

# **A Guide for Local Governments**

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How to conduct a review of wards and representation for local governments with and without a ward system

October 2017

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# Introduction

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This guide was developed by the Local Government Advisory Board (the Board) to assist local governments when undertaking a review of their wards and representation in accordance with Schedule 2.2 of the *Local Government Act 1995* (the Act).

The guide contains the following information:

For local governments **with** a ward system:

- How to conduct a review
- Attachment 1: Example Newspaper Advertisement
- Attachment 2: Example Discussion Paper
- Attachment 3: Example Assessment of Options
- Attachment 4: Example Officer's Report
- Attachment 5: Checklist
- An explanation of the processes for reviewing ward boundaries and representation.

For local governments **without** a ward system:

- How to conduct a review
- Attachment 6: Example Newspaper Advertisement
- Attachment 7: Example Discussion Paper
- Attachment 8: Example Assessment of Options
- Attachment 9: Example Officer's Report
- Attachment 10: Checklist
- An explanation of the processes for reviewing ward boundaries and representation.

The Board's policy on councillor vacancies and changes that may result from changes to wards and representation is included at page 53 of this guide.

To ensure that reviews are compliant with the Act, it is recommended that local governments familiarise themselves with the requirements of Schedule 2.2 of the Act.

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# How to Conduct a Review: Local Governments **with** a Ward System

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## 1. What you have to do

A local government with a ward system is required to carry out a review of:

- a) its ward boundaries; and
- b) the number of offices of councillor for each ward

every so often to ensure that not more than eight years elapse between successive reviews.

The purpose of a review is to assess the current arrangements and to evaluate a range of options to find a system of representation that best suits the characteristics of the district and its people. Any of the following may be considered:

- Creating new wards in a district already divided into wards
- Changing the boundaries of a ward
- Abolishing any or all of the wards into which a district is divided
- Changing the name of a district or a ward
- Changing the number of offices of councillor on a council
- Specifying or changing the number of offices of councillor for a ward.

A local government may also elect to carry out a review when it has received a valid submission from 250 or 10% (whichever is the lesser) of the total number of affected electors who petition for changes to a ward system.

The Board expects local governments to complete their reviews to allow any changes to be implemented within the eight year period. Local governments may undertake reviews on a more frequent basis if they are experiencing significant changes to their population.

## 2. How to start

The Council must resolve to undertake a review of its ward system.

Once resolved by Council and before conducting the review, a local government is to give local public notice that a review is to be carried out.

The purpose of the public notice is to inform the community that the Council intends to conduct a review – it should not try to “sell” a particular option.

The notice must advise that submissions may be made to the local government six weeks from the date of the first notice (not including the day of the notice). The closing date for submissions should not be a weekend or public holiday.

Attachment 1 is an example of a newspaper advertisement for a public notice.

It is essential to develop a diverse range of alternatives additional to the current ward system so that all options can be considered. The public notice should also encourage responses and suggestions from the community.

In addition to giving public notice, local governments may undertake other initiatives to promote community discussion including public and/or ward meetings, website and media articles and interviews, sending information to non-resident electors, ratepayers or progress associations and distributing information to all households. High quality maps (which can be sourced from Landgate) clearly showing the current situation and possible options are essential.

A discussion or information paper should be developed to explain the various options and the five factors (noted in the section “What to consider” below) against which they will be assessed. Instructions on how to access the discussion paper should be included in the public notice.

Attachment 2 is an example of a discussion paper.

### 3. What to consider

The local government must consider all submissions it receives and record this in the minutes of its meeting along with any other information considered relevant to the decision making process.

All options must be assessed against the following five factors:

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

These factors should be considered in terms of the whole district prior to assessing the options.

The Board considers that the ratio of councillors to electors is particularly significant. 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 most accurate way to calculate the current number of electors for a district is to combine the ‘Local Government Enrolment Statistics’ or ‘Enrolment by Census Collection District (CCD)’ reports, which are published periodically on the Western Australian Electoral Commission’s (WAEC) website, and the Owners and Occupiers Roll, which is maintained by the local government.

This method ensures that elector figures from the State Electoral Roll and the Owners and Occupiers Rolls, which are maintained by different authorities, are taken into consideration and, while some duplication may occur, this gives the most reliable elector figures for a district.

During the review, it may become apparent that some of the factors are either less or more relevant than others. It may emerge that in some cases, factors are in conflict with each other. It is for the local government to decide which of the factors have the most relevance to the assessment of options and why.

The Board may be reluctant to recommend (to the Minister) changes to ward boundaries and representation that result in ward councillor/elector ratios that are greater than plus or minus 10% unless exceptional circumstances apply.

The examples in this package include figures for the % ratio deviation for each ward. This gives a clear indication of the % difference between the average councillor/elector ratio for the whole local government and the councillor/elector ratio for a particular ward.

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 under represented and a positive result indicates that the ward is over represented.

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.

Attachment 3 is an example of an assessment of options.

An officer's report (including consideration of submissions and assessment of options against the factors) forms the basis of the Council's deliberation on these matters.

Attachment 4 is an example of an officer's report.

## 4. Reaching a decision

A conclusive argument needs to be developed which demonstrates why a particular option has been chosen following consideration of submissions and the assessment of options against the factors.

If the Council proposes to maintain the status quo then reasons for this **must** be included in the resolution.

If the Council decides to make a change, then an **absolute majority** is required. The resolution of the Council must propose the making of an order under s2.2 (1), s2.3 (3) and/or s2.18 (3) of the Act.

In some cases a local government may determine that no change is required at the current time and identifies other factors as impacting on the future balance of representation (for example, housing development, declining populations, new industries, closure of mining operations, or extension of freeways and railway networks). The expected impact of these factors may motivate a local government to resolve to undertake another review of wards and representation before the eight year period required by the Act.

The timing of this next review may be specified at the completion of the current review, or at a later time.

## 5. The impact of change

Once a decision is made, the local government may consider the impact of implementing any change at the next ordinary election. In some circumstances elected members may be unable to complete their term of office due to circumstances surrounding implementation.

The Board has developed a policy that outlines how various changes can impact on the offices of councillor and how these changes can be implemented. A copy of this policy is included in this package (see page 53).

## 6. Reporting to the Local Government Advisory Board

The Local Government must provide the Board with a written report of the review once it has been completed. If a local government expects changes to be in place in time for an ordinary election, it must submit its report to the Board by **30 January** in the year of an ordinary election. This will allow sufficient time for any changes to be considered and for all statutory requirements to be processed for the beginning of the election cycle.

The report must outline the process used, and the outcome of the review and should include the Council's resolutions. The officer's report to the Council forms the basis of this submission to the Board.

Attachment 5 is a checklist of what to provide to the Board.

High quality maps must be included with the report clearly showing current ward boundaries and any proposed changes to boundaries. These are required by Landgate to assist in the preparation of deposited plans for the proposed new ward boundaries and Governor's Orders.



