration because such an approach would require a consideration of the five factors commencing with community of interest that is not possible prior to the publication of the discussion paper.

This would be a lost opportunity to consider whether the three ward structure meets the current and future demographics of the rapidly growing Serpentine Jarrahdale community. Even if alternatives to the three ward structure were proposed, it would not be possible for Council to adequately consider those in line with the factors required by the Advisory Board with engagement from the community.

The implications of these options on terms would need to be determined at a later date as the Council would need to consider in January 2023 which offices of Council would be recommended to be abolished and which would be recommended recontested at the 2023 local government election through the Governor's Orders made under section 9.62 of the Act.

Officers have reservations that such a process would meet the approach set out in the Department's *'A Guide for Local Governments How to conduct a review of wards and representation for local governments with and without a ward system'*. This could result in the Advisory Board rejecting the Shire's submission which would lead to the involuntary pathway being taken.

2. Reform election pathway

The Minister's letter sets out that this pathway would mean that following the passage of legislation in 2023 and the introduction of new powers that all council offices would be declared vacant and all wards abolished.

Elections would then be held to fill all council offices, including the directly elected President with a split between two- and four-year terms as necessary to re-establish an ordinary election cycle. This would mean that all Councillors regardless of the term of their office would need to recontest at the 2023 ordinary local government election.

While the scenario could exist where an extraordinary election could be theoretically required if a person was elected to the offices of both as President and Councillor, the Minister has stated that he intends to introduce count back rules – and without wards – another candidate would have almost certainly nominated and be able to be appointed to that vacated position without the need for an extraordinary election. Thus, this option avoids unnecessary costs to the Shire which could be greater than \$35,000 for an extraordinary election.

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

This second option is the option recommended by Officers.



Options and Implications

Option 1

That Council:

1. NOTES the correspondence from the Minister for Local Government dated 20 September 2022 in **attachment 1**.
2. AUTHORISES the Chief Executive Officer to ADVISE the Director General of the Department of Local Government, Sport and Cultural Industries by 28 October 2022 that the Shire WILL NOT UNDERTAKE the voluntary process and WILL NOT INITIATE a ward and representation review because the following is required:
 - greater community engagement proportionate to the complexity of the issue is required;
 - consideration of the full range of options for ward and representation for the rapidly growing Shire;
 - the collection and analysis of statistical data to prepare a discussion paper to publish as part of the community engagement consistent with the Department's guideline on the matter and the factors that local governments are required by the Act to consider, including elector to elected member ratios associated with any possible boundary changes; and
 - greater time to prevent errors in the process that would have significant implications when a submission to the Advisory Board and resulting Governor's Orders are issued.
3. NOTES that pursuing this option results in the Shire taking the Reform Election Pathway as set out in the Minister's correspondence in **attachment 1**.

Option 2

That Council:

1. NOTES the correspondence from the Minister for Local Government dated 20 September 2022 in **attachment 1**.
2. AUTHORISES the Chief Executive Officer to ADVISE the Director General of the Department of Local Government, Sport and Cultural Industries by 28 October 2022 that the Shire WILL UNDERTAKE the voluntary process and WILL INITIATE a ward and representation review in the timeframes proposed by the Minister.
3. CHANGES the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the elector's method.
4. NOTES that the change to the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method will commence at the 2023 ordinary local government election and remain in force even if the Minister's reforms are not progressed and that it can only be reversed through the provisions on s2.12A of the Act which involve regular formal polling of electors of the decision through the provisions of the legislation.
5. INITIATES a Ward and Representation Review in accordance with Schedule 2.2 of the *Local Government Act 1995*.



-
6. REQUESTS that the Chief Executive Officer give local public notice for a period that is not less than 6 weeks advising
 - a) that the review is to be carried out; and
 - b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.
 7. NOTES the local public notice will advise that the Shire is considering options for ward and representation being:
 - six councillors across three wards (no changes to current ward boundaries);
 - eight councillors across three wards (no changes to current ward boundaries);
 - six councillors with no wards; and
 - eight councillors with no wards.
 8. NOTES that Council will be required in accordance with Schedule 2.2 of the Act following the closure of the public submission period to consider the following when making a determination on the matter:
 - community of interests; and
 - physical and topographic features; and
 - demographic trends; and
 - economic factors; and
 - the ratio of councillors to electors in the various wards.
 9. NOTES that the following activities will be deferred for the time being to enable the ward and representation review to occur and AGREES to their deferment being reflected in the Corporate Business Plan and CEO KPIs where required:
 - Project Management Framework embedding and strengthening;
 - Implementation of findings of the Abernethy Road Inquiry including procurement enhancement
 - Strategic Community Plan review;
 - local government policy review; and
 - preparation of the Shire's first Integrity Framework

Option 1 is recommended.

Conclusion

The Minister's proposed reforms represent a significant change to democratic landscape of local government, including at the Shire. In considering this complex matter, Officers consider that the voluntary path is not in the best interest of the Shire primarily because the required timetable does not permit the review to be conducted in a considered manner informed by adequate and proportional community engagement.

**Attachments (available under separate cover)**

- **7.1.1 - attachment 1** – Minister for Local Government's correspondence dated 20 September 2022 (E22/12719)
- **7.1.1 - attachment 2** – Department of Local Government Guideline – How to conduct a review of wards and representation (E22/12982)

Alignment with our Strategic Community Plan

Strategy 4.1.2	Maximise the Shire's brand and reputation in the community
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

The financial implications associated with the options are difficult to precisely determine because of the difficulty in identifying potential scenarios. The voluntary pathway (listed as option 2 in this paper) contains more variables and scenarios are therefore also potentially results in greater costs in future years because of the heightened potential for extraordinary elections.

In addition, as identified in this paper there is a significant opportunity cost associated with the voluntary pathway. Activities underway by Shire Officers that have been committed to already by Council will need to be deferred to meet the timeframe that the Minister notes in his correspondence requires 'significant effort'.

While a reduction in Councillor fees will be a potential benefit from reducing Councillors beyond the amount proposed by the Minister, this cost saving would be potentially offset by an increase in the number of extraordinary elections required to implement this approach.



Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That the Shire's capacity to influence its ward and representation will be delayed until after the 2023 local government election		Organisational Performance	Possible	Moderate	MODERATE	
2	The risks associated with option 2 are set out in this paper and include a range of financial and reputational risks. The primary risk relates to the limited community engagement possible through the pursuing option 2.						

Voting Requirements: Simple Majority (option 1)
Absolute Majority (option 2 s2.11)

Officer Recommendation

That Council:

1. NOTES the correspondence from the Minister for Local Government dated 20 September 2022 in attachment 1.
2. AUTHORISES the Chief Executive Officer to ADVISE the Director General of the Department of Local Government, Sport and Cultural Industries by 28 October 2022 that the Shire WILL NOT UNDERTAKE the voluntary process and WILL NOT INITIATE a ward and representation review because the following is required:
 - greater community engagement proportionate to the complexity of the issue is required;
 - consideration of the full range of options for ward and representation for the rapidly growing Shire;
 - the collection and analysis of statistical data to prepare a discussion paper to publish as part of the community engagement consistent with the Department's guideline on the matter and the factors that local governments are required by the Act to consider, including elector to elected member ratios associated with any possible boundary changes; and
 - greater time to prevent errors in the process that would have significant implications when a submission to the Advisory Board and resulting Governor's Orders are issued.
3. NOTES that pursuing this option results in the Shire taking the Reform Election Pathway as set out in the Minister's correspondence in attachment 1.



SCM028/10/22

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Dagostino

That Council:

1. **NOTES** the correspondence from the Minister for Local Government dated 20 September 2022 in attachment 1.
2. **AUTHORISES** the Chief Executive Officer to **ADVISE** the Director General of the Department of Local Government, Sport and Cultural Industries by 28 October 2022 that the Shire **WILL UNDERTAKE** the voluntary process and **WILL INITIATE** a ward and representation review in the timeframes proposed by the Minister.
3. **CHANGES** the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the elector's method.
4. **NOTES** that the change to the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method will commence at the 2023 ordinary local government election and remain in force even if the Minister's reforms are not progressed and that it can only be reversed through the provisions on s2.12A of the Act which involve regular formal polling of electors of the decision through the provisions of the legislation.
5. **INITIATES** a Ward and Representation Review in accordance with Schedule 2.2 of the *Local Government Act 1995*.
6. **REQUESTS** that the Chief Executive Officer give local public notice for a period that is not less than 6 weeks advising
 - a) that the review is to be carried out; and
 - b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.
7. **NOTES** the local public notice will advise that the Shire is considering options for ward and representation being:
 - six councillors across three wards (no changes to current ward boundaries);
 - eight councillors across three wards (no changes to current ward boundaries);
 - six councillors with no wards; and
 - eight councillors with no wards.
8. **NOTES** that Council will be required in accordance with Schedule 2.2 of the Act following the closure of the public submission period to consider the following when making a determination on the matter:
 - community of interests; and
 - physical and topographic features; and



- demographic trends; and
 - economic factors; and
 - the ratio of councillors to electors in the various wards.
9. **NOTES** that the following activities will be deferred for the time being to enable the ward and representation review to occur and **AGREES** to their deferment being reflected in the Corporate Business Plan and CEO KPIs where required:
- Project Management Framework embedding and strengthening;
 - Implementation of findings of the Abernethy Road Inquiry including procurement enhancement
 - Strategic Community Plan review;
 - local government policy review; and
 - preparation of the Shire's first Integrity Framework.

CARRIED 5/3

Councillor Coales, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.

Councillors Coales, Dagostino, Duggin, Mack and Strautins voted FOR the motion.

Councillors Rich, Atwell and Strange voted AGAINST the motion.

Reason for difference to Officer Recommendation

To allow greater local Shire Council and community control over the transitional process.



7.1.2 – Audit, Risk and Governance Committee - appointment of members following the section 4.15 Fresh Election in the North Ward (SJ4006)	
Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Chief Executive Officer
Disclosure of Officer's 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> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

The purpose of this report is to enable Council to consider Councillor appointments to the Audit, Risk and Governance Committee following the section 4.15 fresh election in the North Ward.

Relevant Previous Decisions of Council

<p><i>Special Council Meeting – 25 October 2021 – SCM055/10/21 - COUNCIL RESOLUTION</i></p> <p><i>That Council:</i></p> <p><i>2. APPOINTS the following Councillors as members of the Audit, Risk and Governance Committee:</i></p> <ul style="list-style-type: none">• <i>Cr Rich</i>• <i>Cr Strange</i>• <i>Cr Coales</i>• <i>Cr Singh</i>• <i>Cr Duggin</i>
<p><i>Special Council Meeting 25 October 2021 – SCM056/10/21 - COUNCIL RESOLUTION</i></p> <p><i>That Council:</i></p> <p><i>3. APPOINTS the following Councillor as deputy member of the Audit, Risk and Governance Committee who under section 5.11A of the Act may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:</i></p> <ul style="list-style-type: none">• <i>Cr Strautins</i>



Background

Section 7.1A of the Local Government Act 1995 (the Act) requires that a local government establish an audit committee with a least three members with the majority of members being Councillors. At the Shire of Serpentine Jarrahdale this requirement is met the by the Audit, Risk and Governance Committee. The Audit, Risk and Governance Committee is a committee established under section 5.8 of the Act.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Section 5.10 of the Act provides that a local government may by Absolute Majority appoint members to a committee. Section 5.11A provides that the local government may by Absolute Majority appoint a person to be a deputy member of a committee and may terminate such an appointment at any time.

Section 5.11 of the Act provides that:

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until –
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, the CEO's representative, as the case may be; or*
 - (b) the person resigns from membership of the committee; or*
 - (c) the committee is disbanded; or*
 - (d) the next ordinary elections day,**whichever happens first.**
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until –
 - (a) the term of the person's appointment as a committee member expires; or*
 - (b) the local government removes the person from the office of committee member or*
 - (c) the office of committee member otherwise becomes vacant; or*
 - (c) the committee is disbanded; or*
 - (d) the next ordinary elections day,**whichever happens first.**

Comment

The ruling by the Court of Disputed Returns under section 4.81 of the Act that the 2021 Ordinary Local Government Election in the North Ward was invalid has resulted in two vacancies on the Shire's Audit, Risk and Governance Committee.

Following the fresh election held under section 4.15 of the Act, Council has two options in respect to this committee:

1. appoint Councillors to the two vacant positions; or



2. spill all five Councillor positions and the deputy position appointed at the 25 October 2021 Special Council Meeting and re-fill these positions.

The resolutions required to enact the two respective options are described in the options section of this report.

In the event that a deputy is appointed to a committee, a new deputy must be appointed.

Functions of the audit committee

Regulation 16 of the Audit Regulations provides that the Audit committee has the following functions:

- (a) to guide and assist the local government in carrying out —*
 - (i) its functions under Part 6 of the Act; and*
 - (ii) its functions relating to other audits and other matters related to financial management;*
- (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*
- (c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —*
 - (i) report to the council the results of that review; and*
 - (ii) give a copy of the CEO's report to the council;*
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —*
 - (i) regulation 17(1); and*
 - (ii) the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*
- (f) to oversee the implementation of any action that the local government —*
 - (i) is required to take by section 7.12A(3); and*
 - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and*
 - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and*
 - (iv) has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (g) to perform any other function conferred on the audit committee by these regulations or another written law.*

The Audit, Risk and Governance Committee meets four times a year with special committee meetings called as required. The next meeting of the Committee is to be held on 7 November 2022 commencing at 5:30pm.



Options and Implications

Option 1

That Council APPOINTS the following Councillors as members of the Audit, Risk and Governance Committee:

- Cr _____
- Cr _____

Option 2

That Council:

1. In accordance with section 52 of the *Interpretation Act 1984* REMOVES all Councillors appointed to the Audit, Risk and Governance Committee at the 25 October 2021 Special Council Meeting;
2. APPOINTS the following Councillors as members of the Audit, Risk and Governance Committee:
 - Cr _____
 - Cr _____
 - Cr _____
 - Cr _____
 - Cr _____
3. APPOINTS the following Councillor as deputy member of the Audit, Risk and Governance Committee who under section 5.11A of the Act may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____

Conclusion

The declaration of the 2021 Ordinary Local Government Election in the North Ward as invalid resulted in two positions on the Audit, Risk and Governance Committee being vacated. With the completion of the fresh election conducted under section 4.15 of the Act, Council is presented with this paper to appoint members.

Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

Nil.

**Risk Implications**

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1&2	Neither option 1 or 2 have material risks.						

Voting Requirements: Absolute Majority (Section 5.10)

SCM029/10/22

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Mack

That Council **APPOINTS** the following Councillors as members of the Audit, Risk and Governance Committee:

- Cr Coales
- Cr Mack

CARRIED UNANIMOUSLY 8/0



Chief Executive Officer, Mr Paul Martin, declared a Financial Interest in item 7.1.3 and left the Chambers at 7:57pm prior to this item being discussed.

7.1.3 – CEO Employment Committee – appointment of members following the section 4.15 Fresh Election in the North Ward (SJ4006)	
Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Director Corporate Services
Disclosure of Officer's 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> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

The purpose of this report is to enable Council to consider Councillor appointments to the CEO Employment Committee following the section 4.15 fresh election in the North Ward.

Relevant Previous Decisions of Council

<i>Special Council Meeting – 25 October 2021 – SCM062/10/21 - COUNCIL RESOLUTION That Council:</i> <i>1. APPOINTS the following Councillors as members of the CEO Employment Committee:</i> <ul style="list-style-type: none">• Cr Byas• Cr Rich• Cr Atwell• Cr Duggin• Cr Coales
--

<i>Special Council Meeting – 25 October 2021 – SCM063/10/21 - COUNCIL RESOLUTION That Council:</i> <i>1. APPOINTS the following Councillor as deputy member of the CEO Employment Committee who under section 5.11A of the Act may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:</i> <ul style="list-style-type: none">• Cr Strange



Background

The CEO Employment Committee is a committee of Council established under section 5.8 of the *Local Government Act 1995* (the Act).

Community / Stakeholder Consultation

Nil.

Statutory Environment

Section 5.10 of the Act provides that a local government may by Absolute Majority appoint members to a committee. Section 5.11A provides that the local government may by Absolute Majority appoint a person to be a deputy member of a committee and may terminate such an appointment at any time.

Section 5.11 of the Act provides that:

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until –*
 - (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, the CEO's representative, as the case may be; or*
 - (b) *the person resigns from membership of the committee; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
whichever happens first.
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until –*
 - (a) *the term of the person's appointment as a committee member expires; or*
 - (b) *the local government removes the person from the office of committee member or*
(c) the office of committee member otherwise becomes vacant; or
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
whichever happens first.

Comment

The ruling by the Court of Disputed Returns under section 4.81 of the Act that the 2021 Ordinary Local Government Election in the North Ward was invalid has resulted in a vacancy on the CEO Employment Committee.

Following the fresh election held under section 4.15 of the Act, Council has two options in respect to this committee:

1. appoint a Councillor to the vacant position; or
2. spill all five Councillor positions and the deputy position appointed at the 25 October 2021 Special Council Meeting and re-fill these positions.



The resolutions required to enact the two respective options are described in the options section of this report.

In the event that a deputy is appointed to a committee, a new deputy must be appointed.

Functions of the Committee

The role of the Committee is to assist Council in the recruitment and performance measurement of the CEO. In doing so the Committee's Terms of Reference provide that the Committee performs the following functions:

- In conjunction with an independent facilitator establish appropriate selection criteria, important qualities, knowledge and skills the CEO will need to possess, in order to attain the most suitable candidate for the position of CEO.
- In conjunction with an independent facilitator establish clear terms and conditions for the CEO's employment contract.
- Provide a recommendation to Council on the preferred candidate for the position of CEO.
- In conjunction with an independent facilitator, undertake an annual assessment of the CEO's performance in accordance with the provisions of the CEO's contract of employment and key performance indicators.
- In consultation with an independent facilitator and the CEO, develop and recommend to Council key performance indicators in order to achieve the key priorities of the Corporate Business Plan, and any other means that will be used to assess the CEO's future performance in order to meet the expectation of Council.
- Review the CEO's employment contract and position description and make recommendations to Council as and when necessary.
- Review the CEO's remuneration package annually and make recommendations to Council in relation to remuneration, in accordance with the CEO's contract of employment, having consideration to the CEO's performance, current level of remuneration, and the Salaries and Allowances Determination.
- Provide guidance to Council in assessing the CEO's performance. The Committee normally has two meetings per year and special meetings as required.

Options and Implications

Option 1

That Council That Council APPOINTS the following Councillors as members of the CEO Employment Committee:

- Cr _____

Option 2

That Council:

1. In accordance with section 52 of the *Interpretation Act 1984* REMOVES all Councillors appointed to the CEO Employment Committee at the 25 October 2021 Special Council Meeting;



2. APPOINTS the following Councillors as members of the CEO Employment Committee:

- Cr _____
- Cr _____
- Cr _____
- Cr _____
- Cr _____

3. APPOINTS the following Councillor as deputy member of the CEO Employment Committee who under section 5.11A of the Act may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:

- Cr _____

Conclusion

The declaration of the 2021 Ordinary Local Government Election in the North Ward as invalid resulted in a position on the CEO Employment Committee being vacated. With the completion of the fresh election conducted under section 4.15 of the Act, Council is presented with this paper to appoint members.

Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1&2	Neither option 1 or 2 have material risks.						



Nominations received from the floor from the following Councillors as CEO Employment Committee Members:

- Councillor Coales

Voting Requirements: Absolute Majority (Section 5.10)

SCM030/10/22

COUNCIL RESOLUTION

Moved Cr Coales, seconded Cr Strautins

That Council That Council APPOINTS the following Councillors as members of the CEO Employment Committee:

- Cr Coales

CARRIED UNANIMOUSLY 8/0

Chief Executive Officer, Mr Martin returned to the Chambers at 7:58pm.

Presiding Member, Councillor Rich advised Mr Martin of the Council Resolution for item 7.1.3.



