

Metropolitan Local Government Reform



Information Sheet

Wards and representation arrangements

Prepared for the Metropolitan Reform Implementation Committee by the Department of Local Government and Communities

Implementing a multi-ward structure

1.0 Districts created or affected by a boundary change

The following table sets out the necessary process an ongoing council of a district affected by a boundary change may undertake to conduct a representation review with a view to implementing a multi-ward structure in time for the October 2015 elections.

Estimated Time frame	Stage
Now	Councils or Local Implementation Committees (LIC) may take preliminary steps prior to commencing a representation review.
After Governor's Orders are issued (December)	The ongoing council resolves to undertake a representation review. It is preferable that the ongoing council's resolution is made following consultation with, and with the support of, the LIC.
December 2014	A Discussion or Information Paper must be prepared exploring a range of models, including no wards, in a balanced way. No recommendation is made in the paper.
December 2014	Council must endorse the paper. It is preferable that the LIC also supports the paper.
December 2014	The ongoing local government must give local public

	<p>notice to all electors of the new district that the review is to be carried out.</p> <p>The notice must advise that submissions may be made to the local government up to six weeks from the day after the date of the first notice (that is, not including the day of the notice). The closing date for submissions should not be a weekend or public holiday.</p> <p>The public notice should not try to “sell” a particular position. It should include a number of ward system alternatives so that all options can be considered.</p> <p>The public notice should encourage responses and suggestions from the community.</p>
<p>From early February 2015</p>	<p>The council 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.</p> <p>The council should have due regard to the opinion of the community in making its decisions.</p>
<p>Mid-February 2015</p>	<p>If the council decides it wants to change the ward structure, it must resolve to propose the making of an order to change the ward structure. This resolution must be made by an absolute majority.</p> <p>The council’s resolution must include the reasons for changing the ward structure.</p>
<p>On or before 31 March 2015</p>	<p>The ongoing council must provide the Local Government Advisory Board with a proposal for changing the ward structure including a written report. The report must</p>

	<p>outline the processes and outcome of the review, and include the council's resolution(s).</p> <p>A checklist of the necessary documents to be submitted to the Local Government Advisory Board is available on page 34 and 49 of 'A Guide for Local Government: How to conduct a review of wards and representation for local governments with and without a ward system' available on http://dlgc.wa.gov.au/advisoryboard.</p>
<p>April to June 2015</p>	<p>On receipt of a proposal, the Local Government Advisory Board will consider the local government's written report and assess it against the requirements of the Act. The Board will consider all recommendations for change submitted as part of the review, and then make recommendations to the Minister.</p>
<p>May/June 2015</p>	<p>The Minister may accept or reject the Board's recommendations.</p>
<p>June 2015</p>	<p>On acceptance of the recommendations for a different ward structure, a number of administrative processes follow. This includes the issuance of Governor's Orders setting out the change to the ward structure for a district.</p> <p>The Act sets out a number of specific issues which can be addressed in the Governor's Orders. The Act also allows the Governor's Orders to include other things which are 'necessary' for the purpose of giving effect to an order.</p> <p>It will be necessary to make a subsequent order to allocate existing councillors to wards. This is not part of the Local Government Advisory Board's considerations. Refer to page 5 for a discussion of the principles which will underpin the allocation of existing councillors to wards</p>

	following a ward review.
On or before 22 August 2015	For the purpose of conducting the local government elections in October 2015, the Western Australian Election Commission must know the number of offices of councillor which will be vacant and require filling at the election.
17 October 2015	Local government elections are held.

1.1 Councillor eligibility

Under the Act, a councillor is eligible to be a councillor in a district if they are on the electoral roll of the district and either reside, own or occupy property in the district.

Once the boundary changes take place, a councillor will only be eligible to continue as a councillor of a district if they meet these eligibility requirements. This applies from 1 July 2015.

Any vacancy will be advertised for filling as part of the October 2015 elections.

1.2 Allocation of existing councillors to wards after a ward review

Where a Governor's order is made under section 2.2 of the *Local Government Act 1995* to divide a district into wards, and under section 2.18(3) to specify the number of offices of councillor for each ward, it will be necessary to make a subsequent order under section 9.62 to allocate the existing councillors to wards.

This must be done in accordance with the provisions and intent of the Act.

If the office of councillor has to be filled by election, and a ward system is established, ordinarily this office must be filled by an election in which the electors of the ward vote.

While not addressing the situation where there are existing councillors in the district, this concept of 'ward representation' is a relevant consideration.

It is therefore appropriate to give some weight to this concept in deciding how to allocate existing councillors to particular wards.

On the basis of this concept, therefore, existing councillors will be allocated to wards where at least some of the electors elected them. That is, there will be some geographical overlap between the old and new ward.

Councillors will be allocated to wards such that clauses 1 and 2 of Schedule 4.2 are complied with to the extent possible. That is, as near as practicable to half of the total number of councillors are to retire every two years (clause 1), and as near as practicable to half of the councillors representing each ward are to retire every two years (clause 2).

In wards with no overlap, all offices of councillor will be filled at the next (2015) election. As near as practicable to half of these will have four year terms, with those receiving a lesser number of votes getting two year terms in accordance with the provisions of Schedule 4.2.

If there are more councillors aligned with a ward using the ward representation concept than there are offices for that ward, the councillors who received the least percentage number of votes at the last election will retire at the 2015 election in accordance with the application of Schedule 4.2, clauses 7 to 9. They will be eligible to stand for vacant positions in other wards at that election. (There is no requirement in the Act for a councillor to be an elector of the ward for which they stand.)