On receipt of a proposal, the Board will consider the reports submitted by local governments and assess them against the requirements in the Act.

If the Board determines that some part of a review does not meet the requirements of the Act, then the local government may be requested to undertake another review (or part of a review) in order to meet the requirements.

The Board will consider all recommendations for change submitted as part of the review and then make recommendations to the Minister who has the final decision and who may accept or reject the Board's recommendations.

## 7. Implementing changes

If the Minister accepts the Board's recommendations, then several statutory processes follow. Changes to wards and representation are subject to a Governor's order which is published in the *Government Gazette*. The order will include the date the changes will apply which may be the date of Gazettal (representation changes only) or the next ordinary election day, or any resulting extraordinary elections arising from the changes.

Where there are changes to ward boundaries, the order will include a new deposited plan showing the new boundaries, prepared by Landgate at the local government's cost. If a boundary change affects electors, then the WA Electoral Commission prepares new rolls for those affected wards.

## Attachment 1: Example Newspaper Advertisement

The following pro forma can be used as a guide for the design of advertisements for giving public notice of a review.

See Clause 7 of Schedule 2.2 of the *Local Government Act 1995* for the requirements of advertising a review.

### **Shire of Bottlebrush**

#### **Review of Wards and Representation**

The Shire of Bottlebrush is conducting a review of its wards and representation and invites public participation in the review.

Ward boundaries and 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.

(\*\*An information sheet/discussion paper is available outlining the current situation and several alternative ward structures.)

Public submissions are invited and must be submitted to the Shire of Bottlebrush at:

3 Read Road, BOTTLEBRUSH WA

Phone: (08) [Insert phone number]

Email: Bottlebrush@[insert address]

By [a date not less than 6 weeks after the notice is first given]

For further information (and a copy of the information sheet/discussion paper) please contact Ms Kylie Jones at the Shire of Bottlebrush on [insert phone number].

\*\*It is recommended that local governments provide an information sheet outlining the current ward structure (including a high quality map) or a discussion paper that includes the current situation and provides several alternatives that might be considered (including, for example, a no ward structure).

## Attachment 2: Example Discussion Paper

The following example can be used as a guide for a discussion paper to inform the community and to stimulate discussion about ward boundaries and representation.

### Shire of Bottlebrush Review of Wards and Representation Discussion Paper

#### Background

The Shire of Bottlebrush has resolved to undertake a review of its ward system to comply with the requirements of the *Local Government Act 1995* (the Act).

Schedule 2.2 of the Act requires local governments with wards to carry out reviews of the ward boundaries and the number of councillors for each ward from time to time so that no more than eight years elapse between successive reviews.

The last review of wards in the Shire of Bottlebrush was undertaken in [Insert date] and it is now appropriate to carry out another review.

#### Current situation

Currently the Shire of Bottlebrush has twelve (12) councillors elected from four (4) wards as follows:

**Table: Shire of Bottlebrush elector to councillor ratios - current situation**

Ward	Number of Electors	Number of Councillors	Councillor/ Elector Ratio	% Ratio Deviation
West	675	3	1:225	+21.47%
Central	513	3	1:171	+40.31%
East	450	3	1:150	+47.64%
South	1,800	3	1:600	-109.80%
<b>Total</b>	<b>3,438</b>	<b>12</b>	<b>1:287</b>	Not applicable

The % ratio deviation gives a clear indication of the % difference between the average councillor/elector ratio for the whole local government and the councillor/elector ratio for each ward.

It can be seen that there is a significant imbalance in representation across the Shire with the West, Central and East Wards being over represented and the South Ward being under represented. A balanced representation would be reflected in the % ratio deviation being within plus or minus 10%.

A map showing the ward boundaries is also attached.

## **Review process**

The review process involves a number of steps:

- The council resolves to undertake the review
- Public submission period opens
- Information provided to the community for discussion
- Public submission period closes
- The Council considers all submissions and relevant factors and makes a decision
- The Council submits a report to the Local Government Advisory Board (the Board) for its consideration
- If a change is proposed, the Board submits a recommendation to the Minister for Local Government (the Minister).

Any changes approved by the Minister will be in place for the next ordinary election where possible.

## **Factors to be considered**

When considering changes to wards and representation, Schedule 2.2 of the Act specifies five factors that must be taken into account by a local government as part of the review process:

1. Community of interest
2. Physical and topographic features
3. Demographic trends
4. Economic factors
5. Ratio of Councillors to Electors in the various wards.

The Board offers the following interpretation of these factors.

## **1. 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.

## **2. 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.

## **3. 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.

## **4. 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.

## **5. 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.

## Options to consider

The Council will consider the following options and members of the community may suggest others:

- Option 1:** Maintain the current ward system
- Option 2:** Create three wards (West, East and South) using the areas of economic activity as the boundaries
- Option 3:** Create four wards (West, North, East, South West) using the main roads as the boundaries
- Option 4:** Create five wards (Maintown-one, Maintown-two, West, East, South) using the town boundaries and main roads as boundaries
- Option 5:** No wards

The attached maps indicate the options.

Also under consideration will be the number of councillors for each ward and the district. For example, it may be that fewer councillors will provide good representation and may result in financial savings and more effective and efficient decision making.

The names of the wards will also be considered. For example, rather than west, north, east, etc., it may be preferable to use the names of localities, or the names of pioneering families in the district.

## Public submissions

Members of the community are invited to make a written submission about any aspect of ward boundaries and representation and lodge it at:

Shire of Bottlebrush  
3 Read Road  
BOTTLEBRUSH WA

Email: [Insert email address]

Submissions will also be accepted by email: Bottlebrush@ [Insert address]

All submissions must be received by 5pm on [Insert day and date]

Thank you for your interest and involvement in this review. Council welcomes your comments on any matters that may assist it to make informed and responsible decisions for the benefit of the people of the Shire of Bottlebrush.

Councillor [Insert name]

[Insert name]

PRESIDENT

CHIEF EXECUTIVE OFFICER

## Attachment 3: Example Assessment of Options

A range of options will need to be developed as part of the review. It is essential that Council consider each option against the five prescribed factors (community of interest, physical and topographic features etc.). This will enable the Council to determine objectively which option best reflects the characteristics of the local government.

The following example is based on a hypothetical local government. In addition to the current situation, several options have been developed for three wards, four wards, five wards and no wards. Each option also includes several alternative representation scenarios.

Deposited plans indicating the different options are to be included in the assessment.

In this example the three ward option proves to be the best one for this particular local government.

## **Features of the District**

### **Community of interest**

Maintown-one and Maintown-two are the service and commercial centres of the district and the residents use both towns. Maintown-one has a district high school, a hall, and football, cricket, netball and tennis facilities. Maintown-two has a primary school and a recreation centre used for squash, basketball and volleyball. There is a general store at Quickgrow site.