7.1.4 – Bush Fire Advisory Committee - Appointment of members following the section 4.15 Fresh Election in the North Ward (SJ4006)	
Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Director Community Services
Disclosure of Officer's 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> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

The purpose of this report is to enable to consider Councillor appointments to the Bush Fire Advisory Committee following the section 4.15 fresh election in the North Ward.

Relevant Previous Decisions of Council

<i>Special Council Meeting – 25 October 2021 – SCM065/10/21 - COUNCIL RESOLUTION - extract</i> <i>That Council:</i> <i>1. APPOINTS the following Councillors as members of the Bush Fire Advisory Committee:</i> <ul style="list-style-type: none">• Cr Atwell• Cr Singh
--

Background

Under section 67 of the *Bush Fires Act 1954*, a local government may appoint such persons as it thinks fit as a bush fire advisory committee. The Shire of Serpentine Jarrahdale Bush Fire Advisory Committee provides advice regarding:

- matters related to previously controlled and extinguished bush fires;
- planning layout of fire breaks in the district;
- advice pertaining to prosecutions for breaches of the *Bush Fires Act 1954*;
- advice pertaining to the formation of Brigades; and
- coordination and cooperation between Brigades and Agents.

The Bush Fire Advisory Committee is an Advisory Group and is not a Committee of Council established under section 5.8 of the *Local Government Act 1995*.



Community / Stakeholder Consultation

Nil.

Statutory Environment

Section 67 of the *Bush Fires Act 1954* provides the head of power for the establishment of the Bush Fire Advisory Committee. The Committee is not a formal committee of Council under the *Local Government Act 1995* and does not have delegated power other than that provided in the *Bush Fires Act 1954*.

Section 67(3) of the *Bush Fires Act 1954* provides that:

“In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —

- (a) make rules for the guidance of the committee; and*
- (b) accept the resignation in writing of, or remove, any member of the committee; and*
- (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.”*

Comment

The ruling by the Court of Disputed Returns under section 4.81 of the Act that the 2021 Ordinary Local Government Election in the North Ward was invalid has resulted in one vacancy on the Shire’s Bush Fire Advisory Committee.

Following the fresh election held under section 4.15 of the Act, Council has two options in respect to this committee:

1. appoint Councillors to the vacant position; or
2. spill both Councillor positions and re-fill these positions.

The resolutions required to enact the two respective options are described in the options section of this report.

Options and Implications

Option 1

That Council APPOINTS the following Councillor as member of the Bush Fire Advisory Committee:

- Cr _____

Option 2

That Council:

1. In accordance with section 67 of the *Bush Fires Act 1954* REMOVES all Councillors appointed to the Bush Fire Advisory Committee at the 25 October 2021 Special Council Meeting;



2. APPOINTS the following Councillors as members of the Bush Fire Advisory Committee:

- Cr _____
- Cr _____

Conclusion

The declaration of the 2021 Ordinary Local Government Election in the North Ward as invalid resulted in a position on the Bush Fire Advisory Committee being vacated. With the completion of the fresh election conducted under section 4.15 of the Act, Council is presented with this paper to appoint members.

Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1&2	Neither option 1 or 2 have material risks.						



Written nominations received prior to the meeting from the following Councillors as Bush Fire Advisory Committee Members:

- Councillor Rich

Voting Requirements: Simple Majority

SCM031/10/22

COUNCIL RESOLUTION

Moved Cr Rich, seconded Cr Duggin

That Council APPOINTS the following Councillor as member of the Bush Fire Advisory Committee:

- Cr Rich

CARRIED UNANIMOUSLY 8/0



7.1.5 – Local Emergency Management Committee – Appointment of members following the section 4.15 Fresh Election in the North Ward (SJ4006)	
Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Director Community Services
Disclosure of Officer's 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> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

The purpose of this report is to enable Council to the Local Emergency Management Committee following the section 4.15 fresh election in the North Ward.

Relevant Previous Decisions of Council

<p><i>Special Council Meeting – 25 October 2021 - SCM066/10/21 - COUNCIL RESOLUTION That Council:</i></p> <ol style="list-style-type: none"><i>1. APPOINTS the following Councillor as member of the Local Emergency Management Committee:</i><ul style="list-style-type: none"><i>• Cr Singh</i><i>2. APPOINTS the following Councillor as a deputy member of the Local Emergency Management Committee who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:</i><ul style="list-style-type: none"><i>• Cr Atwell</i><i>3. APPOINTS other office holders as members of the Local Emergency Management Committee per the terms of reference in attachment 1.</i>
--

Background

The Local Emergency Management Committee is established under s38 of the *Emergency Management Act 2005* to develop and maintain effective emergency management arrangements for the local area. The *Emergency Management Act 2005* specifies that the role of the Committee is to:

- advise and assist the local government in ensuring that local emergency management arrangements are established for its district;
- liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and



- carry out other emergency management activities as directed by the State Emergency Management Committee or prescribed by the regulations.

The Committee is not a Committee of Council.

Community / Stakeholder Consultation

Nil.

Statutory Environment

Under section 38(4) of the *Emergency Management Act 2005* the constitution and procedures of Local Emergency Management Committees are set by State Emergency Management Committee (SEMC).

The State Emergency Management Procedures produced by SEMC provides guidance in this regard. The Shire's terms of reference are consistent with section 38(4) of the *Emergency Management Act 2005*.

Comment

The ruling by the Court of Disputed Returns under section 4.81 of the Act that the 2021 Ordinary Local Government Election in the North Ward was invalid has resulted in a vacancy on the Shire's Local Emergency Management Committee.

Following the fresh election held under section 4.15 of the Act, Council has two options in respect to this committee:

1. appoint a Councillor to the vacancy; or
2. spill the deputy position appointed at the 25 October 2021 Special Council Meeting and re-fill the member and deputy positions.

Options and Implications

Option 1

That Council APPOINTS the following Councillor to the Local Emergency Management Committee:

- Cr _____

Option 2

That Council:

1. REMOVES the Councillor appointed as a Deputy to the Local Emergency Management Committee appointed at 25 October 2021 Special Council Meeting
2. APPOINTS the following Councillor to the Local Emergency Management Committee:
 - Cr _____
3. APPOINTS the following Councillor as a Deputy Member of the Local Emergency Management Committee who may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause:
 - Cr _____



Conclusion

The declaration of the 2021 Ordinary Local Government Election in the North Ward as invalid resulted in the Councillor position on the Local Emergency Management Committee being vacated. With the completion of the fresh election conducted under section 4.15 of the Act, Council is presented with this paper to appoint a member.

Attachments (available under separate cover)

Nil.

Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1&2	Neither option 1 or 2 have material risks.						

Nominations received from the floor from the following Councillors as Local Emergency Management Committee Members:

- Councillor Atwell

Voting Requirements: Simple Majority

SCM032/10/22

COUNCIL RESOLUTION

Moved Cr Atwell, seconded Cr Coales

That Council APPOINTS the following Councillor to the Local Emergency Management Committee:

- Cr Atwell

CARRIED UNANIMOUSLY 8/0



8. Motions of which notice has been given:

Nil.

9. Urgent business:

Nil.

10. Closure:

There being no further business, the Presiding Member declared the meeting closed at 8:01pm.

Officers assisting the Meeting stopped the recording of the Meeting.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 21 November 2022.

.....  Presiding Member – Councillor Rich

..... 28/11/2022 Date

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Public Notice**Ward and Representation Review**

Background
The Shire is undertaking a six-week review of its wards and representation, with members of the public invited to have their say.

In line with WA State Government recommendations, Councils are being encouraged to assess their wards and jurisdictions to ensure a fair representation for residents. The Shire has nine elected Councillors split evenly across three wards.

In October 2022, Council resolved to change the method of electing the President to the method by general election and conduct a Ward and Representation Review. Under the new approach the Shire President will hold a single council position not tied to any of the Shire's wards.

The review will assess the current structure and arrangements to accommodate a reduction of Councillor numbers required to enact the change in time for the 2023 Ordinary Local Government Election.

The number of offices of councillor for each ward will be reviewed against the following five factors:

- Community of interest
- Physical and topographic features
- Demographic trends
- Economic factors
- Ratio of councillors to electors in the various wards.

Discussion Paper
A Discussion Paper has been prepared to assist with the Ward and Representation Review. The Discussion Paper is available via Your Say SJ, the Shire of Serpentine Jarroldale's online engagement hub. Your Say SJ is located at: <https://www.yoursaysj.sherpentine.wa.gov.au/>

Public submissions
Members of the community are invited to make a written submission about any aspect of ward boundaries and representation. The preferred method of providing a submission is via Your Say SJ, the Shire of Serpentine Jarroldale's online engagement hub. Your Say SJ is located at: <https://www.yoursaysj.sherpentine.wa.gov.au/>

Alternatively, submissions may be lodged:
Shire of Serpentine Jarroldale
6 Paterson Street
MUNDOONG WA 6123
Email: info@shirpentine.wa.gov.au
All submissions must be received by 5pm on Friday, 23 December 2022.

Paul Martin
Chief Executive Officer

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Shire of Serpentine Jarroldale

Public Notice

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Ward and Representation Review

November 2022



Background

At the 24 October 2022 Special Council Meeting the Serpentine Jarrahdale Council resolved to undertake a Ward and Representation Review in response to a request from the Minister for Local Government.

The Minister is introducing legislation that will change election processes for local governments across the state. For the Shire, this means that the Shire will have a President elected by Electors rather than Council and will reduce the size of the elected Council by at least one member to account for the change in election method of the President.

This is because under the reforms for local governments with a population of between 5,000 and 75,000 (which the Shire currently sits), legislative amendments are proposed to be introduced by the State Government that will cap the number of Councillors to no more than nine, including the President.

The Minister has requested local governments to implement the changes proposed voluntarily, prior to the introduction of legislation. This requires a Ward and Representation Review and associated amendments to be conducted through the process enshrined in the *Local Government Act 1995*.

The Minister's timetable requires the following steps to be completed by 14 February 2023:

Event	Date
Publication of the discussion paper via local public notice for a period of 6 weeks and 1 day (minimum) following publication of the meeting minutes	Thursday, 10 November 2022
Close of public notice period	Friday, 23 December 2022
Prepare Council report based on the submissions	Monday, 13 January 2023
Publish agenda for Special Council meeting	Friday, 20 January 2023
Special Council Meeting	Monday, 30 January 2023
Presentation of final report to Local Government Advisory Board	February 2023

Following consideration of submissions from the public notice period, Council will resolve a preferred option for presentation to the Local Government Advisory Board. The Local Government Advisory Board is an independent statutory body that will make a recommendation to the Governor.

Limitations of this Discussion Paper

This Discussion Paper has been prepared in accordance with Council's resolution at the 24 October 2022 Special Council Meeting and the Local Government Advisory

Board's Guide for Local Governments on how to conduct a review of wards and representation.

Options to alter the structure of ward boundaries have not been contemplated in this discussion paper but may be proposed by members of the public. This is because a proposal to move the ward boundary requires an analysis of current and future population forecasts, which is not possible within the timeframes to complete changes in time for the 2023 Ordinary Local Government election as set out by the Minister.

Consideration of ward boundaries is a matter that may be considered by Council in a subsequent Ward and Representation Review.

Current situation

Currently, the Shire of Serpentine Jarrahdale has nine (9) Councillors elected from three (3) wards:

**Table 1: Shire of Serpentine Jarrahdale elector to Councillor ratios
(30 September 2022)**

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviations ¹
North	7,501	3	1:2500	-5.7%
North West	7,472	3	1:2490	-5.5%
South	6,302	3	1:2100	11.1%

The Australian Bureau of Statistics divides areas into statistical areas known as localities. While the alteration of ward boundaries is not contemplated as an option, the localities within each ward and the number of Electors as of 30 September 2022 (sourced from the Western Australian Electoral Commission Enrolment Statistics Report) is shown for information in the table below:

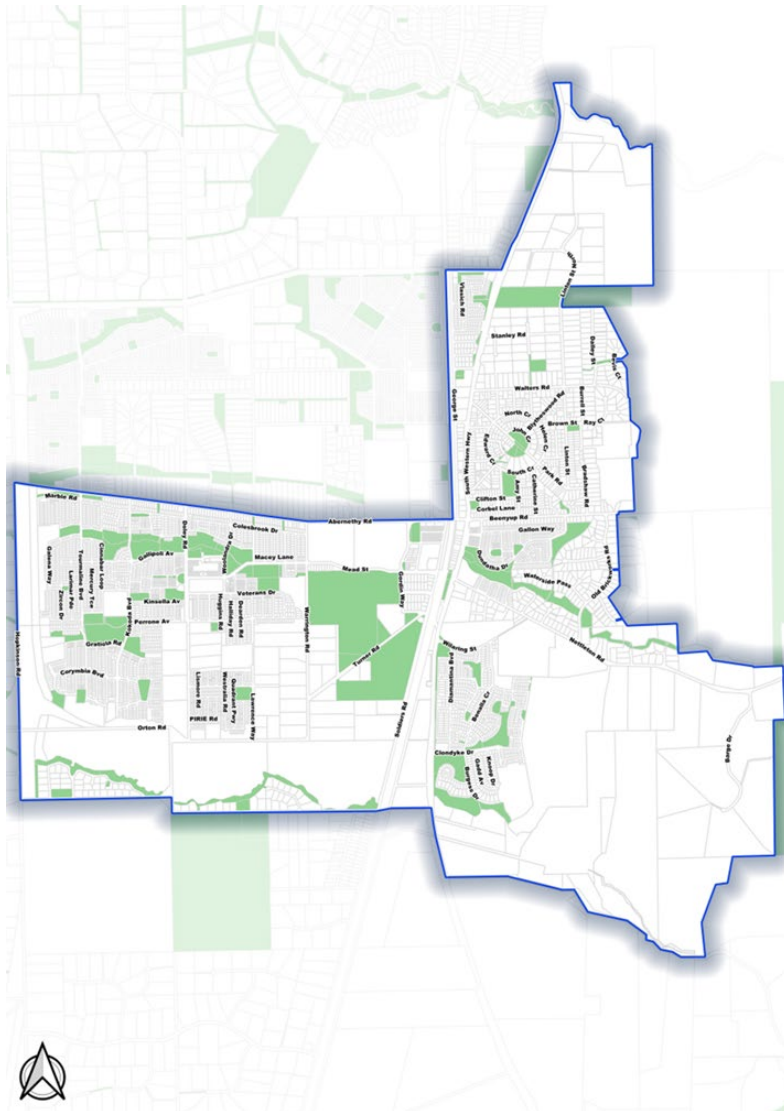
	Sum of Number of Electors
North	7,501
Byford	7,501
North West	7,472
Byford	4,187
Darling Downs	1,258
Forrestdale	1
Oakford	2,026
South	6,302
Byford	4

¹ The % ratio deviation is calculated by subtracting the Councillor/Elector ratio for a ward from the average Councillor/Elector ratio. The result is then divided by the average Councillor/Elector ratio and multiplied by 100 to give a percentage.

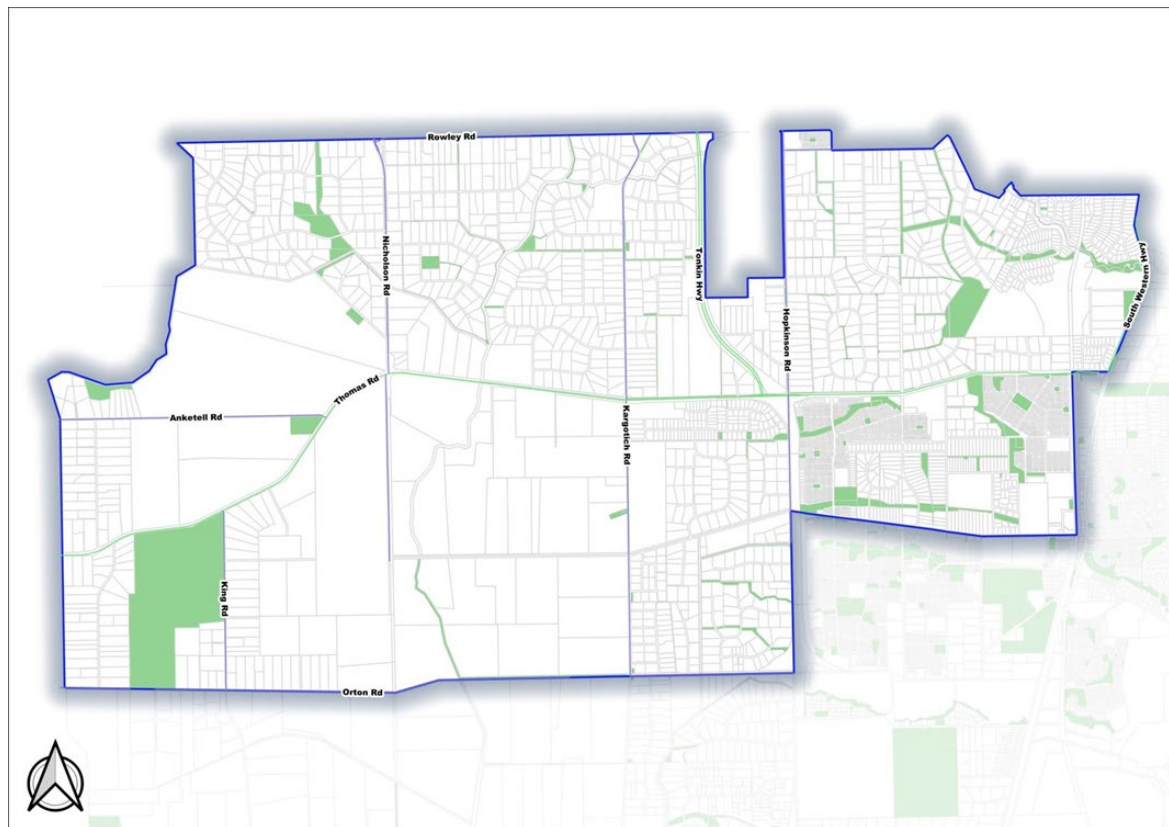
Cardup	917
Hopeland	266
Jarrahdale	876
Karrakup	102
Keysbrook	160
Mardella	372
Mundijong	878
Oldbury	247
Serpentine	1,863
Whitby	617
Total	21,275

The boundaries of the Shire's wards are shown in the following maps.

