

## Kenneth Parker

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**From:** DLGSC Act Review <actreview@dlgsc.wa.gov.au>  
**Sent:** Thursday, 1 December 2022 9:49 AM  
**To:** Kenneth Parker; Advisory Board; DLGSC Act Review  
**Subject:** RE: Advice on ward and representation review scenarios - Shire of Serpentine Jarrahdale

Hi Ken,

Thanks for your email.

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".

### 6. *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.

Kind regards  
Cameron Taylor

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