Outside the towns there are communities of interest of broad acre farmers, pastoralists and those involved in the mining activities.

### **Physical and topographic features**

The local government has three arterial roads:

- Main Road that bisects the district
- Beach Road that runs from the south west corner to main road
- Bay Road that runs from main road to the north east corner of the Shire.

A river bisects the district from north to south.

### **Demographic trends**

The population of Maintown-one is declining and is increasing slowly in Maintown-two. The southern part of the district is experiencing a growth in population.

### **Economic factors**

An intensive agricultural activity has emerged in the southern area of the district. There has been a reduction in pastoral activity with broad acre wheat farming replacing it.

Whilst the area of wheat farming has increased, the number of farms has reduced considerably, with many of the properties being bought up by several agricultural corporations. The local government is planning to release 10 light industrial lots on the outskirts of Maintown-two in two years' time.

### **Ratio of councillors to electors**

The current situation is as follows:



**Table: Shire of Bottlebrush councillor to elector ratios – current situation**

<b>Ward</b>	<b>Number of Councillors</b>	<b>Number of Electors</b>	<b>Councillor: Elector Ratio</b>	<b>% Ratio Deviation</b>
West	3	675	1:225	+21.47%
Central	3	513	1:171	+40.31%
East	3	450	1:150	+47.64%
South	3	1,800	1:600	-109.42%
<b>Total</b>	<b>12</b>	<b>3,438</b>	<b>1:287</b>	Not applicable

The % ratio deviation gives a clear indication of the % difference between the average councillor/elector ratio for the whole local government and the councillor/elector ratio for each ward. It can be seen that there is a significant imbalance in representation across the Shire with the West, Central and East Wards being over represented and the South Ward being under represented. A balanced representation would be reflected in the % ratio deviation being within plus or minus 10%.

## Option 1 – Maintain current ward boundaries

The following is an assessment of the current situation against the factors.

### Community of interest

Ward boundaries do not reflect town or rural interests or current economic activities.

### Physical and topographic features

Ward boundaries do not reflect physical or topographic features.

### Demographic trends

Ward boundaries do not reflect demographic trends.

### Economic factors

Ward boundaries do not reflect economic activities.

### Ratio of councillors to electors

The current situation is as follows:

**Table: Shire of Bottlebrush councillor elector ratios – Option 1 – maintain the status quo**

Ward	Number of Councillors	Number of Electors	Councillor: Elector Ratio	% Ratio Deviation
West	3	675	1:225	+21.47%
Central	3	513	1:171	+40.31%
East	3	450	1:150	+47.64%
South	3	1,800	1:600	-109.42%
<b>Total</b>	<b>12</b>	<b>3,438</b>	<b>1:287</b>	Not applicable

There is a significant imbalance in representation across the local government with the West, Central and East Wards being over represented and the South Ward being under represented.

There is an opportunity to examine reducing the number of councillors to 11, 10 or 9, and still maintain adequate representation. It is expected that reducing the number of councillors would produce financial savings and would lead to more effective and efficient decision making.

A comparison can be made as follows:

**Table: Twelve and eleven member council comparison showing elector ratios and ratio deviations**

Ward	Number of Electors	Twelve Member Council			Eleven Member Council		
		Number of Councillors	Elector Ratio	% Ratio Deviation	Number of Councillors	Elector Ratio	% Ratio Deviation
West	675	3	1:225	+21.47%	3	1:225	+28.01%
Central	513	3	1:171	+40.31%	3	1:171	+45.29%
East	450	3	1:150	+47.64%	2	1:225	+28.01%
South	1,800	3	1:600	-109.42%	3	1:600	-91.97%
Total	3,438	12	1:287	Not applicable	11	1:313	Not applicable

**Table: Ten and nine member council comparison showing elector ratios and ratio deviations**

Ward	Number of Electors	Ten Member Council			Nine Member Council		
		Number of Councillors	Elector Ratio	% Ratio Deviation	Number of Councillors	Elector Ratio	% Ratio Deviation
West	675	3	1:225	+34.55%	2	1:338	+11.65%
Central	513	2	1:257	+25.39%	2	1:257	+32.85%
East	450	2	1:225	+34.55%	2	1:225	+41.10%
South	1,800	3	1:600	-74.52%	3	1:600	-57.07%
<b>Total</b>	<b>3,438</b>	<b>10</b>	<b>344</b>	<b>Not applicable</b>	<b>9</b>	<b>382</b>	<b>Not applicable</b>

From this comparison it can be seen that reducing the number of councillors without changing ward boundaries would improve the councillor: elector ratios when compared with the current situation. However, there is still an unacceptable imbalance in representation across the Shire.

## **Option 2 – Create three wards**

Create three wards (West, East and South) using the areas of economic activity as the boundaries. The following is an assessment of this option against the factors.

### **Community of interest**

Maintown-one is in the West Ward; Maintown-two is in the East Ward; and Quickgrow-site is in the South Ward. There is community of interest for those involved in similar kinds of economic activities.

### **Physical and topographic features**

The boundaries are distinguishable with the West Ward bounded by two main roads and the river; the East Ward bounded by two main roads; and the South Ward bounded by a main road and the river.

### **Demographic trends**

The South Ward takes in the major part of the growth area and the other two wards take in the declining areas.

### **Economic factors**

The boundaries reflect the economic activities of the district.

### **Ratio of councillors to electors**

This option results in the following:

**Table: Shire of Bottlebrush – Option 2 – councillor to elector ratios if three new wards are created with 12 or 11 offices of councillor**

Ward	Number of Electors	Twelve Member Council			Eleven Member Council		
		Number of Councillors	Elector Ratios	Ratio Deviation	Number of Councillors	Elector Ratios	Ratio Deviation
West	1,548	5	1:310	-8.06%	5	1:310	+0.94%
East	390	1	1:390	-36.13%	1	1:390	-24.78%
South	1,500	6	1:250	+12.74%	5	1:300	+4.01%
<b>Total</b>	<b>3,438</b>	<b>12</b>	<b>1:286</b>	<b>Not applicable</b>	<b>11</b>	<b>1:313</b>	<b>Not applicable</b>

**Table: Shire of Bottlebrush – Option 2 – councillor to elector ratios if three new wards are created with 10 or 9 offices of councillor**

Ward	Number of Electors	Ten Member Council			Nine Member Council		
		Number of Councillors	Elector Ratios	Ratio Deviation	Number of Councillors	Elector Ratios	Ratio Deviation
West	1,548	4	1:387	-12.57%	4	1:387	-1.31%
East	390	1	1:390	-13.44%	1	1:390	-2.09%
South	1,500	5	1:300	+12.74%	4	1:375	+1.83%
<b>Total</b>	<b>3,438</b>	<b>10</b>	<b>1:344</b>	<b>Not applicable</b>	<b>9</b>	<b>1:382</b>	<b>Not applicable</b>

It does not seem feasible for the East Ward to have more than one councillor so the councillor/elector ratio will be higher in all scenarios. The nine councillor option is the best one in that it reflects a balanced representation across the Shire.