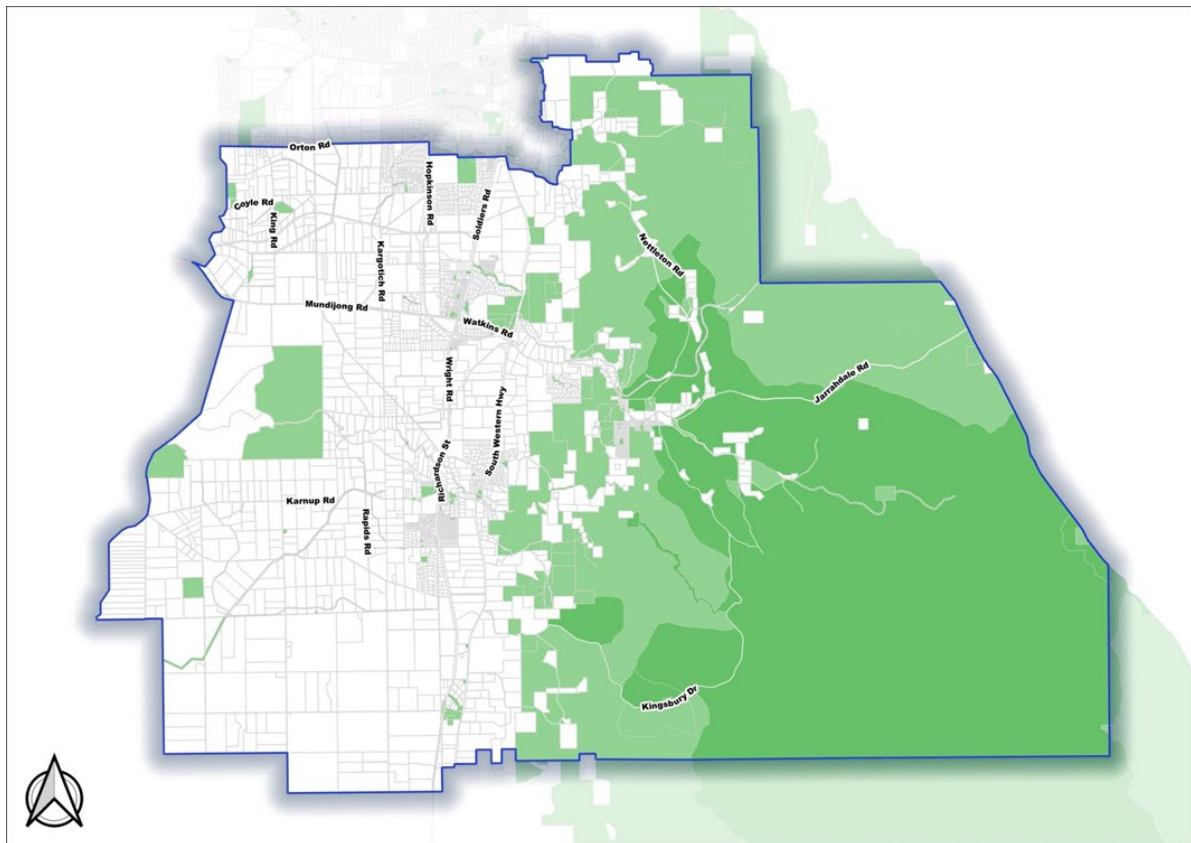
North Ward



North West Ward



South Ward



Ward and representation in the Shire since 2000

Over time the Shire's ward configuration has evolved. The current ward structure has been in place since a review was conducted in 2018. The 2018 review altered the Shire's ward boundaries and aligned Councillor numbers into their current configuration. Immediately prior to the 2018 ward review, the ward structure was as follows:

Table 2 – 2018 Ward Configuration

Ward	Number of Councillors
North	4
North West	2
Southern	3

The review preceding the 2018 review was conducted in 2011. At the time of the 2011 review the Shire had four wards in place and 10 Councillors, configured as shown in the following table:

Table 3 – 2011 Ward Configuration

Ward	Number of Councillors
Byford	3
Central	3
North West	2
Southern	2

The ward structure in the early 2000s also employed the four ward structure albeit with different proportions of Councillor representation, with reviews conducted in 2000 and 2004.

This history shows that in just over 20 years the structure of ward and representation in the Shire has had considerable change.

Options to consider

The Council has resolved to consider the following options following the decision to move to a President elected by Electors:

- Option 1 – Six Councillors plus Shire President across three wards
- Option 2 – Eight Councillors plus Shire President across three wards
- Option 3 – Six Councillors plus Shire President without wards
- Option 4 – Eight Councillors plus Shire President without wards

Council does not have a recommended position at this time.

In line with the Minister's directions to local governments, only options that are in accordance with the proposed legislation amendments are presented in this discussion paper.

Option 1 and 2 propose reducing the number of Councillors but do not propose amending ward boundaries at this time. Options 3 and 4 propose reducing the Number of Councillors and abolishing wards for the time being.

Council has not considered which Councillor position(s) would be abolished under any of the four options.

Under the *Local Government Act 1995*, when conducting a Ward and Representation Review a local government must consider five factors:

- Community of interest
- Physical and topographic features
- Demographic trends
- Economic factors
- Ratio of Councillors to Electors in the various wards.

The Local Government Advisory Board provides a definition of each of these factors

Community of interest

The term community of interest has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities. It can also include dependence on the shared facilities in a district as reflected in the catchment areas of local schools and sporting teams, or the circulation areas of local newspapers.

Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.

Physical and topographic features

These may be natural or man-made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations. Coastal plain and foothills regions, parks and reserves may be relevant as may other man made features such as railway lines and freeways.

Demographic trends

Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.

Economic factors

Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area. This may include the

industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.

Ratio of Councillors to Electors in the various wards

It is expected that each local government will have similar ratios of Electors to Councillors across the wards of its district.

These factors are considered in the discussion of the each of the options below:

Option 1 – Six Councillors plus Shire President across three wards

Option 1 proposes a reduction of Councillors to six, with the Office of the President elected by electors. Under this option the Shire would have a total of seven elected officials.

Under this model, two Councillors would be elected from each of the wards.

As no amendments to ward boundaries are proposed, the comparative ratio of Electors per Councillor between wards would be unchanged.

Table 2: Shire of Serpentine Jarrahdale elector to Councillor ratios with six Councillors across three wards (as of 13 September 2022)

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation ²
North	7,501	2	1:3750	-5.7%
North West	7,472	2	1:3736	-5.3%
South	6,302	2	1:3151	11.1%

The number of votes in the affirmative for an absolute majority decision defined in the Act would be four. This approach could involve savings of approximately \$42,000 annually in Councillor fees and allowances (based on the rates set by Council in 2022) but any savings would be contingent on future Salary and Allowance Tribunal and Council decisions.

Community of interest

As Option 1 does not propose amendments to the ward boundaries there would be no immediate change in relation to communities of interest.

Physical and topographic features

As Option 1 does not propose amendments to the ward boundaries there would be

² The % ratio deviation is calculated by subtracting the Councillor/Elector ratio for a ward from the average Councillor/Elector ratio. The result is then divided by the average Councillor/Elector ratio and multiplied by 100 to give a percentage. A negative result indicates that the ward is comparatively under represented and a positive result indicates that the ward is comparatively over represented.

no immediate change in relation to physical and topographical features.

Demographic trends

The Shire is a high growth local government. In the 12 month period between the 2021 ordinary local government election and September 2022, the number of Electors in the Shire increased by 4.1%. In this period the number of Electors in every ward increased but population growth was the highest in the North Ward where it grew by 6.3%.

The Shire's North and North West Wards are known to feature higher density urban development than the more rural South Ward. In the longer term, population growth in the South Ward will increase more rapidly with the expansion of the Tonkin Highway.

Under this option, adjusting boundaries to manage these population changes would need to be something considered in future ward and representation reviews.

Economic factors

As Option 1 does not propose amendments to the ward boundaries there would be no immediate change in relation to economic factors.

Ratio of Councillors to Electors in the various wards

While the ratio of Councillors to Electors in various wards would be reduced overall, as there are no proposed amendments to the ward boundaries the comparative deviations currently present would not be changed as a result of the proposal. Future changes in population between wards have not been contemplated as a thorough analysis of forecast data has not been possible in the timeframe required.

Option 2 – Eight Councillors plus Shire President across three wards

Option 2 proposes a reduction of Councillors to eight, with the Office of the President elected by Electors. Under this option, the Shire would continue to have a total of nine elected officials.

Under this model, three Councillors would be elected from two of the wards and two Councillors would be elected from the remaining ward.

The number of votes in the affirmative for an absolute majority decision defined in the Act would continue to be four³. This approach could involve savings of approximately \$21,000 annually in Councillor fees and allowances (based on the rates set by Council in 2022) but any savings would be contingent on future Salary and Allowance Tribunal and Council decisions⁴.

³ Following the Council's resolution approving the discussion paper it was identified that this was a typographic error. An absolute majority decision under this approach would be five councillors.

⁴ Following the Council's resolution approving the discussion paper it was identified that this was a typographic error from a miscalculation and that there would be negligible savings associated with Councillor fees with this option.

Option 2 would involve an uneven distribution of Councillors with one of the wards featuring a sizeable deviation in excess of the preferred tolerance level set by the Local Government Advisory Board. Based on the Elector figures from September 2022 the ratios would be as follows:

Option 2a:

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
North	7,501	2	1:3750	-41.0
North West	7,472	3	1:2490	6.3
South	6,302	3	1:2100	21.0

Option 2b:

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
North	7,501	3	1:2500	5.9
North West	7,472	2	1:3736	-40.4
South	6,302	3	1:2100	21.0

Option 2c:

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
North	7,501	3	1:2500	5.9
North West	7,472	3	1:2490	6.3
South	6,302	2	1:3151	-18.4

Due to the relative populations of the North and North West Wards, Options 2a and 2b would exacerbate the comparative ratio deviation with the South Ward. Option 2c would overcorrect the ratio deviation from -18..

Arithmetic dictates that 8 does not divide evenly into three and option 2, without boundary changes, will result in an uneven distribution of Councillors.

Community of interest

As Option 2 does not propose amendments to the ward boundaries there would be no immediate change in relation to communities of interest.

Physical and topographic features

As Option 2 does not propose amendments to the ward boundaries there would be no immediate change in relation to physical and topographical features.

Demographic trends

The Shire is a high growth local government. In the near 12 month period between the 2021 ordinary local government election and September 2022, the number of

Electors in the Shire increased by 4.4%. In this period the number of Electors in every ward increased but population growth was the highest in the North Ward where it grew by 6.8%.

The Shire's North and North West Wards are known to feature higher density urban development than the more rural South Ward. In the longer term population growth in the South Ward will increase more rapidly with the expansion of the Tonkin Highway.

The deviation ratio associated with options 2a and 2b in the short to medium term would likely increase in future years, while in option 2c the over-corrected deviation ratio would likely decrease in the short and medium time. Long term development will alter demographics considerably, but these population changes would need to be something considered in future ward and representation reviews.

Economic factors

As Option 2 does not propose amendments to the ward boundaries there would be no change in relation to economic factors.

Ratio of Councillors to Electors in the various wards.

As noted above, options 2a, 2b and 2c would result in an uneven distribution of Councillors between the wards.

Option 3 – Six Councillors plus Shire President without wards

Option 3 proposes a reduction to six Councillors plus the President, elected by Electors but without wards. This approach would mean that the six Councillor positions as well as the President would be filled through a general election across the entire district.

In general terms, the Local Government Advisory Board describes the advantages and disadvantages of a no ward system as:

The advantages of a no ward system may include:

- *Elected members are elected by the whole community not just a section of it. Knowledge and interest in all areas of the Council's affairs would result broadening the views beyond the immediate concerns of those in a ward.*
- *The smaller town sites and rural areas have the whole Council working for them.*
- *Members of the community who want to approach an elected member can speak to any elected member.*
- *Social networks and communities of interest are often spread across a local government and elected members can have an overview of these.*
- *Elected members can use their specialty skills and knowledge for the benefit of the whole local government.*
- *There is balanced representation with each elected member representing the whole community.*
- *The election process is much simpler for the community to understand and for*

the Council to administer.

The disadvantages of a no ward system may include:

- *Electors may feel that they are not adequately represented if they don't have an affinity with any of the elected members.*
- *Elected members living in a certain area may have a greater affinity and understanding of the issues specific to that area.*
- *There is potential for an interest group to dominate the Council.*
- *Elected members may feel overwhelmed by having to represent all electors and may not have the time or opportunity to understand and represent all the issues.*
- *It may be more difficult and costly for candidates to be elected if they need to canvass the whole local government area.*

This approach could involve savings of approximately \$42,000 annually in Councillor fees and allowances (based on the rates set by Council in 2022) but any savings would be contingent on future Salary and Allowance Tribunal and Council decisions.

Community of interest

This approach would negate any benefits or disbenefits associated with the communities of interest derived from the current ward structure. As communities of interest is defined by the Advisory Board as a sense of community identity and belonging which is inherently difficult to quantify, it is not possible to quantify the extent that the change will impact community of interest.

Physical and topographic features

This approach would negate any benefits or disbenefits associated with wards and physical and topographic features. The Shire's current ward structure does not employ physical or topographic features as a major factor in the currency boundary alignment.

Demographic trends

This approach would negate any benefits or disbenefits associated with demographic trends derived from the current ward structure.

Economic factors

This approach would negate any benefits or disbenefits associated with economic factors derived from the current ward structure.

Ratio of Councillors to Electors in the various wards

The ratio of Councillors to Electors would be 1:3537. Comparatively, every Elector would have the same level of representation as every other Elector.

Option 4 – Eight Councillors plus Shire President without wards

Option 4 proposes a reduction to eight councillors plus the President, elected by Electors but without wards.

This approach would mean that the eight Councillor positions as well as the President would be filled through a general election across the entire district.

This approach could involve savings of approximately \$21,000 annually in Councillor fees and allowances (based on the rates set by Council in 2022) but any savings would be contingent on future Salary and Allowance Tribunal and Council decisions⁵.

Community of interest

This approach would negate any benefits or disbenefits associated with the communities of interest derived from the current ward structure. As communities of interest is defined by the Advisory Board as a sense of community identity and belonging which is inherently difficult to quantify, it is not possible to quantify the extent that the change will impact community of interest.

Physical and topographic features

This approach would negate any benefits or disbenefits associated with wards and physical and topographic features. The Shire's current ward structure does not employ physical or topographic features as a major factor in the currency boundary alignment.

Demographic trends

This approach would negate any benefits or disbenefits associated with demographic trends derived from the current ward structure.

Economic factors

This approach would negate any benefits or disbenefits associated with economic factors derived from the current ward structure.

Ratio of Councillors to Electors in the various wards

The ratio of Councillors to Electors would be 1:2653. Comparatively, every Elector would have the same level of representation as every other Elector.

⁵ Following the Council's resolution approving the discussion paper it was identified that this was a typographic error from a miscalculation and that there would be negligible savings associated with Councillor fees with this option.

Public submissions

Members of the community are invited to make a written submission about any aspect of ward boundaries and representation. The preferred method of providing a submission is via Your Say SJ, the Shire of Serpentine Jarrahdale's online engagement hub. Your Say SJ is located at:

<https://www.yoursaysj.sjshire.wa.gov.au/>

Alternatively, submissions may be lodged:

Shire of Serpentine Jarrahdale

6 Paterson Street

MUNDIJONG WA 6173

Email: info@sjshire.wa.gov.au

All submissions must be received by 5pm on Friday, 23 December 2022.

Survey Responses

10 November 2022 - 23 December 2022

Submission Form

Your Say SJ

Project: Ward and Representation Review



VISITORS					
50					
CONTRIBUTORS			RESPONSES		
23			24		
5	18	0	6	18	0
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous

**Respondent No:** 1**Login:** Unverified**Responded At:** Nov 10, 2022 08:13:06 am**Last Seen:** Nov 10, 2022 08:13:06 am

- | | |
|---|--|
| Q1. Are you an elector in the Shire? | Yes |
| <hr/> | |
| Q2. What ward do you reside in? | South Ward |
| <hr/> | |
| Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option: | Option 1 – Six Councillors plus Shire President across three wards |
| <hr/> | |
| Q4. Which eight Councillor configuration do you prefer for a 3 ward structure? | not answered |
| <hr/> | |
| Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration: | |
| Economic and to keep wards till South Ward is more developed | |
| <hr/> | |
| Q6. How did you hear about this community consultation? | Social media |
| <hr/> | |
| Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ | Yes |
| <hr/> | |

**Respondent No:** 2**Login:** Unverified**Responded At:** Nov 10, 2022 11:16:28 am**Last Seen:** Nov 10, 2022 11:16:28 am

Q1. Are you an elector in the Shire?	Yes
Q2. What ward do you reside in?	North Ward
Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option:	Option 4 – Eight Councillors plus Shire President without wards
Q4. Which eight Councillor configuration do you prefer for a 3 ward structure?	not answered
Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:	not answered
Q6. How did you hear about this community consultation?	Social media
Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Yes

**Respondent No:** 3**Login:** Registered**Responded At:** Nov 14, 2022 17:10:37 pm**Last Seen:** Nov 14, 2022 09:10:37 am

- | | |
|---|--|
| Q1. Are you an elector in the Shire? | Yes |
| <hr/> | |
| Q2. What ward do you reside in? | North Ward |
| <hr/> | |
| Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option: | Option 1 – Six Councillors plus Shire President across three wards |
| <hr/> | |
| Q4. Which eight Councillor configuration do you prefer for a 3 ward structure? | not answered |
| <hr/> | |
| <p>Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:</p> <p>3 wards, 2 Councillors per ward. Ward boundaries may need to be re aligned to reflect equality of size and ratepayers as close as is practical.</p> | |
| <hr/> | |
| Q6. How did you hear about this community consultation? | Social media |
| <hr/> | |
| Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ | Yes |
| <hr/> | |

**Respondent No:** 4**Login:** Registered**Responded At:** Nov 30, 2022 13:38:15 pm**Last Seen:** Nov 30, 2022 05:38:18 am

Q1. Are you an elector in the Shire?	Yes
<hr/>	
Q2. What ward do you reside in?	South Ward
<hr/>	
Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option:	Option 2 – Eight Councillors plus Shire President across three wards
<hr/>	
Q4. Which eight Councillor configuration do you prefer for a 3 ward structure?	North Ward 3 Councillors, North West Ward 2 Councillors, South Ward 3 Councillors
<hr/>	
<p>Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:</p> <p>South Ward is very large with vastly differing features and needs to the other 2 wards, so requires better representation.</p>	
<hr/>	
Q6. How did you hear about this community consultation?	Social media
<hr/>	
Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Yes
<hr/>	

**Respondent No:** 5**Login:** Unverified**Responded At:** Nov 30, 2022 15:21:27 pm**Last Seen:** Nov 30, 2022 15:21:27 pm

Q1. Are you an elector in the Shire?	Yes
Q2. What ward do you reside in?	North Ward
Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option:	Option 3 – Six Councillors plus Shire President without wards
Q4. Which eight Councillor configuration do you prefer for a 3 ward structure?	not answered
Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:	not answered
Q6. How did you hear about this community consultation?	Social media
Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Yes

**Respondent No:** 6**Login:** Unverified**Responded At:** Dec 01, 2022 07:33:44 am**Last Seen:** Dec 01, 2022 07:33:44 am

Q1. Are you an elector in the Shire?	Yes
Q2. What ward do you reside in?	North Ward
Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option:	Option 1 – Six Councillors plus Shire President across three wards
Q4. Which eight Councillor configuration do you prefer for a 3 ward structure?	not answered
Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:	not answered
Q6. How did you hear about this community consultation?	Your Say SJ website
Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Yes

**Respondent No:** 7**Login:** Unverified**Responded At:** Dec 03, 2022 20:26:16 pm**Last Seen:** Dec 03, 2022 20:26:16 pm

- | | |
|---|---|
| Q1. Are you an elector in the Shire? | Yes |
| Q2. What ward do you reside in? | South Ward |
| Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option: | Option 2 – Eight Councillors plus Shire President across three wards |
| Q4. Which eight Councillor configuration do you prefer for a 3 ward structure? | North Ward 2 Councillors, North West Ward 3 Councillors, South Ward 3 Councillors |
| Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration: | <p>this states to be all about saving monies from having a lesser number of Councilors !! get rid of some dead wood in the office to make bigger savings.. Councilors MUST elect the President. I believe if you change the current system, it will be to our detriment , esp the South Ward.. you need to keep farmers to the front, esp when you espouse this to be a Rural Shire. Our rates keep increasing and we do not see much being spent in the South Ward, esp roads... so how will the new system improve this outcome ???</p> |
| Q6. How did you hear about this community consultation? | Word of mouth |
| Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ | Yes |

**Respondent No:** 8**Login:** Unverified**Responded At:** Dec 05, 2022 08:01:56 am**Last Seen:** Dec 05, 2022 08:01:56 am

- | | |
|---|--|
| Q1. Are you an elector in the Shire? | Yes |
| <hr/> | |
| Q2. What ward do you reside in? | South Ward |
| <hr/> | |
| Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option: | Option 1 – Six Councillors plus Shire President across three wards |
| <hr/> | |
| Q4. Which eight Councillor configuration do you prefer for a 3 ward structure? | not answered |
| <hr/> | |
| Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration: | |
| I agree that 6 councillors is enough and the president should be elected by rate payers | |
| <hr/> | |
| Q6. How did you hear about this community consultation? | Social media |
| <hr/> | |
| Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ | Yes |
| <hr/> | |

**Respondent No:** 9**Login:** Unverified**Responded At:** Dec 15, 2022 19:23:09 pm**Last Seen:** Dec 15, 2022 19:23:09 pm