Consideration will be given to varying the application of Schedule 4.2, clause 2 for one election to enable existing councillors whose terms end in 2017 to serve out the remainder of their terms, to the extent that the concept of ward representation and clause 1 are still complied with.

The application of the provisions of the Act to each district and its ward structure will need to be examined on a case by case basis before a definitive decision can be made on the allocation of existing councillors to wards.

2.0 Districts created by amalgamation

The following table sets out the necessary process that a newly created district may undertake to conduct a representation review with a view to implementing a multi-ward structure prior to its inaugural election.

Estimated Time frame	Stage
31 January 2015 (TBC)	Polls held to determine if amalgamations will proceed.
February/March 2015	<p>Governor's Orders establishing the new district are issued.</p> <p>The new district will commence on 1 July 2015.</p> <p>A resolution to instigate a review of the ward structure can only be made by the new council.</p> <p>There will not be sufficient time for a representation review to be undertaken by the new local government before the inaugural elections are held in October 2015.</p> <p>The Governor's Orders may include an order delaying the inaugural election for up to 12 months from the scheduled October 2015 elections.</p> <p>Any delay in the election schedule would result in shortened terms for elected members i.e. half of the offices of councillor will be up for election in October 2017, with the remaining half in up for election in October 2019.</p> <p>Delayed elections would also result in commissioner(s) being in place for an extended period of time.</p>

<p>Before 30 June 2014</p>	<p>Current councils or LICs may take preliminary steps prior to commencing a representation review.</p>
<p>From 1 July 2015</p>	<p>Commissioner(s) are appointed.</p> <p>The appointed commissioner(s) resolves to undertake a representation review.</p>
<p>July 2015</p>	<p>A Discussion or Information Paper must be prepared exploring a range of models, including no wards, in a balanced way.</p> <p>No recommendation is made in the paper.</p>
<p>July 2015</p>	<p>The commissioner(s) must endorse the paper.</p>
<p>August 2015</p>	<p>The new local government must give local public notice to all electors of the new district that the review is to be carried out.</p> <p>The notice must advise that submissions may be made to the local government up to six weeks from the day after the date of the first notice (that is, not including the day of the notice). The closing date for submissions should not be a weekend or public holiday.</p> <p>The public notice should not try to “sell” a particular position. It should include a number of ward system alternatives so that all options can be considered.</p> <p>The public notice should encourage responses and suggestions from the community.</p>

<p>September/October 2015</p>	<p>The commissioner(s) must consider all submissions received and record this in meeting minutes along with any other information considered relevant to the decision making process.</p> <p>The commissioner(s) should have due regard to the opinion of the community in making its decisions.</p>
<p>October 2015</p>	<p>If the commissioner(s) decide to change the ward structure, the commissioner(s) must resolve to propose the making of an order to change the ward structure. This resolution must be made by absolute majority where more than one commissioner has been appointed.</p> <p>The resolution of the commissioner(s) must include the reasons for changing the ward structure.</p>
<p>October 2015</p>	<p>The commissioner(s) must provide the Local Government Advisory Board with a proposal for changing the ward structure including a written report. The report must outline the processes and outcome of the review, and include the commissioner(s)' resolutions.</p> <p>A checklist of the necessary documents to be submitted to the Local Government Advisory Board is available on page 34 and 49 of 'A Guide for Local Government: How to conduct a review of wards and representation for local governments with and without a ward system' available on http://dlgc.wa.gov.au/advisoryboard.</p>
<p>October to December 2015</p>	<p>On receipt of a proposal, the Local Government Advisory Board will consider the local government's written report</p>

	and assess it against the requirements of the Act. The Board will consider all recommendations for change submitted as part of the review, and then make recommendations to the Minister.
December 2015	The Minister may accept or reject the Board's recommendations.
January 2016	On acceptance of the recommendations for a different ward structure, a number of administrative processes follow. This includes the issuance of Governor's Orders setting out the change to the ward structure for a district.
From January 2016	Following the issuance of the Governor's Orders, the Western Australian Electoral Commission needs three months to undertake the necessary preparation for the local government elections.
April/May 2016	Local government elections are held.

3.0 Additional information

Further information can be found in 'A Guide for Local Government: How to conduct a review of wards and representation for local governments with and without a ward system' available on <http://dlgc.wa.gov.au/advisoryboard>.

3.1 What are the benefits of a district having a single-ward structure?

- A single ward structure means that councillors are elected by the whole community and not just a section of it. Knowledge and interest in all areas of the council's affairs would result in broadening the views beyond the immediate concerns of those in a ward. This would be particularly beneficial where integrating the electors of two or more districts into one district.
- This is an important way to bring together different communities following an amalgamation or boundary change, sending a clear message to them that they are all now part of one new district.
- Members of the community who want to approach an elected member know that they 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 skills and knowledge for the benefits of the whole local government.
- The election process is much simpler for the community to understand and for the council to administer.

3.2 What are the benefits of a district having a multi-ward structure?

- Different geographic areas can be represented ensuring a spread of representation and interests amongst 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 a perception that it is easier and less expensive for candidates to be elected if they only need to canvas in a smaller area.

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Wards and representation arrangements is available for viewing and download from the metro reform toolkit: <http://www.reformtoolkit.com.au/>

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