### **Option 3 – Create four wards**

Create four wards (West, North, East, South West) using the main roads as the boundaries. The following is an assessment of this option against the factors.

#### **Community of interest**

Maintown-one is in the North Ward; Maintown-two is in the East Ward; and Quickgrow-site is in the South West Ward. The boundaries do not reflect any communities of interest.

#### **Physical and topographic features**

The boundaries follow the main roads.

#### **Demographic trends**

The South West Ward is the largest ward and is likely to grow. The other wards are likely to continue to decline in population.

#### **Economic factors**

The boundaries do not reflect any areas of economic activity.

#### **Ratio of councillors to electors**

This option results in the following:



**Table: Shire of Bottlebrush – Option 3 – councillor to elector ratios if four new wards are created with 12 and 11 offices of councillor**

Ward	Number of Electors	Twelve Member Council			Eleven Member Council		
		Number of Councillors	Elector Ratios	Ratio Deviation	Number of Councillors	Elector Ratios	Ratio Deviation
West	430	1	1:430	-50.09%	1	1:430	-37.82%
North	533	2	1:267	+6.98%	2	1:266	14.74%
East	390	1	1:390	-36.13%	1	1:390	-25.00%
South West	2,085	8	1:261	+9.03%	7	1:298	4.48%
<b>Total</b>	<b>3,438</b>	<b>12</b>	<b>1:287</b>	<b>Not applicable</b>	<b>11</b>	<b>1:312</b>	<b>Not applicable</b>

**Table: Shire of Bottlebrush – Option 3 – councillor to elector ratios if four new wards are created with 10 and 9 offices of councillor**

Ward	Number of Electors	Ten Member Council			Nine Member Council		
		Number of Councillors	Elector Ratios	Ratio Deviation	Number of Councillors	Elector Ratios	Ratio Deviation
West	430	1	1:430	-25.07%	1	1:430	-12.57%
North	533	2	1:267	+22.48%	1	1:533	-39.53%
East	390	1	1:390	-13.44%	1	1:390	-2.09%
South West	2,085	6	1:348	-1.08%	6	1:348	+9.03%
<b>Total</b>	<b>3,438</b>	<b>10</b>	<b>1:344</b>	<b>Not applicable</b>	<b>9</b>	<b>1:382</b>	<b>Not applicable</b>

It is not feasible for the West and East Wards to have more than one councillor and so the councillor/elector ratios will be higher for these wards.

None of these options result in balanced representation across the Shire.

#### **Option 4 – Create five wards**

Create five wards (Maintown-one, Maintown-two, West, East and South) using the town boundaries and the areas of economic activities as the boundaries. The following is an assessment of this option against the factors.

##### **Community of interest**

There are communities of interest for town residents and for those living in the areas of economic activities.

##### **Physical and topographic features**

The boundaries follow the town boundaries, main roads and the river.

##### **Demographic trends**

The South Ward is likely to be the area of largest growth. Maintown-one is declining in population and Maintown-two is experiencing slow growth.

##### **Economic factors**

The boundaries reflect areas of economic activity.

##### **Ratio of councillors to electors**

This option results in the following:

**Table: Shire of Bottlebrush – Option 4 – councillor to elector ratios if five new wards are created with 12 and 11 offices of councillor**

Ward	Number of Electors	Twelve Member Council			Eleven Member Council		
		Number of Councillors	Elector Ratios	Ratio Deviation	Number of Councillors	Elector Ratios	Ratio Deviation
Maintown-one	433	2	1:217	+24.43%	1	1:433	-38.54%
Maintown-two	367	1	1:367	-28.10%	1	367	-17.42%
West	1,115	4	1:279	+2.71%	4	1:279	+10.81%
East	23	1	1:23	+91.97%	1	1:23	+92.64%
South	1,500	4	1:375	-30.89%	4	1:375	-19.98%
<b>Total</b>	<b>3,438</b>	<b>12</b>	<b>1:287</b>	<b>Not applicable</b>	<b>11</b>	<b>1:312</b>	<b>Not applicable</b>

**Table: Shire of Bottlebrush – Option 4 – councillor to elector ratios if five new wards are created with 10 and 9 offices of councillor**

Ward	Number of Electors	Ten Member Council			Nine Member Council		
		Number of Councillors	Elector Ratios	Ratio Deviation	Number of Councillors	Elector Ratios	Ratio Deviation
Maintown-one	433	1	1:433	-25.95%	1	1:433	-13.35%
Maintown-two	367	1	1:367	-6.75%	1	1:367	+3.93%
West	1,115	3	1:372	-8.11%	3	1:372	+2.71%
East	23	1	1:23	+93.31%	1	1:23	+93.98%
South	1,500	4	1:375	-9.08%	3	1:500	-30.89%
<b>Total</b>	<b>3,438</b>	<b>10</b>	<b>1:344</b>	<b>Not applicable</b>	<b>9</b>	<b>1:382</b>	<b>Not applicable</b>

There is a major problem with this option because the East Ward has insufficient population to make it a viable ward in this situation. Including Maintown-two in the East Ward would improve the population in the ward but is inconsistent with the assumption behind this option that town and rural areas have their own community of interest and need to be treated differently. This is not a viable option.

## **Option 5 – No wards**

The following is an assessment of the current situation against the factors.

### **Community of interest**

Communities of interest are not reflected by the local government boundary.

### **Physical and topographic features**

The district boundary does not follow any physical or topographic features.

### **Demographic trends**

The growth area is in the south of the Shire and the other areas are declining in population. The district boundary does not reflect these trends.

### **Economic factors**

The district boundary does not reflect the areas of economic activity.

### **Ratio of councillors to electors**

This option results in the following:

**Table: Shire of Bottlebrush – Option 5 – councillor to elector ratios for no wards and 12 and 11 offices of councillor**

District	Number of Electors	Twelve Member Council			Eleven Member Council		
		Number of Councillor	Elector Ratio	% Ratio Deviation	Number of Councillors	Elector Ratio	% Ratio Deviation
	3,438	12	1:287	0.00%	11	1:313	0.00%

**Table: Shire of Bottlebrush – Option 5 – councillor to elector ratios for no wards and 10 and 9 offices of councillor**

District	Number of Electors	Ten Member Council			Nine Member Council		
		Number of Councillors	Elector Ratio	% Ratio Deviation	Number of Councillors	Elector Ratio	% Ratio Deviation
	3,438	10	1:344	0.00%	9	1:382	0.00%

This option results in balanced representation across the Shire.