- | | |
|---|--|
| Q1. Are you an elector in the Shire? | Yes |
| Q2. What ward do you reside in? | North Ward |
| Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option: | Option 1 – Six Councillors plus Shire President across three wards |
| Q4. Which eight Councillor configuration do you prefer for a 3 ward structure? | not answered |
| Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration: | i think it is the community interest to stream line the number of councillors and 2 councillors a ward is enough |
| Q6. How did you hear about this community consultation? | Word of mouth |
| Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ | Yes |

**Respondent No:** 10**Login:** Unverified**Responded At:** Dec 15, 2022 19:33:10 pm**Last Seen:** Dec 15, 2022 19:33:10 pm

Q1. Are you an elector in the Shire?	Yes
Q2. What ward do you reside in?	Unsure
Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option:	Option 1 – Six Councillors plus Shire President across three wards
Q4. Which eight Councillor configuration do you prefer for a 3 ward structure?	not answered
Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:	not answered
Q6. How did you hear about this community consultation?	Word of mouth
Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Yes

**Respondent No:** 11**Login:** Unverified**Responded At:** Dec 15, 2022 19:43:40 pm**Last Seen:** Dec 15, 2022 19:43:40 pm

Q1. Are you an elector in the Shire?	No
Q2. What ward do you reside in?	not answered
Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option:	Option 1 – Six Councillors plus Shire President across three wards
Q4. Which eight Councillor configuration do you prefer for a 3 ward structure?	not answered
Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:	not answered
Q6. How did you hear about this community consultation?	Word of mouth
Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Yes

**Respondent No:** 12**Login:** Unverified**Responded At:** Dec 15, 2022 19:47:44 pm**Last Seen:** Dec 15, 2022 19:47:44 pm

Q1. Are you an elector in the Shire?	Yes
Q2. What ward do you reside in?	North Ward
Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option:	Option 1 – Six Councillors plus Shire President across three wards
Q4. Which eight Councillor configuration do you prefer for a 3 ward structure?	not answered
Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:	not answered
Q6. How did you hear about this community consultation?	Word of mouth
Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Yes

**Respondent No:** 13**Login:** Unverified**Responded At:** Dec 15, 2022 21:31:26 pm**Last Seen:** Dec 15, 2022 21:31:26 pm

Q1. Are you an elector in the Shire?	Yes
Q2. What ward do you reside in?	North Ward
Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option:	Option 1 – Six Councillors plus Shire President across three wards
Q4. Which eight Councillor configuration do you prefer for a 3 ward structure?	not answered
Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:	not answered
Q6. How did you hear about this community consultation?	Social media
Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Yes

**Respondent No:** 14**Login:** Unverified**Responded At:** Dec 15, 2022 21:32:25 pm**Last Seen:** Dec 15, 2022 21:32:25 pm

Q1. Are you an elector in the Shire?	Yes
Q2. What ward do you reside in?	North Ward
Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option:	Option 1 – Six Councillors plus Shire President across three wards
Q4. Which eight Councillor configuration do you prefer for a 3 ward structure?	not answered
Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:	not answered
Q6. How did you hear about this community consultation?	Word of mouth
Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Yes

**Respondent No:** 15**Login:** Unverified**Responded At:** Dec 19, 2022 19:05:20 pm**Last Seen:** Dec 19, 2022 19:05:20 pm

- | | |
|---|--|
| Q1. Are you an elector in the Shire? | Yes |
| <hr/> | |
| Q2. What ward do you reside in? | North West Ward |
| <hr/> | |
| Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option: | Option 1 – Six Councillors plus Shire President across three wards |
| <hr/> | |
| Q4. Which eight Councillor configuration do you prefer for a 3 ward structure? | not answered |
| <hr/> | |
| Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration: | |
| I like the idea of reducing thr number of councillors | |
| <hr/> | |
| Q6. How did you hear about this community consultation? | Social media |
| <hr/> | |
| Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ | Yes |
| <hr/> | |

**Respondent No:** 16**Login:** Unverified**Responded At:** Dec 20, 2022 15:00:05 pm**Last Seen:** Dec 20, 2022 15:00:05 pm

- | | |
|---|--|
| Q1. Are you an elector in the Shire? | Yes |
| Q2. What ward do you reside in? | Unsure |
| Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option: | Option 1 – Six Councillors plus Shire President across three wards |
| Q4. Which eight Councillor configuration do you prefer for a 3 ward structure? | not answered |
| Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration: | Best idea ever |
| Q6. How did you hear about this community consultation? | Social media |
| Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ | Yes |

**Respondent No:** 17**Login:** Unverified**Responded At:** Dec 22, 2022 07:39:00 am**Last Seen:** Dec 22, 2022 07:39:00 am

Q1. Are you an elector in the Shire?	Yes
Q2. What ward do you reside in?	South Ward
Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option:	Option 3 – Six Councillors plus Shire President without wards
Q4. Which eight Councillor configuration do you prefer for a 3 ward structure?	not answered
Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:	not answered
Q6. How did you hear about this community consultation?	Social media
Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Yes

**Respondent No:** 18**Login:** Unverified**Responded At:** Dec 22, 2022 10:17:51 am**Last Seen:** Dec 22, 2022 10:17:51 am

Q1. Are you an elector in the Shire?	Yes
Q2. What ward do you reside in?	North Ward
Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option:	Option 1 – Six Councillors plus Shire President across three wards
Q4. Which eight Councillor configuration do you prefer for a 3 ward structure?	not answered
Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:	Like the American president election is in the community interest
Q6. How did you hear about this community consultation?	Social media
Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Yes

**Respondent No:** 19**Login:** Unverified**Responded At:** Dec 22, 2022 19:29:48 pm**Last Seen:** Dec 22, 2022 19:29:48 pm

Q1. Are you an elector in the Shire?	Yes
Q2. What ward do you reside in?	North Ward
Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option:	Option 4 – Eight Councillors plus Shire President without wards
Q4. Which eight Councillor configuration do you prefer for a 3 ward structure?	not answered
Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:	<p>None of the options presented are feasible. We need to have a full spill with no wards 8 councillors and 1 Shire President. This is what is fair for the community as a whole</p>
Q6. How did you hear about this community consultation?	Your Say SJ website
Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Yes

**Respondent No:** 20**Login:** Registered**Responded At:** Dec 22, 2022 19:32:40 pm**Last Seen:** Dec 22, 2022 11:32:40 am

Q1. Are you an elector in the Shire?	Yes
Q2. What ward do you reside in?	North Ward
Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option:	Option 4 – Eight Councillors plus Shire President without wards
Q4. Which eight Councillor configuration do you prefer for a 3 ward structure?	not answered
Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:	<p>Must be a total spill otherwise dies not meet the guidelines once wards are put back in place of 50% spill. As this is totally new its in the community's best interests as a whole to spill all sitting Councillors in all wards. Ward review after 23 election and reinstate wards. I support officers recommendation from October Council Meeting</p>
Q6. How did you hear about this community consultation?	Your Say SJ website
Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Yes

**Respondent No:** 21**Login:** Registered**Responded At:** Dec 22, 2022 20:08:35 pm**Last Seen:** Dec 22, 2022 12:08:36 pm

- | | |
|---|---|
| Q1. Are you an elector in the Shire? | Yes |
| <hr/> | |
| Q2. What ward do you reside in? | North Ward |
| <hr/> | |
| Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option: | Option 4 – Eight Councillors plus Shire President without wards |
| <hr/> | |
| Q4. Which eight Councillor configuration do you prefer for a 3 ward structure? | not answered |
| <hr/> | |
| <p>Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters: community of interest; physical and topographic features; demographic trends; economic factors; and the ratio of Councillors to electors in the various wards. Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:</p> <p>I strongly support Ward boundaries and elections as they more appropriately provide broad representation from across the Shire. However for the purpose of getting a decision in place for the longer term I support the choice of option 4 with 8 Councillors and a Shire President without Wards in order to retain nine Council positions. This choice is made provided there is a spill of all positions to start the new arrangements, a sensible beginning of reform for what is becoming a divided Council. When the dust settles and a proper full review can be undertaken the reintroduction of Wards would then be possible; desirable; and a new Ward representation system can be reintroduced, with an appropriate spread of (say) 4 Wards and 2 Councillors from each Ward. The Shire population is growing rapidly and these arrangements would appear to be a fairer way of having a Shire Council with fair representation from an expanding population in different pockets of the Shire. We don't want to reduce the size of the Council in these reforms as it will be almost impossible to get agreement on increasing the number of Councillors back to 8 once (if) we have gone backwards to 6 in the current interim reforms.</p> | |
| <hr/> | |
| Q6. How did you hear about this community consultation? | Your Say SJ website |
| <hr/> | |
| Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ | Yes |
| <hr/> | |

**Respondent No:** 22**Login:** Registered**Responded At:** Dec 22, 2022 20:25:23 pm**Last Seen:** Dec 22, 2022 12:08:36 pm

Q1. Are you an elector in the Shire?	Yes
<hr/>	
Q2. What ward do you reside in?	North Ward
<hr/>	
Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option:	Option 4 – Eight Councillors plus Shire President without wards
<hr/>	
Q4. Which eight Councillor configuration do you prefer for a 3 ward structure?	not answered
<hr/>	
<p>Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:</p> <p>I prefer to have Wards but I dont want the number of councillors to be reduced from 8 to 6. So option 4 seems the best choice right now. But when the current arrangements are settled and the shire can conduct a full proper review Wards could or should be reintroduced. I would like to see Wards reintroduced , perhaps with 4 wards to accommodate the growing population across the Shire. If option 4 is chosen I would want a full spill of all council positions to clean up the current adversarial character of the current council. It is pointless keeping some councilors on and taking some off. That is exactly the sort of weird decision that causes ratepayers to get angry.</p>	
<hr/>	
Q6. How did you hear about this community consultation?	Social media
<hr/>	
Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Yes
<hr/>	

**Respondent No:** 23**Login:** Unverified**Responded At:** Dec 23, 2022 10:22:38 am**Last Seen:** Dec 23, 2022 10:22:38 am

- | | |
|--|---|
| Q1. Are you an elector in the Shire? | Yes |
| <hr/> | |
| Q2. What ward do you reside in? | South Ward |
| <hr/> | |
| Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option: | Option 4 – Eight Councillors plus Shire President without wards |
| <hr/> | |
| Q4. Which eight Councillor configuration do you prefer for a 3 ward structure? | not answered |
| <hr/> | |
| <p>Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration:</p> <p>The Ward and Representation Review Discussion Paper is inaccurate and some information is not compliant. It does not represent the community as a whole. None of the above options suit what we require. I refer to the Officers recommendation of 24 October 2022 to the position of council that is my preferred option.</p> | |
| <hr/> | |
| Q6. How did you hear about this community consultation? | Public notice |
| <hr/> | |
| Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ | Yes |
| <hr/> | |

**Respondent No:** 24**Login:** Registered**Responded At:** Dec 23, 2022 13:11:15 pm**Last Seen:** Dec 23, 2022 05:11:16 am

- | | |
|---|--|
| Q1. Are you an elector in the Shire? | Yes |
| <hr/> | |
| Q2. What ward do you reside in? | South Ward |
| <hr/> | |
| Q3. After considering the Ward and Representation Review Discussion Paper and the options presented, please select your preferred option: | Option 1 – Six Councillors plus Shire President across three wards |
| <hr/> | |
| Q4. Which eight Councillor configuration do you prefer for a 3 ward structure? | not answered |
| <hr/> | |
| Q5. In making a decision regarding ward and representation, Council is required to give consideration to the following matters:community of interest;physical and topographic features;demographic trends; economic factors; andthe ratio of Councillors to electors in the various wards.Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration: | not answered |
| <hr/> | |
| Q6. How did you hear about this community consultation? | Word of mouth |
| <hr/> | |
| Q7. I agree to the Terms of Use and Privacy Policy for using Engagement HQ | Yes |
| <hr/> | |



Shire of
Serpentine
Jarrahdale

Special Council Meeting Unconfirmed Minutes

7pm

Monday, 30 January 2023

Purpose: Considering submissions received on the Shire of Serpentine Jarrahdale Ward and Representation Review (SJ4038)

Contact Us

Enquiries

Call: (08) 9526 1111
Fax: (08) 9525 5441
Email: info@sjshire.wa.gov.au

In Person

Shire of Serpentine Jarrahdale
6 Paterson Street, Mundijong WA 6123
Open Monday to Friday 8.30am-5pm (closed public holidays)



www.sjshire.wa.gov.au



Minutes - Special Council Meeting – 30 January 2023

Councillor Attendance Register

In accordance with the 11 April 2022 Ordinary Council Meeting, Council Resolution OCM067/04/22, clause 1 – “That Council requests the Chief Executive Officer maintain a Councillor Attendance Register recording Councillor Attendances at Ordinary Council Meetings, Special Council Meetings, Q & A briefings for Ordinary Council Meetings, Q & A briefings for Special Council Meetings, Councillor Workshops held for Project Briefings, Councillor Workshops held for Budget Preparations and Policy Concept Forums”.

In accordance with the 12 December 2022 Ordinary Council Meeting, Council Resolution OCM313/12/22, clause 6 – “That Council requests that the Councillor Attendance Register published in the Agenda and Minutes displays attendances for the calendar year and notes that the full Councillor Attendance Register, including previous calendar years, will continue to be published on the Shire’s website.”

Council 1 January 2023 –

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
30/01/23	Q & A (SCM – 6 February 2023)	✓	✓	✓	✓	✓	✓	✓	✓	A
23/01/23	Q & A (SCM – 30 January 2023)	✓	✓	✓	✓	✓	✓	A	✓	✓
23/01/23	WORKSHOP (Catalyse Presentation - Community Perception Scorecard)	✓	✓	✓	✓	✓	✓	A	✓	✓

A – Apology

LoA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted



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The purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware of the provisions of the *Local Government Act 1995* (section 5.25(1)(e)) and Council's *Standing Orders Local Law 2002 (as Amended)* – Part 14, Implementing Decisions. No person should rely on the decisions made by Council until formal advice of the Council resolution is received by that person.

The Shire of Serpentine Jarrahdale expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

At the 20 June 2022 Ordinary Council Meeting, Council resolved that Council and Committee Meetings will be audio recorded in accordance with Council Policy. If you are asking a public question or making a statement or deputation to the meeting this will be audio recorded. Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed.



Minutes - Special Council Meeting – 30 January 2023

Minutes of the Special Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 30 January 2023 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong. The Shire President, Councillor Rich declared the meeting open at 7pm and welcomed Councillors, Staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid her respects to the Elders Past, Present and Emerging.

Agenda

1. Attendances and apologies (including leave of absence):

Attendees:

Councillors: M Rich.....Presiding Member
 D Atwell
 M Byas
 R Coales
 M Dagostino
 T Duggin
 S Mack
 L Strange
 D Strautins

Officers: Mr P Martin.....Chief Executive Officer
 Mr R Najafzadeh.....Director Infrastructure Services
 Mr A Trosic.....Director Development Services
 Mr B Oliver.....Director Community Engagement
 Dr K Parker.....Acting Director Corporate Services
 Ms M Gibson.....Governance Officer – Council and Committees
 (Minute Taker)

Leave of Absence: Nil.

Apologies: Nil.

Observers: 11



Minutes - Special Council Meeting – 30 January 2023

2. Public question time:

2.1 Public questions:

No public questions were submitted in writing prior to the meeting.

Presiding Member, Councillor Rich asked if there were any public questions from the floor at 7pm.

Mr Garry Tomlinson, Jarrahdale WA 6124

Thank you to the Shire for having the prisoners from Karnet Prison come out and slash all the verges in Millbrook Estate, thank you to all those that were involved in it.

Response (Shire President)

Thank you Mr Tomlinson.

Presiding Member, Councillor Rich asked if there were any further public questions from the floor at 7:01pm. No further public questions were asked.

Public question time concluded at 7:02pm.

3. Public statement time:

No public statements were submitted in writing prior to the meeting.

4. Petitions and deputations:

Nil.

5. Declaration of Councillors and Officers interest:

Nil.



Minutes - Special Council Meeting – 30 January 2023

6. Receipt of Reports:

6.1 Reports

6.1.1 – Considering submissions received on the Shire of Serpentine Jarrahdale Ward and Representation Review (SJ4038)	
Responsible Officer:	Manager Governance and Strategy
Senior Officer:	Chief Executive Officer
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> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

The purpose of this report is to enable Council to consider making a submission to the Local Government Advisory Board under Schedule 2.2 of the *Local Government Act 1995* (the Act) following the Council's resolution to undertake a Ward and Representation Review to give effect to the Minister for Local Government's electoral reforms voluntarily.

Relevant Previous Decisions of Council

Special Council Meeting – 7 November 2022 – SCM033/11/22 – COUNCIL RESOLUTION That Council:

- 1. Pursuant to the resolution made at the 24 October 2022 Special Council Meeting requesting that the Chief Executive Officer give local public notice of a Ward and Representation Review initiated by the Shire, APPROVES the draft Ward and Representation Review Discussion paper as attachment 1, subject to the following revision on page 2, 'Background', by deleting:*

"For the Shire, this means that the Shire will have a President elected by Electors rather than Council and will reduce the size of the elected Council by one member to account for the change in election method of the President.

This is because under the reforms for local governments with a population of between 5,000 and 75,000 (which the Shire currently sits), legislative amendments are proposed to be introduced by the State Government that will cap on the number of Councillors at nine, including the President."

and inserting:

"For the Shire, this means that the Shire will have a President elected by Electors rather than Council and will reduce the size of the elected Council by at least one member to account for the change in election method of the President.



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This is because under the reforms for local governments with a population of between 5,000 and 75,000 (which the Shire currently sits), legislative amendments are proposed to be introduced by the State Government that will cap the number of Councillors to no more than nine, including the President.”

to be published in conjunction with the local public notice per Regulation 3A of the Local Government (Administration) Regulations 1996; and

2. *APPROVES that community engagement will comprise the minimum statutory requirements of Regulation 3A of the Local Government (Administration) Regulations 1996.*

Special Council Meeting – 24 October 2022 – SCM028/10/22 - COUNCIL RESOLUTION That Council:

1. *NOTES the correspondence from the Minister for Local Government dated 20 September 2022 in attachment 1.*
2. *AUTHORISES the Chief Executive Officer to ADVISE the Director General of the Department of Local Government, Sport and Cultural Industries by 28 October 2022 that the Shire WILL UNDERTAKE the voluntary process and WILL INITIATE a ward and representation review in the timeframes proposed by the Minister.*
3. *CHANGES the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the elector's method.*
4. *NOTES that the change to the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method will commence at the 2023 ordinary local government election and remain in force even if the Minister's reforms are not progressed and that it can only be reversed through the provisions on s2.12A of the Act which involve regular formal polling of electors of the decision through the provisions of the legislation.*
5. *INITIATES a Ward and Representation Review in accordance with Schedule 2.2 of the Local Government Act 1995.*
6. *REQUESTS that the Chief Executive Officer give local public notice for a period that is not less than 6 weeks advising*
 - a) *that the review is to be carried out; and*
 - b) *that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.*
7. *NOTES the local public notice will advise that the Shire is considering options for ward and representation being:*
 - *six councillors across three wards (no changes to current ward boundaries);*
 - *eight councillors across three wards (no changes to current ward boundaries);*
 - *six councillors with no wards; and*
 - *eight councillors with no wards.*
8. *NOTES that Council will be required in accordance with Schedule 2.2 of the Act following the closure of the public submission period to consider the following when making a determination on the matter:*
 - *community of interests; and*
 - *physical and topographic features; and*



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- *demographic trends; and*
- *economic factors; and*
- *the ratio of councillors to electors in the various wards.*

9. *NOTES that the following activities will be deferred for the time being to enable the ward and representation review to occur and AGREES to their deferment being reflected in the Corporate Business Plan and CEO KPIs where required:*

- *Project Management Framework embedding and strengthening;*
- *Implementation of findings of the Abernethy Road Inquiry including procurement enhancement*
- *Strategic Community Plan review;*
- *local government policy review; and*
- *preparation of the Shire's first Integrity Framework.*

Background

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.

At the same meeting, Council resolved to change the method of electing the Shire President commencing at the 2023 ordinary local government election. This change in method of electing the Shire President is now 'locked in' regardless of the Ward and Representation Review process.

Following Council's resolution, a local public notice was issued in accordance with section 1.7 of the Act. A local public notice is required under section 1.7 of the Act to appear on the local government's website and at least three of the methods set out in Regulation 3A of the *Local Government (Administration) Regulations 1996*.

In this case the local public notice requirements set out in legislation were achieved via:

- publication on the Shire's website through its engagement platform Your Say SJ on 8 November 2022
- a social media post on the Shire's Facebook account on 9 November 2022
- publication on the Shire's noticeboards on 9 November 2022
- an advertisement in the Examiner newspaper circulating in the district on 10 November 2022
- an article in SJ Matters published on 30 November 2022.

The local public notice advised that all submissions must be received by 5pm on Friday, 23 December 2022. The public notice period met the minimum 6-week period required by the Act.



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Community / Stakeholder Consultation

As highlighted above at the 7 November 2022 Special Council Meeting, Council approved that the community engagement would comprise the minimum statutory requirements of Regulation 3A of the *Local Government (Administration) Regulations 1996*. This was achieved through the local public notice methods listed above.

The results of the public submission period are discussed in a dedicated part of the comment section of this report.

Statutory Environment

The process for conducting a Ward and Representation Review is set out in Schedule 2.2 of the Act.

Section 7 of the Schedule provides that before carrying out a review, a local government has to give local public notice advising that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given and that the local government must consider the submissions received.

Section 8 of the Schedule sets out that before a local government proposes that an order be made it is to have regard, where applicable, to:

- community of interests
- physical and topographic features
- demographic trends
- economic factors
- the ratio of councillors to electors in the various wards.

Section 9 of the Schedule goes on to say that a local government is to make a report in writing to the Local Government Advisory Board proposing that the Board makes an order related to the composition of wards including if a district is to have wards, the name or wards or fixing or changing the number of offices of Councillor.

Having concluded the public notice period, this Officer's report has been prepared to enable Council to complete the remaining step in Section 7 and those in Sections 8 and 9 of the Act.

After a report is made to the Local Government Advisory Board, Section 10 of the Schedule provides that the Board, if in its opinion the submission correctly takes into account the matters referred to in the legislation (the five matters) it is to recommend to the Minister that an order be made.

If the Local Government Advisory Board does not believe that the submission correctly takes into account the five matters, the Board may request that the local government resubmit a proposal. Further, if the local government does not elect to resubmit, the Board may recommend an alternative proposal as the Board sees fit.

Section 11 of the Schedule provides that the Board may carry out an inquiry as it thinks necessary to assess the proposal against the five matters and recover the costs of this inquiry from the local government.

Section 12 provides that the Minister can accept or reject a recommendation of the Board.



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Once the Minister makes a recommendation, Sections 2.2 and 2.18 of the Act provide the power for the Governor to make an order creating, changing or abolishing wards (including abolishing wards entirely) and/or changing the number of offices of Councillor on a Council or for a ward.

Elsewhere section 9.62 provides that where under the Act the Governor makes an order, the Governor may give any directions that the Governor thinks necessary to give effect to the order.

Directions given by the Governor under section 9.62 may modify the operation of the Act.

Comment

When inviting public submissions, Council approved an accompanying Discussion Paper. The Discussion Paper approved by Council set out options that would give effect to the Minister's proposed electoral reforms and reduce Councillor numbers by at least one.

Each option presented in the Discussion Paper included a Shire President elected at large (as previously resolved by Council) and:

- Option 1 - six Councillors across three wards
- Option 2 - eight Councillors across three wards
- Option 3 – six Councillors with no wards
- Option 4 – eight Councillors with no wards.

Option 2 itself contained three sub-options as eight Councillors cannot be split evenly across three wards leading to one of the following scenarios:

- Option 2a – eight Councillors across three wards with two Councillors in the North Ward and three Councillors in the remaining wards
- Option 2b – eight Councillors across three wards with two Councillors in the North West Ward and three Councillors in the remaining wards
- Option 2c – eight Councillors across three wards with two Councillors in the South Ward and three Councillors in the remaining wards.

Assessment against the five matters

Before proposing that an order be made, the local government is required by legislation to have regard to:

- community of interests
- physical and topographic features
- demographic trends
- economic factors
- the ratio of councillors to electors in the various wards.

The Department's Guideline to conducting Ward and Representation Reviews defines each of the matters in the following terms:

“Community of interest

The term community of interest has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities. It can also include dependence on the



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shared facilities in a district as reflected in the catchment areas of local schools and sporting teams, or the circulation areas of local newspapers.

Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.

Physical and topographic features

These may be natural or man-made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations. Coastal plain and foothills regions, parks and reserves may be relevant as may other man made features such as railway lines and freeways.

Demographic trends

Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.

Economic factors

Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area. This may include the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.

Ratio of Councillors to Electors in the various wards

It is expected that each local government will have similar ratios of electors to councillors across the wards of its district.”

An assessment against the five matters was provided in the Discussion Paper approved by Council.

As the local government is required under Section 8 of the Schedule to have regard to these matters prior to making a proposal to the Local Government Advisory Board this analysis is presented again and expanded upon in this Officer's report below.

Option 1 – Six Councillors plus Shire President across three wards

Option 1 proposes a reduction of Councillors to six, with the Office of the President elected by electors. Under this option the Shire would have a total of seven elected officials.

Under this model, two Councillors would be elected from each of the wards.

As no amendments to ward boundaries are proposed, the comparative ratio of electors per Councillor between wards would be unchanged.

Table 1: Shire of Serpentine Jarrahdale elector to Councillor ratios with six Councillors across three wards (as of 13 September 2022)

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
North	7,501	2	1:3750	-5.7%
North West	7,472	2	1:3736	-5.3%
South	6,302	2	1:3151	11.1%



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The number of votes in the affirmative for an absolute majority decision defined in the Act would be four. This approach could involve savings of approximately \$42,000 annually in Councillor fees and allowances (based on the rates set by Council in 2022) but any savings would be contingent on future Salary and Allowance Tribunal and Council decisions.

Community of interests

As Option 1 does not propose amendments to the ward boundaries there would be no immediate change in relation to community of interests.

Physical and topographic features

As Option 1 does not propose amendments to the ward boundaries there would be no immediate change in relation to physical and topographical features.

Demographic trends

The Shire is a high growth local government. In the 12-month period between the 2021 ordinary local government election and September 2022, the number of electors in the Shire increased by 4.1%. In this period the number of electors in every ward increased but population growth was the highest in the North Ward where it grew by 6.3%.

The Shire's North and North West Wards are known to feature higher density urban development than the more rural South Ward. In the longer term, population growth in the South Ward will increase more rapidly with the expansion of the Tonkin Highway.

Under this option, adjusting boundaries to manage these population changes would need to be something considered in future ward and representation reviews.

Economic factors

As Option 1 does not propose amendments to the ward boundaries there would be no immediate change in relation to economic factors.

Ratio of Councillors to electors in the various wards

While the ratio of Councillors to electors in various wards would be reduced overall, as there are no proposed amendments to the ward boundaries the comparative deviations currently present would not be changed as a result of the proposal.

Future changes in population between wards have not been contemplated as a thorough analysis of forecast data has not been possible in the timeframe required.

When considering options, the Local Government Advisory Board's guide states that the ratio of Councillors to electors in the various wards is significant and should be within the tolerance set by the Board:

"It is expected that each local government will have similar ratios of electors to councillors across its wards, generally falling within a deviation of plus or minus 10%."

The 10% tolerance level is not a legislation requirement and the Local Government Advisory Board's guide goes on to state that:

"If local governments consider that they have exceptional circumstances that justify ward councillor/elector ratio deviations greater than plus or minus 10%, they can present their argument to the Board for consideration. Councils experiencing high population growth should give consideration to the ratio deviations for wards at the time of the next ordinary election, especially if the review is conducted a year or more prior to implementation. Current and



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forecasted figures can be provided to the Board to justify ratio deviations greater than plus or minus 10% in areas with high population growth.”

It is not uncommon for local governments to exceed the 10% threshold. As of 30 September 2022 the following metropolitan local governments have elector ratio deviations that exceed the 10% tolerance level:

- Belmont (11.8%)
- Canning (11.8%)
- Claremont (11.4%)
- Joondalup (17.0%)
- Mandurah (13.9%)
- Wanneroo (11.6%).

Ratio deviations above the Advisory Board's tolerance level are also common in regional local governments.

At the time of the Shire's last review of wards conducted in 2018 and considered by the Local Government Advisory Board in 2019, the elector representation of each of the Wards was within the 10% tolerance.

Table 2 Ward Councillor to Elector Deviations as of October 2018

Ward	Number of Councillors	Number of Electors	Ratio Deviation %
North West	3	6,330	-4.87%
North	3	6,102	-1.09%
South	3	5,678	5.91%

With the Shire's high growth, the population of each of the Shire's three wards can quickly change. This has resulted in the current ward configuration exceeding the 10% tolerance level set in the Department's policy. It also means that an adjustment to ward configuration that resets the elector deviation may only do so temporarily.

While a continuation of the current ward boundaries for the 2023 ordinary local government election would not improve the relative Councillor to elector threshold, it would also not exceed the 10% tolerance level greatly. The largest deviation is in the South Ward which as of September 2022 exceeded the threshold by 1.1%.

Given the high growth of the Shire maintaining a ratio under 10% for any extended period is difficult. However, in the short term it is recognised and recommended that a subsequent ward and representation review be conducted prior to the 2025 local government election to restate more evenly distributed elector to Councillor deviations moving forward.

Option 2 – Eight Councillors plus Shire President across three wards

Option 2 proposes a reduction of Councillors to eight, with the Office of the President elected by electors. Under this option, the Shire would continue to have a total of nine elected officials.

Under this model, three Councillors would be elected from two of the wards and two Councillors would be elected from the remaining ward.

The number of votes in the affirmative for an absolute majority decision defined in the Act would continue to be five. This approach would not result in savings with Councillor fees and allowances.



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Option 2 would involve an uneven distribution of Councillors with one of the wards featuring a sizeable deviation in excess of the preferred tolerance level set by the Local Government Advisory Board. Based on the elector figures from September 2022 the ratios would be as follows:

Option 2a:

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
North	7,501	2	1:3750	-41.0
North West	7,472	3	1:2490	6.3
South	6,302	3	1:2100	21.0

Option 2b:

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
North	7,501	3	1:2500	5.9
North West	7,472	2	1:3736	-40.4
South	6,302	3	1:2100	21.0

Option 2c:

Ward	Number of Electors	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
North	7,501	3	1:2500	5.9
North West	7,472	3	1:2490	6.3
South	6,302	2	1:3151	-18.4

Due to the relative populations of the North and North West Wards, Options 2a and 2b would exacerbate the comparative ratio deviation with the South Ward. Option 2c would overcorrect the ratio deviation from -18.4.

Arithmetic dictates that eight does not divide evenly into three and option 2, without boundary changes, will result in an uneven distribution of Councillors.

Community of interests

As Option 2 does not propose amendments to the ward boundaries there would be no immediate change in relation to community of interests.

Physical and topographic features

As Option 2 does not propose amendments to the ward boundaries there would be no immediate change in relation to physical and topographical features.

Demographic trends

The Shire is a high growth local government. In the near 12 month period between the 2021 ordinary local government election and September 2022, the number of electors in the Shire increased by 4.4%. In this period the number of electors in every ward increased but population growth was the highest in the North Ward where it grew by 6.8%.

The Shire's North and North West Wards are known to feature higher density urban development than the more rural South Ward. In the longer term population growth in the South Ward will increase more rapidly with the expansion of the Tonkin Highway.

The deviation ratio associated with options 2a and 2b in the short to medium term would likely increase in future years, while in option 2c the over-corrected deviation ratio would likely decrease



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in the short and medium term. Long term development will alter demographics considerably, but these population changes would need to be something considered in future ward and representation reviews.

Economic factors

As Option 2 does not propose amendments to the ward boundaries there would be no change in relation to economic factors.

Ratio of Councillors to electors in the various wards.

As noted above, options 2a, 2b and 2c would result in an uneven distribution of Councillors between the wards. This disparity would be well in excess of the tolerance of 10% set by the Local Government Advisory Board. It would also be a significant deviation from the intent of the three ward approach previously adopted by Council which was predicated on even representation between the wards.

Option 3 – Six Councillors plus Shire President without wards

Option 3 proposes a reduction to six Councillors plus the President, elected by electors but without wards. This approach would mean that the six Councillor positions as well as the President would be filled through a general election across the entire district.

In general terms, the Local Government Advisory Board describes the advantages and disadvantages of a no ward system as:

The advantages of a no ward system may include:

- *Elected members are elected by the whole community not just a section of it. Knowledge and interest in all areas of the Council's affairs would result broadening the views beyond the immediate concerns of those in a ward.*
- *The smaller town sites and rural areas have the whole Council working for them.*
- *Members of the community who want to approach an elected member can speak to any elected member.*
- *Social networks and communities of interest are often spread across a local government and elected members can have an overview of these.*
- *Elected members can use their specialty skills and knowledge for the benefit of the whole local government.*
- *There is balanced representation with each elected member representing the whole community.*
- *The election process is much simpler for the community to understand and for the Council to administer.*

The disadvantages of a no ward system may include:

- *Electors may feel that they are not adequately represented if they don't have an affinity with any of the elected members.*
- *Elected members living in a certain area may have a greater affinity and understanding of the issues specific to that area.*
- *There is potential for an interest group to dominate the Council.*
- *Elected members may feel overwhelmed by having to represent all electors and may not have the time or opportunity to understand and represent all the issues.*
- *It may be more difficult and costly for candidates to be elected if they need to canvass the whole local government area.*



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This approach could involve savings of approximately \$42,000 annually in Councillor fees and allowances (based on the rates set by Council in 2022) but any savings would be contingent on future Salary and Allowance Tribunal and Council decisions.

Community of interests

This approach would negate any benefits or disbenefits associated with the community of interests derived from the current ward structure. As community of interests is defined by the Advisory Board as a sense of community identity and belonging which is inherently difficult to quantify, it is not possible to quantify the extent that the change will impact community of interests.

Physical and topographic features

This approach would negate any benefits or disbenefits associated with wards and physical and topographic features. The Shire's current ward structure does not employ physical or topographic features as a major factor in the current boundary alignment.

Demographic trends

This approach would negate any benefits or disbenefits associated with demographic trends derived from the current ward structure.

Economic factors

This approach would negate any benefits or disbenefits associated with economic factors derived from the current ward structure.

Ratio of Councillors to electors in the various wards

The ratio of Councillors to electors would be 1:3537. Comparatively, every elector would have the same level of representation as every other elector now and into the future regardless of the Shire's uneven growth across the district.

Option 4 – Eight Councillors plus Shire President without wards

Option 4 proposes a reduction to eight councillors plus the President, elected by electors but without wards.

This approach would mean that the eight Councillor positions as well as the President would be filled through a general election across the entire district.

This approach would not result in savings of Councillor fees and allowances.

Community of interests

This approach would negate any benefits or disbenefits associated with the community of interests derived from the current ward structure. As community of interests is defined by the Advisory Board as a sense of community identity and belonging which is inherently difficult to quantify, it is not possible to quantify the extent that the change will impact community of interests.

Physical and topographic features

This approach would negate any benefits or disbenefits associated with wards and physical and topographic features. The Shire's current ward structure does not employ physical or topographic features as a major factor in the currency boundary alignment.

Demographic trends

This approach would negate any benefits or disbenefits associated with demographic trends derived from the current ward structure.



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Economic factors

This approach would negate any benefits or disbenefits associated with economic factors derived from the current ward structure.

Ratio of Councillors to electors in the various wards

The ratio of Councillors to electors would be 1:2653. Comparatively, every elector would have the same level of representation as every other elector now and into the future regardless of the Shire's uneven growth across the district.

Consideration of submissions received

In accordance with Schedule 2.2 of the Act, the public submission period ran from 8 November 2022 through to 23 December 2022. The public notice period meets the minimum period required by the Act of being not less than 6 weeks.

The public notice advised that submissions were invited through Your Say SJ, the Shire's online engagement website or alternatively in writing to the Shire or via email.

Responses were received from 23 individuals. One individual made two submissions (submissions 21 and 22).

All submissions were received through Your Say SJ. While submissions could be made in any form no submissions were received through other means.

Individuals who chose to respond through Your Say SJ were asked a series of questions.

Question	Available responses
Question 1 – Are you an elector in the Shire?	A. Yes B. No
Question 2 - What ward do you reside in? (Only asked if 'Yes' selected for Question 1)	A. North Ward B. North West Ward C. South Ward D. No
Question 3 – Which option is your preference?	A. Option 1 – Six Councillors plus Shire President across three wards B. Option 2 – Eight Councillors plus Shire President across three wards C. Option 3 – Six Councillors plus Shire President without wards D. Option 4 – Eight Councillors plus Shire President without wards
Question 4 - Which eight Councillor configuration do you prefer? (Only asked if Option 'B' selected for Question 2)	A. North 2 Councillors, North West 3 Councillors, South 3 Councillors B. North 3 Councillors, North West 2 Councillors, South 3 Councillors C. North 3 Councillors, North West 3 Councillors, South 2 Councillors



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Question	Available responses
Question 5 – In making a decision regarding ward and representation, Council is required to give consideration to the following matters: community of interest; physical and topographic features; demographic trends; economic factors; and the ratio of Councillors to electors in the various wards. Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration	Free text
Question 6 – How did you hear about this community consultation?	A. Social media B. Public notice C. Word of mouth D. Your Say SJ website E. eNewsletter F. Other (please specify)
Question 7 – I agree to the Terms of Use and Privacy Policy for using Engagement HQ	Check Box

The submissions received are provided verbatim in **attachment 1**.

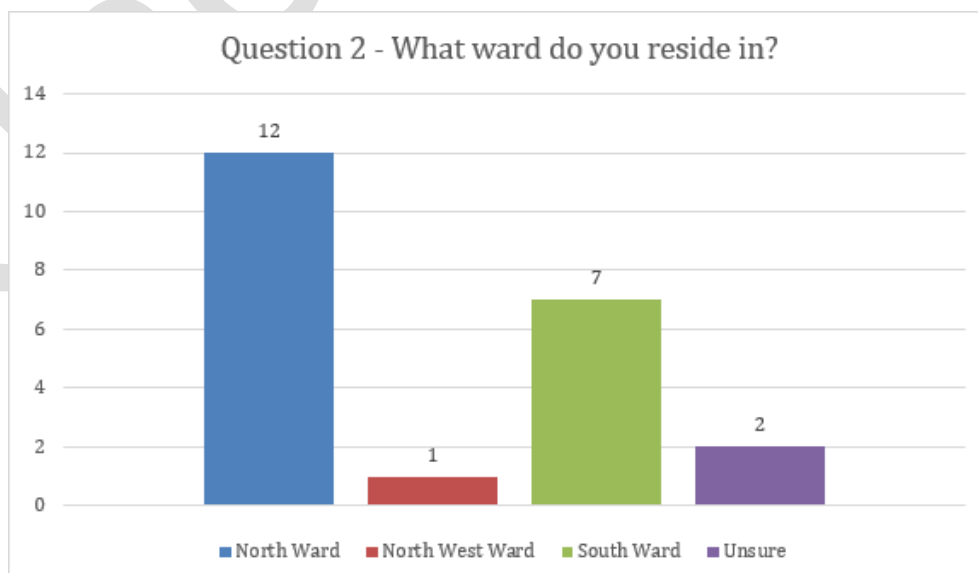
An analysis of the submissions is provided below. However, from a statistical perspective, the sample size would not be considered statistically significant.

For the purposes of statistical analysis, the two responses sent by the one individual have been merged so as not to double count these.

This means that while **attachment 1** shows the 24 submissions received in full, the statistical analysis below counts only unique individual responses, not the duplicate response.

Question 1 asked whether the person was an elector. 22 respondents selected 'yes'.