The 9 councillor option would provide the most financial savings and could lead to more effective and efficient decision making.

## Which option is the best one?

An example of an approach to determining which is the best one for the district involves rating each of the factors in each of the options and uses a simple 'yes' or 'no' assessment.

**Table: Matrix comparing all options**

Option	Community of interest	Physical and topographic features	Demographic trends	Economic factors	Ratio C:E
<b>Option 1</b> – Current situation	No	No	No	No	No
<b>Option 2</b> – Three Wards	Yes	Yes	Yes	Yes	Yes
<b>Option 3</b> – Four Wards	No	Yes	Yes	No	No
<b>Option 4</b> – Five Wards	Not a viable option	Not a viable option	Not a viable option	Not a viable option	Not a viable option
<b>Option 5</b> – No Wards	No	No	No	No	Yes

The best option will be chosen from option 2 or 5 as they are the only options that provide balanced representation across the Shire.

From this assessment, Option 2 (three wards) is the best option since it scores 'yes' in more of the other factors than Option 5 (in this case, for each factor).

A local government may choose to use other approaches to make this assessment.



In this example, the three wards are named after pioneering families of the district. The ward structure would be as follows:

**Table: Shire of Bottlebrush – councillor to elector ratios – new ward names**

Ward	Number of Electors	Number of Councillors	Councillor: Elector Ratio	% Ratio Deviation
Patterson	1,548	4	1:387	-1.31%
McDowell	390	1	1:390	-2.09%
Brown	1,500	4	1:375	+1.83%
<b>Total</b>	<b>3,438</b>	<b>9</b>	<b>1:382</b>	Not applicable

This option results in the Patterson and McDowell Wards being slightly under represented and the Brown Ward being slightly over represented. The Patterson Ward is expected to experience a decline in population. The McDowell Ward may experience an increase in population through the growth of Maintown-two. The Brown Ward is expected to experience the quickest growth of the three wards.

Another review of wards and representation will be required in four years' time to check these predictions about population growth and consider any other relevant factors.

## **Recommendations**

In accordance with Schedule 2.2 (9) of the *Local Government Act 1995* (the Act), it is recommended to the Local Government Advisory Board that:

- 1. An order be made under s 2.2 (1) to abolish the existing ward boundaries and divide the district into three new wards with boundaries as detailed in the map (ref: CEO's report to Council dated 14 February 2003).**
- 2. An order be made under s 2.3 to name the three wards Patterson, McDowell and Brown (as detailed in the map).**
- 3. An order be made under s 2.18 to designate the following number of offices of councillor for each ward: Patterson (4), McDowell (1), Brown (4).**
- 4. The local government to undertake another review of wards and representation in four years' time.**

**Moved**

**Seconded**

**ABSOLUTE MAJORITY REQUIRED**

## Attachment 4: Example Officer's Report

It is recommended that the following format be used as an outline for an officer's report to Council. It can then be used as the basis for a report to the Local Government Advisory Board.

### **Report Title**

#### **Introduction**

A description of the current situation and information on the number of councillors and electors is included here and an explanation of how the review came about.

The date of the last review is included along with what, if any, changes were made.

#### **The Review Process**

This section includes information about advertising (dates and newspapers) and the community consultation process. It also indicates whether a discussion paper was provided to the community. Copies of the advertisement and any other material circulated to the community (including discussion papers) are to appear as appendices.

#### **Summary of Public Submissions**

This is to include the number and content of the submissions received. If any other initiatives were undertaken to obtain community input, a summary of the views expressed is to be included.

#### **Assessment of the Options**

This section includes an assessment of options and any other matters that are relevant to the review.

Attachment 3 is an example.

#### **Recommendations**

The recommendations are to be consistent with the consideration of public submissions, any other community input and relevant matters. The recommendations should be clear and explain exactly what changes are being suggested.

The reasons for the recommendations need to be identified, either within the resolution or by reference to an officer's report. This includes a recommendation to maintain the current situation.

Attachment 3 provides example recommendations.

## **Implementation of Proposed Changes**

The local government can indicate to the Board when it prefers the implementation of proposed changes to take place. In most cases this will be at the next ordinary elections day however, there may be some instances where proposed changes to representation (e.g. a reduction in the number of offices of councillor created by a vacancy can take place the day after the date of gazettal) occur as soon as possible.

When offices of councillor are to be redistributed into new wards, or there is a reduction or increase in the number of offices of councillor, the implementation method should give consideration to clauses 1 and 2 of Schedule 4.2 of the *Local Government Act 1995*. As near as practical to half of the total number of councillors are to retire every two years and as near as practical to half of the councillors representing each ward are to retire every two years.

## **Appendices**

The following are to be appended to the officer's report:

1. A copy of the sections of the Council minutes that record:
  - The decision to undertake a review;
  - Consideration of public submissions and community input received;
  - Assessment of relevant matters; and
  - Final decision of the Council in relation to the review.
2. A copy of the newspaper advertisement as it appeared in the press, including the name of the publication/s and the date/s it was published.
3. A copy of the discussion or information paper, if one was produced and any other materials circulated to the community.

## Attachment 5: Checklist

It is suggested that the following checklist be used when submitting a ward review report to the Board to ensure that all the legislative requirements are met.

### Local Governments with a Ward System Checklist

Item	Included
1. Ward Review Report	<input type="checkbox"/>
2. Copy of Council Minutes recording the decision to undertake a review of wards and representation.	<input type="checkbox"/>
3. Copy of Council Minutes recording the consideration of public submissions received.	<input type="checkbox"/>
4. Copy of Council Minutes recording the assessment of options against the prescribed matters.	<input type="checkbox"/>
5. Copy of Council Minutes recording the final decision of Council (absolute majority required).	<input type="checkbox"/>
6. Copy of the newspaper advertisement as it appeared in the press.	<input type="checkbox"/>
7. Copy of the discussion or information paper and any other materials circulated to the community.	<input type="checkbox"/>
8. Copy of the officer's report to Council.	<input type="checkbox"/>
9. A set of deposited plans clearly showing the current ward boundaries and any proposed changes. Ward boundaries need to follow cadastral boundaries. (Electronic copies of the maps can be sent to <a href="mailto:advisoryboard@dlgsc.wa.gov.au">advisoryboard@dlgsc.wa.gov.au</a> )	<input type="checkbox"/>

# How to Conduct a Review: Local Governments **without** Wards

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## 1. What you have to do

A local government without wards is not required to carry out regular reviews under the provisions of Schedule 2.2 of the *Local Government Act 1995* (the Act).

However, a local government without wards can undertake an assessment of the number of elected members and the no wards system to explore whether change is desirable. This section of the guide outlines a suggested process.

A local government without wards may be required to carry out a review if it has received a valid submission from 250 or 10% of the total number of affected electors who petition for a change to the representation system. A full review in accordance with Schedule 2.2 of the Act would be required in this instance.