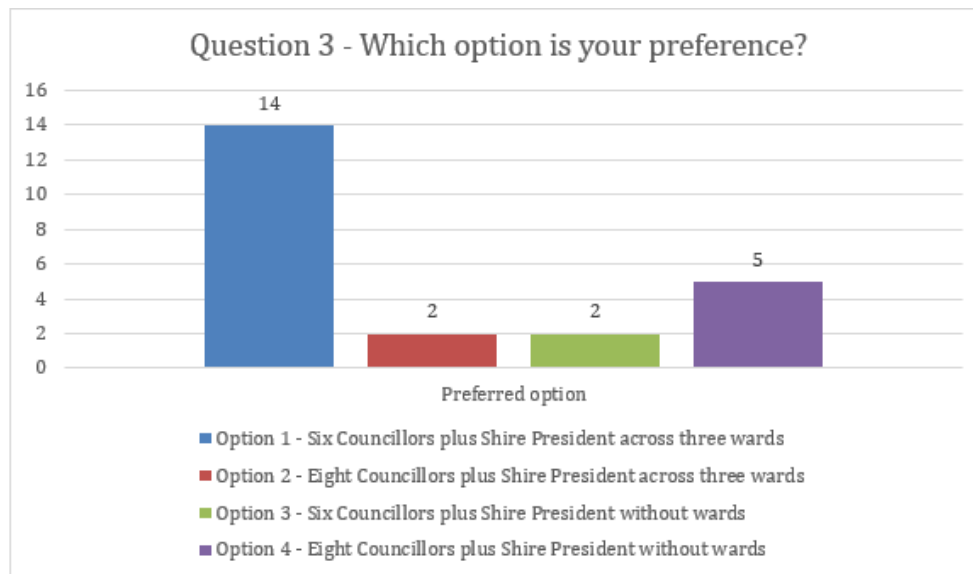
Question 2 asked what ward does the person reside in. As shown below almost half of the responses received were from individuals stating that they resided in the North Ward.





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In respect to ward and representation configuration posed by Question 3, the most frequently selected option was Option 1 - Six Councillors plus Shire President across three wards. This was selected by 14 respondents representing 60 per cent of individual submissions received. There was no correlation between ward residence and preferred configuration.



Question 5 provided an opportunity to comment generally when it asked:

“In making a decision regarding ward and representation, Council is required to give consideration to the following matters: community of interest; physical and topographic features; demographic trends; economic factors; and the ratio of Councillors to electors in the various wards. Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration.”

Thirteen individuals responded to this opportunity to provide a response to this question.

The unedited submissions are provided in the table below and in **attachment 1**.

Respondent number	Question 5 – <i>In making a decision regarding ward and representation, Council is required to give consideration to the following matters: community of interest; physical and topographic features; demographic trends; economic factors; and the ratio of Councillors to electors in the various wards. Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration</i>
1	Economic and to keep wards till South Ward is more developed
2	No Response
3	3 wards, 2 Councillors per ward. Ward boundaries may need to be realigned to reflect equality of size and ratepayers as close as is practical.



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Respondent number	Question 5 – <i>In making a decision regarding ward and representation, Council is required to give consideration to the following matters: community of interest; physical and topographic features; demographic trends; economic factors; and the ratio of Councillors to electors in the various wards.</i> <i>Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration</i>
4	South Ward is very large with vastly differing features and needs to the other 2 wards, so requires better representation.
5	No Response
6	No Response
7	this states to be all about saving monies from having a lesser number of Councilors !! get rid of some dead wood in the office to make bigger savings.. Councilors MUST elect the President. I believe if you change the current system, it will be to our detriment , esp the South Ward.. you need to keep farmers to the front, esp when you espouse this to be a Rural Shire. Our rates keep increasing and we do not see much being spent in the South Ward, esp roads... so how will the new system improve this outcome ???
8	I agree that 6 councillors is enough and the president should be elected by rate payers
9	i think it is the community interest to stream line the number of councillors and 2 councillors a ward is enough
10	No Response
11	No Response
12	No Response
13	No Response
14	No Response
15	I like the idea of reducing thr number of councillors
16	Best idea ever
17	No Response
18	Like the American president election is in the community interest
19	None of the options presented are feasible. We need to have a full spill with no wards 8 councillors and 1 Shire President. This is what is fair for the community as a whole



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Respondent number	<p>Question 5 –</p> <p><i>In making a decision regarding ward and representation, Council is required to give consideration to the following matters: community of interest; physical and topographic features; demographic trends; economic factors; and the ratio of Councillors to electors in the various wards.</i></p> <p><i>Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration</i></p>
20	<p>Must be a total spill otherwise dies not meet the guidelines once wards are put back in place of 50% spill. As this is totally new its in the community's best interests as a whole to spill all sitting Councillors in all wards. Ward review after 23 election and reinstate wards. I support officers recommendation from October Council Meeting</p>
21 & 22	<p>I strongly support Ward boundaries and elections as they more appropriately provide broad representation from across the Shire. However for the purpose of getting a decision in place for the longer term I support the choice of option 4 with 8 Councillors and a Shire President without Wards in order to retain nine Council positions. This choice is made provided there is a spill of all positions to start the new arrangements, a sensible beginning of reform for what is becoming a divided Council. When the dust settles and a proper full review can be undertaken the reintroduction of Wards would then be possible; desirable; and a new Ward representation system can be reintroduced, with an appropriate spread of (say) 4 Wards and 2 Councillors from each Ward. The Shire population is growing rapidly and these arrangements would appear to be a fairer way of having a Shire Council with fair representation from an expanding population in different pockets of the Shire. We don't want to reduce the size of the Council in these reforms as it will be almost impossible to get agreement on increasing the number of Councillors back to 8 once (if) we have gone backwards to 6 in the current interim reforms.</p> <p>I prefer to have Wards but I dont want the number of councillors to be reduced from 8 to 6. So option 4 seems the best choice right now. But when the current arrangements are settled and the shire can conduct a full proper review Wards could or should be reintroduced. I would like to see Wards reintroduced , perhaps with 4 wards to accommodate the growing population across the Shire. If option 4 is chosen I would want a full spill of all council positions to clean up the current adversarial character of the current council. It is pointless keeping some councilors on and taking some off. That is exactly the sort of weird decision that causes ratepayers to get angry.</p>



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Respondent number	Question 5 – <i>In making a decision regarding ward and representation, Council is required to give consideration to the following matters: community of interest; physical and topographic features; demographic trends; economic factors; and the ratio of Councillors to electors in the various wards.</i> <i>Please provide any supplementary information regarding these matters to support your preferred ward and representation configuration</i>
23	The Ward and Representation Review Discussion Paper is inaccurate and some information is not compliant. It does not represent the community as a whole. None of the above options suit what we require. I refer to the Officers recommendation of 24 October 2022 to the position of council that is my preferred option.
24	No Response

Determining which submission to provide to the Local Government Advisory Board

In considering the form and composition of the ward and representation for the future of the Shire, Council is required to consider both the:

- ward and representation configuration
- method to enact the changes.

These are two separate but interconnected matters.

In relation to the first matter, for example, Council may agree that the ward configuration be six Councillors plus the Shire President distributed evenly across three wards but may recommend that this be achieved by either a no spill or a full spill of Council positions. This second matter, being the method to enact the changes, is discussed later in this paper.

Given these complexities, Officers recommend that under clause 10.6 of the Shire's Standing Orders that the matter be broken down into separate questions. In this way, the first question would be which ward and representation configuration to select and second which method by which the change would be enacted. This would be achieved through separate motions that could be moved and debated and resolved.

After a decision is made on the ward and representation configuration and the method to enact the changes, Council would be required to resolve to approve a submission to the Local Government Advisory Board that aligns to Council's preference.

In preparation Officers have drafted twelve (12) separate draft submissions for Council's consideration based on the options presented in the Discussion Paper. In preparing the submissions, Officers have taken into account the Department's guideline on the matter and met with representatives from the Department of Local Government, Sport and Cultural Industries to ensure compliance with the legislation and the Board's processes.



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The draft submissions separately consider each of the factors being community of interests; physical and topographic features; demographic trends; economic factors; and the ratio of Councillors to electors in the various wards required to be considered in respect to wards.

A summary of the submission and its relationship to the options in the Discussion Paper is provided in the table below:

Discussion Paper Option	Attachment	Draft LGAB Submission	Ward and Representation Configuration	Implementation method
1	2	A	6 Councillors plus Shire President distributed evenly across 3 wards	Positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election
1	3	B	6 Councillors plus Shire President distributed evenly across 3 wards	Full spill
2a	4	C	8 Councillors plus Shire President across 3 wards (only 2 Councillors in North Ward and 3 Councillors each in the two other Wards)	Positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election
2a	5	D	8 Councillors plus Shire President across 3 wards (only 2 in North Ward 3 Councillors each in the two other Wards)	Full Spill
2b	6	E	8 Councillors plus Shire President across 3 wards (only 2 Councillors in North West Ward 3 Councillors each in the two other Wards)	Positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election
2b	7	F	8 Councillors plus Shire President across 3 wards (only 2 Councillors in North West Ward 3 Councillors each in the two other Wards)	Full Spill



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Discussion Paper Option	Attachment	Draft LGAB Submission	Ward and Representation Configuration	Implementation method
2c	8	G	8 Councillors plus Shire President across 3 wards (only 2 in South Ward 3 Councillors each in the two other Wards)	Positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election
2c	9	H	8 Councillors plus Shire President across 3 wards (only 2 in South Ward 3 Councillors each in the two other Wards)	Full Spill
3	10	I	6 Councillors plus Shire President with no wards	Positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election
3	11	J	6 Councillors plus Shire President with no wards	Full Spill
4	12	K	8 Councillors plus Shire President with no wards	Positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election
4	13	L	8 Councillors plus Shire President with no wards	Full Spill

To voluntarily implement the Minister's electoral reform program, Council may select any of the 12 draft submissions (numbered as **attachments 2 through 13** in this report) and resolve that submissions be submitted to the Local Government Advisory Board.

In respect to the ward and representation configuration, Officers recommend any option that does not involve eight councillors across the three wards with the current ward boundaries. This is because eight councillors cannot be split evenly across three wards and this would skew elector to councillor representation levels outside the prescribed 10% threshold.



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As such Officers recommend that Council approves either of the following options as set out in the Discussion Paper:

- Option 1 being 6 Councillors plus Shire President distributed evenly across three wards
- Option 3 being 6 Councillors plus Shire President with no wards
- Option 4 being 8 Councillors plus Shire President with no wards.

Officers do not recommend Option 2 being any option that involves 8 Councillors across 3 wards.

Implementation method

For each option Council may recommend whether the changes are implemented using a full spill of Council positions or through the positions that are to be abolished by taking those from offices that expire at the 2023 ordinary local government election

If a full spill is ordered then all positions on Council would be contested at the 2023 ordinary local government election, including those of Councillors whose term would have otherwise concluded in October 2025.

If the changes are to be implemented through no spill, then the reduction in Councillor numbers would be taken from offices that expire in October 2023 resulting in fewer council positions to be contested in October 2023. Councillors with a term of office that concludes in October 2025 would continue to complete their term without interruption.

For example, if Council was to resolve to reduce the number of Councillors to six (plus the Shire President elected at large) distributed evenly across three wards and an order was made to have that change implemented at the October 2023 election with no spill, then the 2023 ordinary election would have two Councillor positions contested (one in the South Ward and one in the North West Ward) as well as an election for the Shire President.

In this scenario the 2023 local government ordinary election could be contested with a reduced number of offices on Council as follows:

Office	Councillor
President	Elected at large term 2027
North West Ward Councillor	One position with a term expiring 2027
South Ward Councillor	One position with a term expiring 2027

In this scenario, no election would be held in the North Ward other than the election of the Shire President, although a subsequent extraordinary election for a position in the North Ward may be required if a sitting Councillor in a ward where an election for a councillor is not taking place is successful in President election contest.

Officers from the Department of Local Government have advised Shire Officers that the Local Government Advisory Board would not typically recommend a full spill scenario to the Minister as a full spill is not required to enact a reduction in Councillor numbers or ward boundary changes.

The Department's guideline on the matter states that:

“Section 2.35 of the Local Government Act 1995 deals with vacancies on the restructure of districts, wards and representation. This section provides that offices of council can be declared vacant where it is necessary to effect changes in boundaries or wards. It is very rare that a change to a local government's ward structure or boundaries and or representation will



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require any offices of councillor to become vacant, as councillors with terms continuing beyond the next ordinary election have a right to complete their terms in office.”

The Department's guideline goes on to suggest that Councils wishing to achieve a full spill can be achieved through voluntary resignation of Councillors. However, Council cannot resolve for members to voluntarily resign.

Officers note that section 9.62 of the Act provides that the Governor can make any order to give effect to a ward and representation change which could include ordering a complete spill. The Department has advised at time of writing that it was unable to advise on the applicability of section 9.62. This advice dated 1 December 2022 is set out in full in **attachment 14** and states:

“In relation to the recommendations under submission B, the department is of the view that for a ‘complete spill’ of positions to occur, continuing councillors would need to resign ahead of the 2023 ordinary elections.

This is based on our understanding of the application of section 9.62 of the Act and point (6) “A Guide for Local Governments - How to conduct a review of wards and representation for local governments with and without a ward system”.

Declaring offices vacant

Section 2.35 of the Local Government Act 1995 deals with vacancies on the restructure of districts, wards and representation. This section provides that offices of council can be declared vacant where it is necessary to effect changes in boundaries or wards. It is very rare that a change to a local government's ward structure or boundaries and or representation will require any offices of councillor to become vacant, as councillors with terms continuing beyond the next ordinary election have a right to complete their terms in office.

A ‘complete spill’ of positions, could be effected if all of the continuing councillors agree to resign prior to the next ordinary election.

If a local government is considering declaring all offices vacant it is recommended that the local government seeks advice from the Department of Local Government prior to submitting a recommendation to the Board.

However, as we have discussed, the department will consider the application of section 9.62 further in relation to your query and provide feedback in due course.”

However, in subsequent conversations in January 2023, the Department's advice softened to state that it could not provide definitive advice on interpretation of the Act as its advice did not constitute legal advice.

Officers have also spoken to the Western Australian Local Government Association (WALGA) on the matter. WALGA has advised that it is up to the Council to resolve how they would like the changes to happen, either by a staged approach or be a full spill and that it is open for the Council to advise the Advisory Board accordingly. WALGA's advice is provided in **attachment 14**.

Given the advice provided, it is at least questionable that a recommendation from Council to enact a full spill to implement a Council preferred option would receive support from the Local Government Advisory Board.

Given the uncertainty both full spill and no spill options are presented for Council's consideration.

Officers do not have a position on the method of enacting the Council's preferred method, noting that the Department has advised that questions exist about the capacity for a full spill method to be enacted by the Governor.



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In respect to costs of conducting an election because the election of the Shire President at large occurs across the entire district there would be no reduction in costs of conducting an election with either approach. In respect to the no spill option also there are scenarios where an extraordinary election may need to be held following the election of the Shire President.

The Department has not provided advice about what would occur if Council was to recommend the full spill method and the Local Government Advisory Board does not agree to make an order to that effect. However, if the Local Government Advisory Board does not make an order, it is the equivalent of the local government not making a submission and the future ward and representation of the Shire will be dependent on the passage of amendments to the Act.

The contents of the submission to the Local Government Advisory Board

The Local Government Advisory Board's Guideline specifies that a submission to the Board is required to have specified attachments in the Guideline. These attachments are:

1. Copy of Council Minutes recording the decision to undertake a review of wards and representation.
2. Copy of Council Minutes recording the consideration of public submissions received.
3. Copy of Council Minutes recording the assessment of options against the prescribed matters.
4. Copy of Council Minutes recording the final decision of Council.
5. Copy of the newspaper advertisement as it appeared in the press.
6. Copy of the discussion or information paper and any other materials circulated to the community.
7. Copy of the officer's report to Council.
8. A set of deposited plans clearly showing the current ward boundaries and any proposed changes. Ward boundaries need to follow cadastral boundaries.

Once finalised the draft submission to be provided to the Board will compile these attachments, noting that, for example, the Council Minutes recording the final decision of Council are not available until the conclusion of the meeting at which this paper is presented.

Future Ward and Representation Review

Section 6 of Schedule 2.2 of the Act requires a local government that has wards to conduct a review of ward boundaries at least every 8 years. This means that if Council was to make a submission to the Local Government Advisory Board from this process (that continued wards) it would not be required to complete another review until 2031.

Waiting until 2031 for another ward and representation review would not be recommended. As noted throughout the process, this Ward and Representation Review is being conducted following the Minister's request for local governments to voluntarily implement electoral reforms. As stated in the Minister's correspondence this results in a truncated review that is unable to consider modifications to ward boundaries.

If Council was to make a submission to the Local Government Advisory Board it is also recommended that Council consider requesting that a Ward and Representation Review process be commenced following the 2023 ordinary local government election with the review to be completed in the 2024 calendar year. This Ward and Representation Review would enable a detailed analysis of ward boundary options and demographic analysis.



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If Council does not make a submission at this time

Council may instead choose to request an alternative submission be prepared and resubmitted to Council for consideration. This option presents significant risk to delivery of the Ward and Representation Review as Councils have been asked to provide a submission to the Local Government Advisory Board by mid-February 2023.

In the event that Council does not make a submission to the Local Government Advisory Board there are two possibilities.

Scenario One - If Act amendments are passed by Parliament in time, the Shire 2023 local government election will be conducted without wards, the number of seats on Council reduced by one and all positions including the Shire President position elected at large would be contested.

Scenario Two – If Act amendments are not passed by Parliament in time, the Shire's 2023 local government election will be conducted with five Councillor positions contested as well as the Shire President elected at large. Following the election Council would have a membership of 10 elected members.

In both scenarios, Council could consider revising ward and representation through a subsequent review.

Options and Implications

As stated above, given the complexity of the matter, Officers recommend that under clause 10.6 of the Shire's Standing Orders that the matter be broken down into separate questions. In this way, the first question would be which ward and representation configuration to select and second which method by which the change would be enacted. This would be achieved through separate motions that could be moved and debated and resolved.

After a decision is made on the ward and representation configuration and the method to enact the changes, Council would be required to resolve to approve a submission to the Local Government Advisory Board that aligns to Council's preference that it had just resolved.

As such, it is recommended that if Option 1 is pursued, that point 1 and point 2 are separately debated and resolved as two discrete motions before considering points 3 through 8 as a single, discrete motion.

Option 1

That Council:

1. Having CONSIDERED the submissions made to the local government during the public notice period in **Attachment 1** and HAVING REGARD to the following factors:

- community of interests; and
- physical and topographic features; and
- demographic trends; and
- economic factors; and
- the ratio of councillors to electors in the various wards

ADOPTS, for the reasons of:

[Reasons to be specified by the Councillor moving motion for inclusion in the submission to the Advisory Board]



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the following as its preferred ward and representation configuration:

[One of the following to be specified by Councillor moving the motion:

- *Six Councillors plus Shire President distributed evenly across three wards with no changes to existing ward boundaries*
or
- *Eight Councillors plus Shire President distributed with two Councillors in the North Ward and three Councillors each in the North West and South Wards with no changes to existing ward boundaries*
or
- *Eight Councillors plus Shire President distributed with two Councillors in the North West Ward and three Councillors each in the North and South Wards with no changes to existing ward boundaries*
or
- *Eight Councillors plus Shire President distributed with two Councillors in the South Ward and three Councillors each in the North and North West Wards with no changes to existing ward boundaries*
or
- *Six Councillors plus Shire President with no wards (existing wards to be abolished)*
or
- *Eight Councillors plus Shire President with no wards (existing wards to be abolished)*

2. ADOPTS as its recommended approach of implementing the ward and representation configuration the following method: *[to be specified as either]*

- *the order specifies that the Councillor positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election*
or
- *in accordance with section 9.62 of the Act that the order declares that the terms of office for all Councillors to cease on 21 October 2023*

for the following reasons:

[Reasons to be specified by Councillor moving motion to incorporate in submission to the Local Government Advisory Board]

3. Having CONSIDERED the submissions made to the local government during the public notice period in **attachment 1** and HAVING REGARD to the following factors

- community of interests; and
- physical and topographic features; and
- demographic trends; and
- economic factors; and
- the ratio of councillors to electors in the various wards



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ADOPTS draft submission [Submission A through L to be specified] in **attachment [corresponding attachment to be specified]** as its submission to the Local Government Advisory Board.

4. REQUESTS that the Chief Executive Officer remove the draft watermark from the adopted submission and make amendments required to finalise the submission, including INCORPORATING the reasons and rationale for Council's preferred approach described above and AUTHORISES the Chief Executive Officer to PROVIDE the submission and attachments specified in the submission to the Local Government Advisory Board noting that those attachments include the minutes of this meeting which will be available following the meeting's conclusion.
5. REQUESTS that the Chief Executive Officer provide all materials to the Local Government Advisory Board requested by the Minister, Department of Local Government or Board related to the submission.
6. NOTES that the Local Government Advisory Board may make a recommendation to the Minister recommending the making of an order to give effect to the changes and that the Minister may accept or reject a recommendation of the Advisory Board.
7. REQUESTS that the Chief Executive Officer prepare a report regarding a future ward and representation review to Council following the 2023 ordinary local government election and lists for consideration a ward and representation review as part of the 2023-24 Annual Budget and Corporate Business Plan process.
8. REQUESTS that the Chief Executive Officer write to members of the public who made a submission thanking them for their submission and advising of Council's resolution in relation to this matter.

Option 2

That Council:

1. NOTES the submissions made to the local government during the public submission period.
2. RESOLVES not to make a submission to the Local Government Advisory Board.
3. REQUESTS that the Shire President write to the Minister for Local Government advising of Council's resolution in this matter.
4. NOTES that this option will result in the electoral pathway being taken which pending the passage of supporting legislation will involve a complete spill of positions at the 2023 local government elections for eight Councillor positions plus the office of the Shire President elected at large with the election to be contested without wards.

Conclusion

In accordance with Council's resolution to implement the Minister's voluntary pathway to local government electoral reform and the opportunity to make a submission to Council on the Ward and Representation Review was advertised per the requirements of the Act. Council may consider the submissions received and with regard to the five matters set out in the Act resolve a position on the future ward and representation configuration to be recommended to the Local Government Advisory Board. If resolved by Council the submission would be considered by the Local Government Advisory Board who may recommend that the Minister makes an order to implement the change.



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Attachments (available under separate cover)

- **6.1.1 - attachment 1** – Ward and Representation Review Public Submissions (E23/41)
- **6.1.1 - attachment 2** – draft Local Government Advisory Board Submission A (E23/479)
- **6.1.1 - attachment 3** - draft Local Government Advisory Board Submission B (E23/480)
- **6.1.1 – attachment 4** - draft Local Government Advisory Board Submission C (E23/481)
- **6.1.1 - attachment 5** - draft Local Government Advisory Board Submission D (E23/482)
- **6.1.1 - attachment 6** - draft Local Government Advisory Board Submission E (E23/483)
- **6.1.1 – attachment 7** - draft Local Government Advisory Board Submission F (E23/484)
- **6.1.1 - attachment 8** - draft Local Government Advisory Board Submission G (E23/485)
- **6.1.1 - attachment 9** - draft Local Government Advisory Board Submission H (E23/486)
- **6.1.1 – attachment 10** - draft Local Government Advisory Board Submission I (E23/487)
- **6.1.1 - attachment 11** - draft Local Government Advisory Board Submission J (E23/488)
- **6.1.1 - attachment 12** - draft Local Government Advisory Board Submission K (E23/489)
- **6.1.1 – attachment 13** - draft Local Government Advisory Board Submission L (E23/490)
- **6.1.1 – attachment 14** – Correspondence from the Department of Local Government, Sport and Cultural Industries dated 1 December 2022 (IN23/320)
- **6.1.1 – attachment 15** – Correspondence from the Western Australia Local Government Association dated 10 January 2023 (IN23/1109)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

There are no short term financial implications associated with this report. In the longer term Council's preferred option could result in higher or lower costs associated with Councillor fees and election related costs.



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Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Each of the options available to Council involve varying degrees of reputational risk.		Reputation	Unlikely	Minor	MODERATE	
2	This would result in the regulatory pathway being taken after Council had committed to undertaking the voluntary pathway resulting the reputational loss.		Reputation	Likely	Moderate	SIGNIFICANT	



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Voting Requirements: Absolute Majority (section 9 of Schedule 2.2 of the *Local Government Act 1995*)

Officer Recommendation

For Council's consideration.

In accordance with clause 10.6 of the *Standing Orders Local Law 2002 (as amended)*, the Presiding Member, Councillor Rich broke the question down into the form of several motions, which were put in sequence.

SCM001/01/23

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Dagostino

That Council:

1. Having CONSIDERED the submissions made to the local government during the public notice period in Attachment 1 and HAVING REGARD to the following factors:

- community of interests; and
- physical and topographic features; and
- demographic trends; and
- economic factors; and
- the ratio of councillors to electors in the various wards

ADOPTS, for the reasons of:

- *Ensure suitable representation, considering our current and future population numbers;*
- *Current ward reflects our demographic and geographic diversity;*
- *Ensure suitable representation of all communities with an overarching popularly elected president representing the Shire as a whole;*
- *As reflected in the community survey results.*

the following as its preferred ward and representation configuration:

- *Six Councillors plus Shire President distributed evenly across three wards with no changes to existing ward boundaries.*

CARRIED 5/4

Councillor Coales, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.

Councillors Coales, Dagostino, Duggin, Mack and Strautins voted FOR the motion.

Councillors Rich, Atwell, Byas and Strange voted AGAINST the motion.



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SCM002/01/23

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Dagostino

2. **ADOPTS** as its recommended approach of implementing the ward and representation configuration the following method:

- *the order specifies that the Councillor positions to be abolished are to be taken from those offices that expire at the 2023 ordinary local government election.*

for the following reasons:

- Ensure stability over this time of change and moving forward that would be lost with a full spill;
- Suitable support for new councillors elected in 2023 by existing councillors.

CARRIED 5/4

Councillor Rich, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.

*Councillors Coales, Dagostino, Duggin, Mack and Strautins voted FOR the motion.
Councillors Rich, Atwell, Byas and Strange voted AGAINST the motion.*

SCM003/01/23

COUNCIL RESOLUTION

Moved Cr Duggin, seconded Cr Dagostino

3. Having **CONSIDERED** the submissions made to the local government during the public notice period in attachment 1 and **HAVING REGARD** to the following factors:

- community of interests; and
- physical and topographic features; and
- demographic trends; and
- economic factors; and
- the ratio of councillors to electors in the various wards.

ADOPTS draft Submission A in attachment 2 as its submission to the Local Government Advisory Board.

4. **REQUESTS** that the Chief Executive Officer remove the draft watermark from the adopted submission and make amendments required to finalise the submission, including **INCORPORATING** the reasons and rationale for Council's preferred approach described above and **AUTHORISES** the Chief Executive Officer to **PROVIDE** the submission and attachments specified in the submission to the Local Government Advisory Board noting that those attachments include the minutes of this meeting which will be available following the meeting's conclusion.

5. **REQUESTS** that the Chief Executive Officer provide all materials to the Local Government Advisory Board requested by the Minister, Department of Local Government or Board related to the submission.



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6. **NOTES** that the Local Government Advisory Board may make a recommendation to the Minister recommending the making of an order to give effect to the changes and that the Minister may accept or reject a recommendation of the Advisory Board.
7. **REQUESTS** that the Chief Executive Officer prepare a report regarding a future ward and representation review to Council following the 2023 ordinary local government election and lists for consideration a ward and representation review as part of the 2023-24 Annual Budget and Corporate Business Plan process.
8. **REQUESTS** that the Chief Executive Officer write to members of the public who made a submission thanking them for their submission and advising of Council's resolution in relation to this matter.

CARRIED 5/4

Councillor Atwell, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.

Councillors Coales, Dagostino, Duggin, Mack and Strautins voted FOR the motion.

Councillors Rich, Atwell, Byas and Strange voted AGAINST the motion.



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7. Motions of which notice has been given:

Nil.

8. Urgent business:

Nil.

9. Closure:

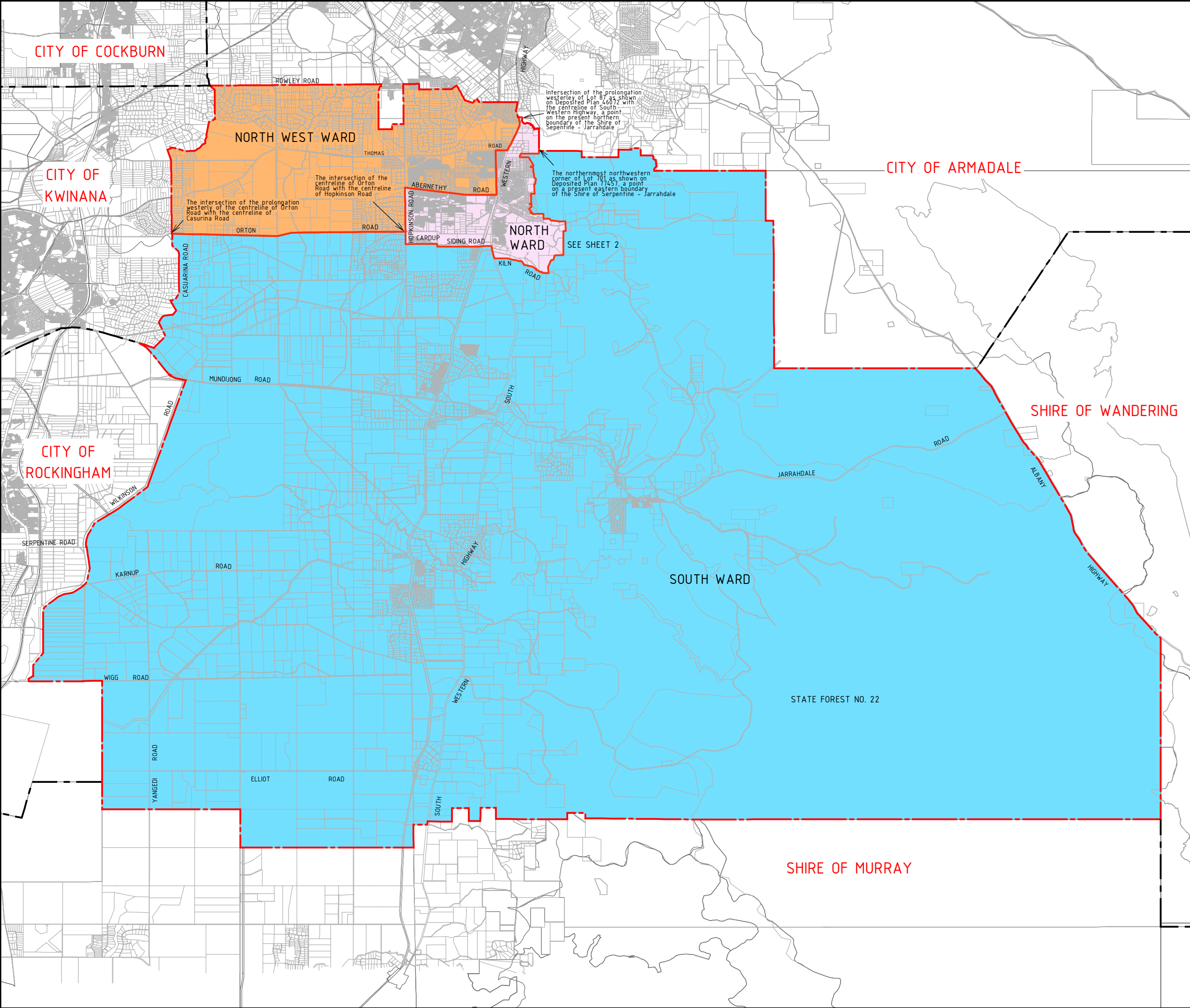
There being no further business, the Presiding Member declared the meeting closed at 7:55pm.

Officers assisting the Meeting stopped the recording of the Meeting.

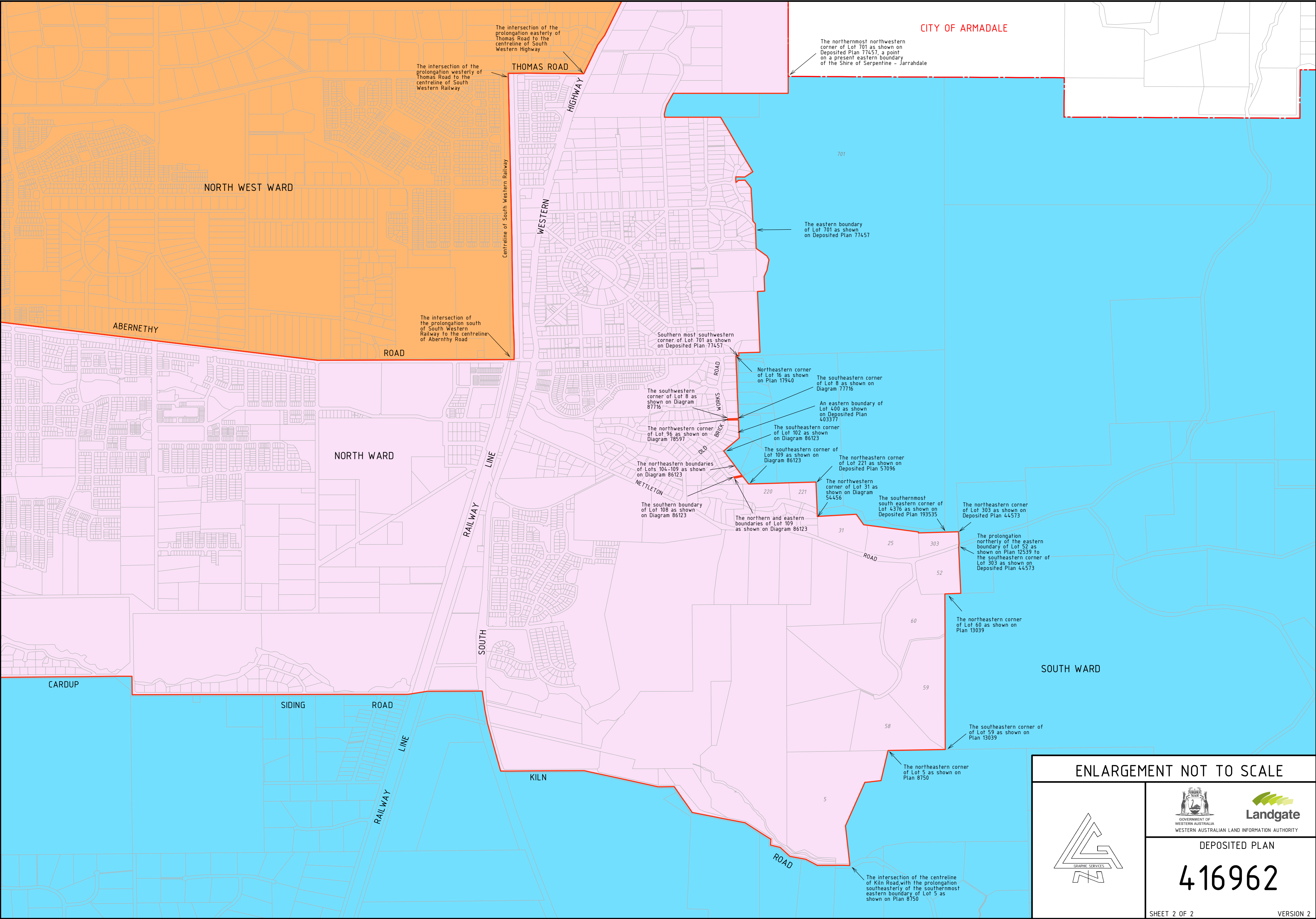
I certify that these minutes were confirmed at the Ordinary Council Meeting held on
20 February 2023.

.....Presiding Member – Councillor Rich

.....Date



TYPE	CROWN
PURPOSE	STATUTORY
PLAN OF	SHIRE OF SERPENTINE - JARRAHDALE
	WARD BOUNDARIES
DISTRICT	CANNING, COCKBURN SOUND & MURRAY
LOCAL AUTHORITY	SHIRE OF SERPENTINE - JARRAHDALE
WARD SCHEME	NORTH WEST WARD, NORTH WARD & SOUTH WARD
LANDGATE LGA FILE	11033-2010/02
GOVERNMENT ORDERS (LOCAL GOVERNMENT)	
DATE	PAGE
PREVIOUS REDESCRIPTION: 29/07/2011	3136 - 3138
AMENDMENTS:	
SCALE @A2: 1:150000 ALL DISTANCES ARE IN METRES	
0 1100 2200 3300 4400 5500	
SUBJECT TO SURVEY NOT FOR ALIENATION PURPOSES	
SURVEY FIRM	LANDGATE - GRAPHIC SERVICES - N.MARSZAL DATE 24-04-2019
TYPE OF VALIDATION	
LOGGED DATE:	LEGAL COMPONENT:
LODGEMENT FEE PAID:	EXAMINED <i>N. K. Kellie</i> Lead Consultant Graphic Services
APPROVED LOCAL GOVERNMENT ACT 1995 SECTION 9.69 (2)	
AUTHORISED LAND OFFICER	DATE
LEGEND	
FOR DISTRICT BOUNDARY SEE GOVERNMENT ORDERS (LOCAL GOVERNMENT)	
NORTH WEST WARD	L.G.A. BOUNDARY
NORTH WARD	ABUTTING L.G.A. BOUNDARY
SOUTH WARD	CADASTRE (JUN 2018)
WARD BOUNDARIES	
BOUNDARIES FOLLOW ROAD CENTRELINES, UNLESS OTHERWISE DESCRIBED. LINEWORK ON THIS PLAN MAY NOT DEPICT AN EXACT REPRESENTATION - PLEASE REFER TO TEXT NOTATION. BOUNDARIES OF WARDS SUPPLIED BY DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES	
DEPOSITED PLAN	
416962	
SHEET 1 OF 2 JOB FILE: 01687-2019 VERSION 2 Special Council Meeting - 2 March 2023	





Special Council Meeting

Confirmed Minutes

Monday, 7 November 2022

7pm

Purpose: Consideration of the following report:

1. Ward and Representation Review Discussion Paper (SJ4038)

Contact Us

Enquiries

Call: (08) 9526 1111
Fax: (08) 9525 5441
Email: info@sjshire.wa.gov.au

In Person

Shire of Serpentine Jarrahdale
6 Paterson Street, Mundijong WA 6123
Open Monday to Friday 8.30am-5pm (closed public holidays)



www.sjshire.wa.gov.au



Councillor Attendance Register

In accordance with the 11 April 2022 Ordinary Council Meeting, Council Resolution OCM067/04/22, clause 1 – “That Council requests the Chief Executive Officer maintain a Councillor Attendance Register recording Councillor Attendances at Ordinary Council Meetings, Special Council Meetings, Q & A briefings for Ordinary Council Meetings, Q & A briefings for Special Council Meetings, Councillor Workshops held for Project Briefings, Councillor Workshops held for Budget Preparations and Policy Concept Forums”.