## 2. How to start

The Council must resolve to undertake a review of its representation.

Once resolved by Council and before conducting the review, a local government is to give local public notice that a review is to be carried out. The purpose of the public notice is to inform the community that the Council intends to conduct a review – it should not try and “sell” a particular option.

The notice must also advise that submissions may be made to the local government six weeks from the date of the first notice (not including the day of the notice).

The closing date for submissions should not be a weekend or public holiday.

Attachment 6 is an example of a newspaper advertisement.

It is useful to develop a diverse range of alternatives to the current situation so that all options can be considered. While the Council may have a preferred position the public notice must not limit the possible responses and suggestions from the community.

In addition to giving public notice, local governments may undertake other initiatives to promote community discussion including public and/or ward meetings, media articles and interviews, sending information to non-resident electors, ratepayers or progress associations and distributing information to all households.

A discussion or information paper can be prepared to outline the various options and the availability of this discussion paper can be included in the public notice.

Attachment 7 is an example of a discussion paper.

### 3. What to consider

The local government must consider all submissions it receives and record them in the minutes of its meeting along with any other community input received from other initiatives (public meetings etc.).

The Council is not required to consider any other factors though it may choose to evaluate for example, the advantages and disadvantages of a reduction in the number of elected members, and the advantages and disadvantages of a no ward system.

Attachment 8 is an example of an assessment of options.

### 4. Reaching a decision

It needs to be evident following the consideration of submissions, any other community input and the assessment of any other matters why a particular option has been chosen as the best one for the district.

If the Council proposes to maintain the status quo then reasons for this **must** be included in the resolution.

If the Council decides to make a change, then the resolution of the Council must propose the making of orders under various sections of the Act.

Attachment 8 gives examples of recommendations.

In some cases a local government determines that no change is required at the current time and identifies that other factors within the community may impact on future representation (for example, housing development, declining populations, new industries, closure of mining operations, or extension of freeways and railway networks). It would be appropriate for a local government to resolve to undertake another review of its system of representation at a specified future time.

### 5. The impact of change

Once a decision is made the local government may consider the impact of implementing any change at the next ordinary elections. The Board has developed a policy that outlines how various changes impact on the offices of councillor and how change can be implemented.

A copy of this policy is included in this package (see page 53).

## 6. Reporting to the Local Government Advisory Board

The local government must provide the Local Government Advisory Board with a written report of the assessment once it has been completed. If a local government expects changes to be in place in time for an ordinary election, it must submit its report to the Board no later than **30 January** in the year of an ordinary election. This will allow sufficient time for any changes to be considered and processed for the beginning of the election cycle.

The report must outline the process and outcome of the review and include any recommendations for change. The officer's report to the Council forms the basis of this report.

Should the review result in a council recommendation to reinstate a ward structure, a copy of an appropriate deposited plan clearly showing the proposed new ward boundaries must be included with the report. Electronic copies of maps can be sent to [advisory.board@dlgsc.wa.gov.au](mailto:advisory.board@dlgsc.wa.gov.au). These are required by Landgate to assist in the preparation of deposited plans for the proposed new ward boundaries.

Attachment 9 is an example officer's report and Attachment 10 provides a checklist of what to provide to the Board.

The Board considers all reports submitted by local governments and assesses them against the requirements of the Act. If the Board determines that the assessment (or part of) does not meet the requirements of the Act, then the local government may be requested to undertake another assessment that does meet the requirements.

The Board will consider all recommendations for change submitted as part of the review. The Board will then make recommendations to the Minister for Local Government (the Minister) who may accept or reject the Board's recommendations.

## 7. Implementing changes

If the Minister accepts the Board's recommendations, there may be some time before the changes can be implemented. Changes to wards and representation are subject to a Governor's order which is then published in the Government Gazette. The order will include the date of implementation of changes which may be the date of Gazettal (changes to representation only) or the next ordinary elections day.



## Attachment 6: Example Newspaper Advertisement

The following pro forma can be used as a guide for the design of advertisements for giving local public notice of a review.

See Clause 7 of Schedule 2.2 of the *Local Government Act 1995* for the requirements of advertising a review.

### **Shire of Bottlebrush**

#### **Review of System of Representation**

The Shire of Bottlebrush is conducting a review of its system of representation and invites public participation in the review.

The number of elected members and the no ward structure will be assessed though this does not limit the matters that members of the community can raise in relation to the system of representation in the Shire.

This assessment will take into account the views of the community and outline any other matters that may be considered.

(\*\*An information sheet/discussion paper is available outlining the current situation.)

Public submissions are invited and must be submitted to the Shire of Bottlebrush at:

3 Read Road, BOTTLEBRUSH WA

Fax: (08) [Insert fax number]

Email: Bottlebrush@[insert address]

By [a date not less than 6 weeks after the notice is first given]

For further information (and a copy of the information sheet/discussion paper) please contact Ms Kylie Jones at the Shire of Bottlebrush on [insert phone number]

\*\* It is recommended that local governments provide an information sheet outlining the current situation or a discussion paper that includes the current situation and provides several alternatives that might be considered.

## Attachment 7: Example Discussion Paper

The following example can be used as a guide for a discussion paper to inform the community and to stimulate discussion about representation.

### **Shire of Bottlebrush Review of Representation Discussion Paper**

#### **Background**

The Shire of Bottlebrush has resolved to undertake a review of its system of representation. The purpose of the review is to assess whether twelve (12) councillors and a no wards structure is still appropriate for the current situation at the Shire.

The last review of representation in the Shire of Bottlebrush was undertaken in *[Insert date]* and it is now appropriate to carry out another review.

#### **Current situation**

Currently the Shire of Bottlebrush has twelve (12) councillors and 3438 electors with a councillor/elector ratio of 1 councillor to each 286 electors.

#### **Review process**

The review process involves a number of steps:

- The Council resolves to undertake the review
- Public submission period opens
- Information provided to the community for discussion
- Public submission period closes
- The Council considers all submissions and relevant factors and makes a decision
- The Council submits a report to the Local Government Advisory Board (the Board) for its consideration
- (If a change is proposed) The Board submits a recommendation to the Minister for Local Government (the Minister).

Any changes approved by the Minister will be in place for the next ordinary election where possible.

## **Factors to be considered**

Several factors will be taken into account as part of the review process and will include:

- The advantages and disadvantages of no wards
- The advantages and disadvantages of reducing the number of councillors
- The implications of any change to the councillor/elector ratio
- The cost of elected members
- The effectiveness and efficiency of Council meetings
- The advantages and disadvantages of a ward structure.

## **Options to consider**

The Council will consider the following options and members of the community may suggest others:

- Option 1:** Maintain the current system of representation with 12 councillors and no wards.
- Option 2:** Reduce the number of councillors to 10.
- Option 3:** Reduce the number of councillors to 9.
- Option 4:** Create a three ward structure with 9 councillors. A map showing proposed wards is attached.