Council 24 October 2022 –

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Mack	Cr Strange	Cr Strautins
24/10/22	SCM	✓	✓	A	✓	✓	✓	✓	✓	✓
24/10/22	Q & A (SCM)	✓	✓	A	✓	✓	✓	✓	✓	✓

Council 1 July 2022 – 22 October 2022

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Vacant	Cr Dagostino	Cr Duggin	Vacant	Cr Strange	Cr Strautins
17/10/22	OCM	✓	✓	✓		✓	✓		A	✓
10/10/22	Q & A (OCM)	✓	✓	✓		A	✓		✓	✓
03/10/22	PCF	A	✓	✓		✓	✓		✓	✓
19/09/22	Q & A cont. (OCM)	✓	✓	✓		✓	✓		✓	✓
12/09/22	Q & A (OCM)	✓	✓	✓		✓	✓		✓	A
05/09/22	PCF	A	✓	✓		✓	✓		✓	A
22/08/22	PCF	✓	✓	A		A	✓		A	✓
15/08/22	OCM	✓	✓	✓		✓	✓		✓	✓
15/08/22	Q & A cont. (OCM)	✓	✓	✓		✓	✓		✓	A
08/08/22	Q & A (OCM)	✓	✓	A		A	✓		✓	✓
01/08/22	PCF	✓	✓	✓		A	✓		✓	✓
25/07/22	SCM	✓	✓	✓		✓	✓		✓	LoA
25/07/22	Q & A (SCM)	✓	✓	✓		✓	✓		✓	LoA
18/07/22	OCM	✓	✓	✓		✓	✓		✓	LoA



Minutes - Special Council Meeting – 7 November 2022

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Vacant	Cr Dagostino	Cr Duggin	Vacant	Cr Strange	Cr Strautins
18/07/22	Q & A cont. (OCM)	✓	✓	✓		✓	✓		✓	LoA
13/07/22	WORKSHOP (CEO KPI Presentation)	✓	✓	✓		A	✓		✓	LoA
11/07/22	Q & A (OCM)	✓	✓	✓		✓	A		✓	LoA
11/07/22	SCM	✓	✓	✓		✓	✓		✓	LoA
04/07/22	PCF	✓	✓	✓		A	✓		✓	A

Council October 2021 – 30 June 2022

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Singh	Cr Strange	Cr Strautins
27/06/22	PCF	✓	✓	✓	✓	✓	✓	✓	A	✓
20/06/22	OCM	✓	✓	A	✓	✓	✓	✓	✓	✓
15/06/22	SCM	✓	✓	✓	✓	✓	✓	EPNG	✓	✓
13/06/22	Q & A (OCM)	A	✓	✓	✓	✓	✓	A	✓	✓
08/06/22	WORKSHOP (CBP)	✓	✓	✓	✓	✓	✓	✓	✓	✓
30/05/22	WORKSHOP (Budget)	✓	✓	✓	A	✓	✓	✓	✓	✓
23/05/22	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
16/05/22	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
11/05/22	Q & A cont. (OCM)	✓	✓	✓	A	A	✓	A	✓	A
09/05/22	Q & A (OCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
02/05/22	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/04/22	WORKSHOP (Rates / LTFF / Fees and Charges)	✓	✓	✓	✓	✓	✓	✓	✓	✓
27/04/22	WORKSHOP (PMO / Draft Facilities Plan)	✓	A	✓	✓	A	✓	✓	✓	A
20/04/22	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓



Minutes - Special Council Meeting – 7 November 2022

Date	Type	Cr Rich	Cr Atwell	Cr Byas	Cr Coales	Cr Dagostino	Cr Duggin	Cr Singh	Cr Strange	Cr Strautins
19/04/22	Q & A (SCM)	✓	✓	✓	✓	✓	✓	✓	✓	✓
11/04/22	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
28/03/22	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
21/03/22	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
28/02/22	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
21/02/22	OCM	✓	✓	A	✓	✓	✓	✓	✓	✓
07/02/22	PCF	✓	✓	✓	A	A	✓	✓	A	✓
13/12/21	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
06/12/21	SCM	✓	✓	A	✓	✓	✓	✓	✓	A
29/11/21	PCF	✓	✓	A	✓	✓	✓	✓	✓	✓
22/11/21	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
15/11/21	OCM	✓	✓	✓	✓	A	✓	✓	✓	✓
10/11/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
01/11/21	PCF	✓	✓	✓	✓	A	✓	✓	✓	✓
01/11/21	SCM	✓	✓	✓	✓	A	✓	✓	✓	✓
25/10/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
25/10/21	PCF	✓	✓	✓	✓	✓	✓	✓	✓	✓
18/10/21	SCM	✓	✓	✓	✓	✓	✓	✓	✓	✓

A – Apology

LoA – Leave of Absence

NA – Non Attendance

EPNG – Electronic Participation Not Granted



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The purpose of this Special Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware of the provisions of the *Local Government Act 1995* (section 5.25(1)(e)) and Council's *Standing Orders Local Law 2002 (as Amended)* – Part 14, Implementing Decisions. No person should rely on the Resolutions made by Council until formal advice of the Council Resolution is received by that person.

The Shire of Serpentine Jarrahdale expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any Resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

At the 20 June 2022 Ordinary Council Meeting, Council resolved that Council and Committee Meetings will be audio recorded in accordance with Council Policy. If you are asking a public question or making a statement or deputation to the meeting this will be audio recorded. Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed.



Minutes of the Special Council Meeting of the Shire of Serpentine Jarrahdale held on Monday, 7 November 2022 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Councillor Rich declared the meeting open at 7pm and welcomed Councillors, Staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid her respects to the Elders Past, Present and Emerging.

The Shire President, Councillor Rich advised members of the gallery that the meeting is being audio recorded, in accordance with Council Policy. If you are asking a public question or making a statement or deputation to the meeting this will be audio recorded. Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed.

Minutes

1. Attendances and apologies (including leave of absence):

Attendees:

Councillors: M Rich.....Presiding Member

D Atwell
R Coales
M Dagostino
T Duggin
S Mack
L Strange
D Strautins

Officers: Mr P Martin.....Chief Executive Officer
Ms R Steinki.....Acting Director Community Engagement
Mr A TrosicDirector Development Services
Mr F SullivanDirector Corporate Services
Mr N Scidone.....Acting Director Infrastructure Services
Dr K ParkerManager Governance and Strategy
Ms M Gibson.....Governance Officer – Council and Committees
(Minute Taker)

Leave of Absence: Nil.

Apologies: Councillor M Byas

Observers: 1



2. Public question time:

2.1 Public questions:

No public questions were submitted in writing prior to the meeting.

Presiding Member, Councillor Rich asked if there were any public questions from the floor at 7:02pm. No public questions were asked.

Public question time concluded at 7:02pm.

3. Public statement time:

No public statements were submitted in writing prior to the meeting.

4. Petitions and deputations:

Nil.

5. Declaration of Councillors and Officers interest:

Nil.



6. Receipt of Reports:

6.1 Reports:

6.1.1 – Ward and Representation Review Discussion Paper (SJ4038)	
Responsible Officer:	Manage Governance and Strategy
Senior Officer:	Chief Executive Officer
Disclosure of Officer's 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> .

Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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Report Purpose

The purpose of this report is to enable Council to consider approving a Ward and Representation Review Discussion Paper following Council's resolution at the 24 October 2022 Special Council Meeting.

Relevant Previous Decisions of Council

Special Council Meeting – 24 October 2022 - SCM028/10/22 - COUNCIL RESOLUTION That Council:

- 1. NOTES the correspondence from the Minister for Local Government dated 20 September 2022 in attachment 1.*
- 2. AUTHORISES the Chief Executive Officer to ADVISE the Director General of the Department of Local Government, Sport and Cultural Industries by 28 October 2022 that the Shire WILL UNDERTAKE the voluntary process and WILL INITIATE a ward and representation review in the timeframes proposed by the Minister.*
- 3. CHANGES the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the elector's method.*
- 4. NOTES that the change to the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method will commence at the 2023 ordinary local government election and remain in force even if the Minister's reforms are not progressed and that it can only be reversed through the provisions on s2.12A of the Act which involve regular formal polling of electors of the decision through the provisions of the legislation.*
- 5. INITIATES a Ward and Representation Review in accordance with Schedule 2.2 of the Local Government Act 1995.*



6. *REQUESTS that the Chief Executive Officer give local public notice for a period that is not less than 6 weeks advising*
 - a) *that the review is to be carried out; and*
 - b) *that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.*
7. *NOTES the local public notice will advise that the Shire is considering options for ward and representation being:*
 - *six councillors across three wards (no changes to current ward boundaries);*
 - *eight councillors across three wards (no changes to current ward boundaries);*
 - *six councillors with no wards; and*
 - *eight councillors with no wards.*
8. *NOTES that Council will be required in accordance with Schedule 2.2 of the Act following the closure of the public submission period to consider the following when making a determination on the matter:*
 - *community of interests; and*
 - *physical and topographic features; and*
 - *demographic trends; and*
 - *economic factors; and*
 - *the ratio of councillors to electors in the various wards.*
9. *NOTES that the following activities will be deferred for the time being to enable the ward and representation review to occur and AGREES to their deferment being reflected in the Corporate Business Plan and CEO KPIs where required:*
 - *Project Management Framework embedding and strengthening;*
 - *Implementation of findings of the Abernethy Road Inquiry including procurement enhancement*
 - *Strategic Community Plan review;*
 - *local government policy review; and*
 - *preparation of the Shire's first Integrity Framework.*

Background

At the 24 October 2022 Special Council Meeting, Council resolved to undertake a Ward and Representation Review in response to the Minister's request as part of the Minister's local government reform program.

Community / Stakeholder Consultation

In response to Council's resolution, Officers have commenced further discussions with the Department of Local Government, Sport and Cultural Industries and the Local Government Advisory Board.

Further engagement

Officers propose that engagement be conducted consistent with the provisions of Regulation 3A of the *Local Government (Administration) Regulations 1996* by issuing a notification in the local newspaper, social media posts and publication in the SJ matters newsletter. Further community engagement is not proposed beyond the legislative



mandated engagement, as the options presented in the paper and their implications to ward and representation are straightforward. Additional unbudgeted expenditure is not proposed by Officers.

As such, promotion will involve:

- Publication of local public notice in the Examiner
- Social media posts
- Exhibition on notice board

In addition, submissions will be welcomed on Your Say SJ, the Shire of Serpentine Jarrahdale's online engagement hub where a dedicated page associated with the Ward and Representation Review has been prepared.

Written submissions will also be welcome via email and mail. All submissions received will be presented to Council for consideration at the conclusion of the public submission period.

Statutory Environment

Under section 2.18 of the Act, when a local government is established, the Governor by order on recommendation of the Minister, is to specify the number of Councillors and the number of Councillors per ward if the district is to have wards.

Section 2.18(3) and (4) of the Act provides that:

“(3) The Governor, on the recommendation of the Minister, may make an order —

- (a) changing the number of offices of councillor on a council; or*
- (b) specifying or changing the number of offices of councillor for a ward; or*
- (c) as to a combination of those matters.*

(4) The Minister can only make a recommendation under subsection (1) or (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.”

Section 2.2 of the Act provides that:

The Governor, on the recommendation of the Minister, may make an order —

- (a) dividing a district into wards; or*
- (b) creating new wards in a district that is already divided into wards; or*
- (c) changing the boundaries of a ward; or*
- (d) abolishing any or all of the wards into which a district is divided; or*
- (e) as to a combination of any of those matters.*

(2) For the purposes of this Act —

- (a) an order that divides a district into wards is to be regarded as establishing a ward system for the district; and*
- (b) an order that abolishes all of the wards into which a district is divided and does not create new wards, is to be regarded as discontinuing the ward system for the district.*

(3) Schedule 2.2 (which deals with wards and representation) has effect.



- (4) The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.”*

Schedule 2.2 of the Act [as opposed to Section 2.2] deals with the Local Government Advisory Board and the process for making recommendations under section 2.18.

Schedule 2.2, section 5 of the Act provides that a local government may propose ward amendments through the following clauses:

“A local government may, whether or not it has received a submission —

- (a) carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should, in the council’s opinion, be made; or*
- (b) propose to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is —*
 - (i) one of a minor nature; and*
 - (ii) not one about which public submissions need be invited;*

or

- (c) propose to the Minister the making of an order changing the name of the district or a ward.”*

Schedule 2.2, section 6 of the Act provides that a local government is give local public notice of a review and invite submissions received not less than 6 weeks after the notice is first given. A local government must consider the submissions made to it.

Schedule 2.2, section 8 and section 9 go on to state:

“8. Matters to be considered in respect of wards

Before a local government proposes that an order be made —

- (a) to do any of the matters in section 2.2(1), other than discontinuing a ward system; or*
- (b) to specify or change the number of offices of councillor for a ward,*
or proposes under clause 4(2) that a submission be rejected, its council is to have regard, where applicable, to —
 - (c) community of interests; and*
 - (d) physical and topographic features; and*
 - (e) demographic trends; and*
 - (f) economic factors; and*
 - (g) the ratio of councillors to electors in the various wards.*

9. Proposal by local government

On completing a review, the local government is to make a report in writing to the Advisory Board and may propose to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit.”

Schedule 2.2, section 10 provides that the Advisory Board can accept the local government’s recommendation, or it if it does not believe that the local government has



taken into account the matters listed in schedule 2.2, section 8, propose an alternative approach to the Minister. This process whereby the Advisory Board can recommend to the Minister an option which is not recommended by the local government is set out in Schedule 2.2, section 10(4):

“Where a local government fails to carry out a review as required by clause 6, the Advisory Board, in a written report to the Minister, may recommend the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account the matters referred to in clause 8.”*

Under Schedule 2.2, clause 11 the Advisory Board can also carry out an Inquiry as it thinks necessary and recover the costs of that Inquiry from the local government concerned.

Comment

Officers have prepared a draft Ward and Representation Review Discussion Paper in line with the options set out in Council’s resolution. If approved by Council, the Discussion Paper would be advertised via local public notice in accordance with Regulation 3A of the *Local Government (Administration) Regulations 1996*.

Given the significance of the matter, Officers are seeking Council’s approval of the draft Discussion Paper prior to publication. This will ensure that the report prepared by Officers meets the intent of Council’s direction.

This approach requires some revision to the timetable proposed at the 24 October 2022 Special Council Meeting.

At the Special Council Meeting held on 24 October 2022, the following timetable was provided to conduct the Ward and Representation review:

Timetable presented at the 24 October 2022 Special Council Meeting

Event	Date
Council meeting to resolves to undertake a ward and representation review	24 October 2022
Publication of the discussion paper via local public notice for a period of 6 weeks and 1 day (minimum) following publication of the meeting minutes	31 October 2022
Close of public notice period	Tuesday, 13 December 2022
Prepare Council report based on the submissions	Monday, 13 January 2023
Publish agenda for Special Council meeting	Friday, 20 January 2023
Special Council Meeting	Monday, 30 January 2023
Presentation of final report to Local Government Advisory Board	February 2023

As Officers believe that a Council should approve the discussion paper prior to publication, the timetable has been revised to accommodate the holding of a Special Council Meeting for Council to consider the draft paper.

As noted in the Officer’s report to the 24 October 2022 Special Council Meeting, the timetable to meet the Minister’s request does not leave significant room for delay. As such,



to ensure that the Minister's timetable is still met, the revised timetable shown below truncates the period between the close of public submissions and the publication of the Agenda for a Special Council Meeting to be held at the end of January 2023 to consider the matter. This would not impact the amount of time for community input but would reduce the amount of time for analysis and preparation of the report, which increases the chances of error.

Revised timetable

Event	Date
Publication of the discussion paper via local public notice for a period of 6 weeks and 1 day (minimum) following publication of the meeting minutes	Thursday, 10 November 2022
Close of public notice period	Friday, 23 December 2022
Prepare Council report based on the submissions	Monday, 13 January 2023
Publish agenda for Special Council meeting	Friday, 20 January 2023
Special Council Meeting	Monday, 30 January 2023
Presentation of final report to Local Government Advisory Board	February 2023

Options and Implications

Option1

That Council:

1. Pursuant to the resolution made at the 24 October 2022 Special Council Meeting requesting that the Chief Executive Officer give local public notice of a Ward and Representation Review initiated by the Shire, APPROVES the draft Ward and Representation Review Discussion paper as **attachment 1** to be published in conjunction with the local public notice per Regulation 3A of the *Local Government (Administration) Regulations 1996*; and
2. APPROVES that community engagement will comprise the minimum statutory requirements of Regulation 3A of the *Local Government (Administration) Regulations 1996*.

Option 2

That Council REQUESTS that revisions to the draft Ward and Representation Review Discussion paper are presented urgently to Council, comprising the following changes:

-
-

Option 1 is recommended.



Conclusion

Officers have prepared a draft Ward and Representation Review Discussion Paper in line with the options set out in Council's resolution. If approved by Council, the discussion paper would be advertised via local public notice in accordance with Regulation 3A of the *Local Government (Administration) Regulations 1996*.

Given the significance of the matter to Council, Officers are seeking Council's approval of the draft discussion paper prior to publication. This will ensure that the report prepared by Officers meets the intent of Council's direction.

Attachments (available under separate cover)

- **6.1.1 - attachment 1** – Shire of Serpentine Jarrahdale Ward and Representation Review Discussion Paper (E22/13759)

Alignment with our Strategic Community Plan

Outcome 4.2	A strategically focused Council
Strategy 4.2.3	Provide clear strategic direction to the administration

Financial Implications

There are no financial implications associated with this report.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option.						
2	Potential delay to the completion of the Ward and Representation Review which would mean that Council’s resolution made at the 24 October 2022 meeting would not be put into effect and the Reform Election Pathway would be taken.		Organisational Performance	Unlikely	Moderate	MODERATE	



Voting Requirements: Simple Majority

Officer Recommendation

That Council:

1. Pursuant to the resolution made at the 24 October 2022 Special Council Meeting requesting that the Chief Executive Officer give local public notice of a Ward and Representation Review initiated by the Shire, APPROVES the draft Ward and Representation Review Discussion paper as attachment 1 to be published in conjunction with the local public notice per Regulation 3A of the *Local Government (Administration) Regulations 1996*; and
2. APPROVES that community engagement will comprise the minimum statutory requirements of Regulation 3A of the *Local Government (Administration) Regulations 1996*.



SCM033/11/22

COUNCIL RESOLUTION

Moved Cr Strautins, seconded Cr Dagostino

That Council:

1. Pursuant to the resolution made at the 24 October 2022 Special Council Meeting requesting that the Chief Executive Officer give local public notice of a Ward and Representation Review initiated by the Shire, **APPROVES** the draft Ward and Representation Review Discussion paper as attachment 1, subject to the following revision on page 2, 'Background', by deleting:

“For the Shire, this means that the Shire will have a President elected by Electors rather than Council and will reduce the size of the elected Council by one member to account for the change in election method of the President.

This is because under the reforms for local governments with a population of between 5,000 and 75,000 (which the Shire currently sits), legislative amendments are proposed to be introduced by the State Government that will cap on the number of Councillors at nine, including the President.”

and inserting:

“For the Shire, this means that the Shire will have a President elected by Electors rather than Council and will reduce the size of the elected Council by at least one member to account for the change in election method of the President.

This is because under the reforms for local governments with a population of between 5,000 and 75,000 (which the Shire currently sits), legislative amendments are proposed to be introduced by the State Government that will cap the number of Councillors to no more than nine, including the President.”

to be published in conjunction with the local public notice per Regulation 3A of the *Local Government (Administration) Regulations 1996*; and

2. **APPROVES** that community engagement will comprise the minimum statutory requirements of Regulation 3A of the *Local Government (Administration) Regulations 1996*.

CARRIED 5/3

Councillor Rich, in accordance with Section 5.21(4)(b), Local Government Act 1995 requested the votes be recorded.

*Councillors Coales, Dagostino, Duggin, Mack and Strautins voted FOR the motion.
Councillors Rich, Atwell, and Strange voted AGAINST the motion.*

Reason for difference to Officer Recommendation

To make the introductory text more compatible with the purpose of the document.



7. Motions of which notice has been given:

Nil.

8. Urgent business:

SCM034/11/22

MOTION

Moved Cr Coales, seconded Cr Dagostino

That in accordance with clause 12.6 of the Standing Orders that the ruling of the Presiding Member be disagreed with regarding the declaration that the urgent business not be considered.

MOTION LOST 3/5

9. Closure:

There being no further business, the Presiding Member declared the meeting closed at 7:31pm.

Officers assisting the Meeting stopped the recording of the Meeting.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 21 November 2022.

..... Presiding Member – Councillor Rich

..... 28/11/2022 Date