## **Public submissions**

Members of the community are invited to make a written submission about any aspect of this review and can lodge it at:

Shire of Bottlebrush

3 Read Road

BOTTLEBRUSH WA

Email: [Insert email address]

Submissions will also be accepted by email: Bottlebrush@[Insert address]

All submissions must be received by 5pm on [Insert date].

Thank you for your interest and involvement in this review. Council welcomes your comments on any matters that may assist it to make informed and responsible decisions for the benefit of the people of the Shire of Bottlebrush.

Councillor [Insert name]  
PRESIDENT

[Insert name]  
CHIEF EXECUTIVE OFFICER

## Attachment 8: Example Assessment of Options

A range of options will need to be developed as part of the review. The discussion paper outlines four options for a hypothetical local government.

The Act does not specify any criteria to be considered when a local government with no wards undertakes a review of its system of representation. It is for the local government to decide which criteria it applies as part of its assessment.

The following example details a range of matters that a local government might consider in this process. These are suggestions only, they are not prescriptive nor are they exhaustive.

### Background Information

#### Elected Members

The preferred number of elected members for a local government is a matter for the local government. There is a diverse range of councillor/elector ratios across Western Australia reflecting sparsely populated remote areas and the highly populated urban areas. The size and structure of a local government will impact on the deliberations involved in determining the number of elected members needed to service the local government.

The **advantages** of a reduction in the number of elected members may include the following:

- The decision making process may be more effective and efficient if the number of elected members is reduced. It is more timely to ascertain the views of a fewer number of people and decision making may be easier. There is also more scope for team spirit and cooperation amongst a smaller number of people.
- The cost of maintaining elected members is likely to be reduced (an estimate of the cost of reduction would be helpful).
- Consultation with the community can be achieved through a variety of means in addition to individuals and groups contacting their local elected member.
- A reduction in the number of elected members may result in an increased commitment and interest and participation in Council's affairs by elected members generally.
- Fewer elected members are more readily identifiable to the community.
- Fewer positions on Council may lead to greater interest in elections with contested elections and those elected obtaining a greater level of support from the community.

- There is a State wide trend in reductions in the number of elected members and many local governments have found that fewer elected members has improved their decision making process.

The **disadvantages** of a reduction in the number of elected members may include the following:

- A smaller number of elected members may result in an increased workload for incumbent members and may reduce efficiency and effectiveness.
- There is the potential for dominance in the Council by a particular interest group.
- A reduction in the number of elected members may limit the diversity of interests around the Council table.
- Opportunities for community participation in Council's affairs may be reduced if there are fewer elected members for the community to contact.

## **No Ward System**

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.

## Ward System

Many local governments have a ward system and find that it works well for them. The **advantages** of a ward system may include:

- Different sectors of the community can be represented ensuring a good spread of representation and interests amongst elected members.
- There is more opportunity for elected members to have a greater knowledge and interest in the issues in the ward.
- It may be easier for a candidate to be elected if they only need to canvass one ward.

The **disadvantages** of a ward system may include:

- Elected members can become too focused on their wards and less focused on the affairs of other wards and the whole local government.
- An unhealthy competition for resources can develop where electors in each ward come to expect the services and facilities provided in other wards, whether they are appropriate or not.
- The community and elected members may regard the local government in terms of wards rather than as a whole community.
- Ward boundaries may appear to be placed arbitrarily and may not reflect the social interaction and communities of interest of the community.
- Balanced representation across the local government may be difficult to achieve, particularly if a local government has highly populated urban areas and sparsely populated rural areas.

## **Discussion of Options**

It is helpful to discuss the advantages and disadvantages outlined for each option. If a new ward system is one of the options then a map showing the proposed ward boundaries is essential.

### **Which option is the best one?**

The consideration of public submissions, any other community input and the discussion of options will, in most cases provide sufficient information for the Council to determine which option is the best one.

Local governments without wards are not required to carry out reviews on a regular basis so an assessment of the system of representation can be undertaken at any time. At the conclusion of the review it may be useful to propose the time for the next one.



## Recommendations

The following are examples of recommendations that may be considered if the local government proposes change to the system of representation.

**The Shire of Bottlebrush recommends to the Local Government Advisory Board that an order be made under s 2.18 (3) of the *Local Government Act 1995* to reduce the number of offices of councillor on the Council from eleven (11) to nine (9).**

**Moved**

**Seconded**

**ABSOLUTE MAJORITY REQUIRED**

**The Shire of Bottlebrush recommends to the Local Government Advisory Board that:**

- 1. An order be made under s 2.2 (1) to divide the district into three wards with boundaries as detailed in the attached map.**
- 2. An order be made under s 2.3 (2) to name the three wards Patterson, McDowell and Brown (as detailed in the map).**
- 3. An order be made under s2.18 (3) to designate the following number of offices of councillor for each ward: Patterson (3), McDowell (3), Brown (3).**

**Moved**

**Seconded**

**ABSOLUTE MAJORITY REQUIRED**

## Attachment 9: Example Officer's Report

It is recommended that the following format be used as an outline for an officer's report to Council. It can then be used as the basis for a report to the Local Government Advisory Board.

### **Report Title**

#### **Introduction**

A description of the current situation and information on the number of councillors and electors is included here and an explanation of how the review came about.

The date of the last review is included along with what, if any, changes were made.

#### **The Review Process**

This section includes information about advertising (dates and newspapers) and the community consultation process. It also indicates whether a discussion paper was provided to the community. Copies of the advertisement and any other material circulated to the community (including discussion papers) are to appear as appendices.

#### **Summary of Public Submissions**

This is to include the number and content of the submissions received. If any other initiatives were undertaken to obtain community input, a summary of the views expressed is to be included.

#### **Assessment of the Options**

This section includes an assessment of options and any other matters that are relevant to the review.

Attachment 8 is an example.

## **Recommendations**

The recommendations are to be consistent with the consideration of public submissions, any other community input and relevant matters. The recommendations should be clear and explain exactly what changes are being suggested.

The reasons for the recommendations need to be identified, either within the resolution or by reference to an officer's report. This includes a recommendation to maintain the current situation.

Attachment 8 provides example recommendations.

## **Implementation of Proposed Changes**

The local government can indicate to the Board when it prefers the implementation of proposed changes to take place. In most cases this will be at the next ordinary elections day however, there may be some instances where proposed changes are requested as soon as possible.

When offices of councillor are to be redistributed into new wards, or there is a reduction or increase in the number of offices of councillor, the implementation method should give consideration to clauses 1 and 2 of Schedule 4.2 of the Local Government Act 1995 (the Act). As near as practical to half of the total number of councillors are to retire every two years and as near as practical to half of the councillors representing each ward are to retire every two years.

## **Appendices**

The following are to be appended to the officer's report:

1. A copy of the sections of the Council minutes that record:
  - The decision to undertake a review
  - Consideration of public submissions and community input received
  - Assessment of relevant matters
  - Final decision of the Council in relation to the review.
2. A copy of the newspaper advertisement as it appeared in the press, the name of the publication/s and the date/s it was published.
3. A copy of the discussion or information paper, if one was produced and any other materials circulated to the community.

## Attachment 10: Checklist

It is suggested that the following checklist be used when submitting a ward review report to the Board to ensure that all the legislative requirements are met.

### Local Governments without Wards Checklist

Item	Included
1. Ward Review Report	<input type="checkbox"/>
2. Copy of Council Minutes recording the decision to undertake an assessment of structure of representation.	<input type="checkbox"/>
3. Copy of Council Minutes recording the consideration of public submissions and any other community input received.	<input type="checkbox"/>
4. Copy of Council Minutes recording the assessment of relevant matters.	<input type="checkbox"/>
5. Copy of Council Minutes recording the final decision of Council.	<input type="checkbox"/>
6. Copy of the newspaper advertisement as it appeared in the press.	<input type="checkbox"/>
7. Copy of the discussion or information paper and any other materials circulated to the community.	<input type="checkbox"/>
8. Copy of the officer's report to Council.	<input type="checkbox"/>
9. If it is resolved to reinstate a ward structure a set of a cadastral map clearly showing the proposed new ward boundaries is required. Ward boundaries need to follow cadastral boundaries. (Electronic copies of the maps can be sent to <a href="mailto:advisoryboard@dlgsc.wa.gov.au">advisoryboard@dlgsc.wa.gov.au</a> )	<input type="checkbox"/>

# The Impact of Ward and Representation Changes on Councillor Terms and Representation

The following information details the Local Government Advisory Board's policy regarding the implementation of ward and representation changes.

## 1. All wards are abolished

It is not necessary for all offices of councillor to be declared vacant to implement a change from a ward system to no wards.

If a local government proposes that councillors whose terms do not expire at the next ordinary elections continue to serve in the district ward, and the request is supported by the Board, at the next ordinary elections councillors complete their terms as normal and nominations are called to fill these vacancies. The remaining councillors who still have two years in office represent the electors of the whole district.

### Example 1

A local government with four wards and nine councillors decides to abolish its wards. It is not necessary to declare all offices of councillor vacant. At the next ordinary elections, five councillors complete their terms leaving four councillors who still have two years in office. Elections are held for the five vacant positions and the four remaining councillors represent the whole district.

## 2. New wards are created

It is not necessary for all offices of councillor to be declared vacant to implement the creation of a ward system where there are no wards.

A local government can recommend the allocation of councillors who still have two years in office to the new wards.

If the request is supported, at the next ordinary elections councillors complete their terms as normal. Continuing councillors would be allocated to the new wards and elections are held for all vacant positions.

### Example 2

A local government with no wards and nine councillors decides to create a three ward system (Patterson Ward, Brown Ward and McDowell Ward) with three councillors in each ward.

At the next ordinary elections four councillors are due to complete their terms leaving five who still have two years in office. The local government advertises that it intends to make a submission to the Board recommending the allocation of the remaining

five councillors to the three wards with one in Patterson Ward, two in the Brown Ward and two in the McDowell Ward based on where the councillors currently reside. Public submissions are invited.

After consideration of submissions the allocations are recommended to the Board. This is supported, councillors are allocated to the new wards and elections are held for two vacancies in the Patterson Ward, one vacancy in the Brown Ward and one vacancy in the McDowell Ward.

### 3. All wards are abolished and new wards created

It is not necessary for all offices of councillor to be declared vacant where all wards are abolished and a new ward system created.

A local government can recommend the allocation of councillors who still have two years in office to the new wards.

If the local government request is supported, at the next ordinary elections councillors complete their terms as normal. Continuing councillors would be allocated to the new wards and elections are held for all vacant positions.

#### **Example 3**

A local government with five wards and ten councillors decides to create a new ward structure with two wards (Patterson Ward and McDowell Ward) and four councillors in each ward.

At the next ordinary elections five councillors are due to retire leaving five who still have two years in office. The local government advertises that it intends to make a submission to the Board recommending the allocation of the remaining five councillors to the new wards with three in the Patterson Ward and two in the McDowell Ward based on where the councillors currently reside. Public submissions are invited.

After consideration of submissions the allocations are recommended to the Board. This is supported, councillors are allocated to the new wards and elections are held for one vacancy in the Patterson Ward and two vacancies in the Brown Ward.

### 4. Ward boundaries are amended

It is not necessary for offices of councillor to be declared vacant to implement amendments to ward boundaries.

The local government can recommend the allocation of councillors who still have two years in office to the new wards if necessary.

If the local government request is supported, at the next ordinary elections councillors complete their terms as normal. Continuing councillors may be allocated to the new wards and elections are held for all vacant positions.

#### Example 4

A local government with four wards and two councillors in each ward abolishes one ward (Ritchie Ward) and amends the boundaries of the other three wards (Patterson Ward with three councillors; Brown Ward with three councillors and McDowell Ward with two councillors).

At the next ordinary elections four councillors complete their terms leaving four who still have two years in office. Three of these councillors continue to reside in the wards from which they were elected however one councillor, Cr Keen, was elected from the Ritchie Ward that no longer exists. Cr Keen can be reallocated to any of the new wards, however the local government must give consideration to clauses 1 and 2 of Schedule 4.2 of the *Local Government Act 1995*, where near as practical to half of the total number of councillors are to retire every two years and as near as practical to half of the councillors representing each ward are to retire every two years.

Although Cr Keen now resides in the Patterson Ward most of her former constituents live in the Brown Ward. The local government advertises that it intends to make a submission to the Board recommending the allocation of Cr Keen to the Brown Ward. Public submissions are invited.

After consideration of submissions the allocation of Cr Keen to the Brown Ward is recommended to the Board. This is supported, Cr Keen is allocated to the Brown Ward and elections are held for two vacancies in the Patterson Ward, one vacancy in the Brown Ward and one vacancy in the McDowell Ward.

## 5. Number of councillors reduced

In most instances, a reduction to the number of councillors can be implemented by reducing the number of vacancies at the next ordinary election.

There are some exceptions to this and the Board may declare offices of councillor vacant in the following circumstances:

- Where the number of councillors in a ward or district is reduced and the number of councillors remaining after the next ordinary election would be greater than the number of positions available.

#### Example 5

A local government decides to reduce the number of councillors in a ward from three to one. At the next ordinary election only one councillor in that ward is due to complete his term leaving two councillors but only one position. One or more of the continuing councillors are therefore required to conclude their terms and an election is held for the one vacancy.

## 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 and Communities prior to submitting a recommendation to the Board.