



## SHIRE OF MENZIES

# Agenda

### NOTICE OF MEETING

I respectfully bring to the attention of Council Members that a Special Meeting of the Council will be held in the Council Chambers, 124 Shenton Street, Menzies, on Thursday, 24 October 2024, commencing at 4.00PM to consider the Local Government Elections- Review of WALGA Advocacy Positions as a Special Business item.

A handwritten signature in black ink, appearing to read "Kristy", is positioned above the printed name.

Kristy Van Kuyl  
Acting Chief Executive Officer

## **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Menzies for any act, omission or statement or intimation occurring during Council / Committee meetings or during formal / informal conversations with staff. The Shire of Menzies disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council / Committee meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, any statement or limitation of approval made by a member or officer of the Shire of Menzies during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Menzies. The Shire of Menzies warns that anyone who has an application lodged with the Shire of Menzies must obtain and only should rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Menzies in respect of the application.

## **DECLARATIONS OF INTEREST**

A member who has an Impartiality, Proximity or Financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice, given to the Chief Executive Officer, prior to the meeting, or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to a Proximity or Financial interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

## **Councillor Meeting Information**

### **Shire of Menzies Council Meetings**

Council Members are bound by legislation to act with integrity and make decisions for the whole of the Shire.

#### **Attending meetings**

Council Members have a duty to attend all the Council Meetings to ensure that electors are adequately represented. In recognition of this, under the *Local Government Act 1995* a Council Member who is absent from three consecutive meetings of the Council without leave being granted by the Council, is automatically disqualified. If a member wishes to be absent for more than six consecutive ordinary meetings, Ministerial approval is necessary as well as the Council approval.

It should be noted that applications for leave of absence are usually supported but must be approved by the Council before, or at, the meeting(s) the Council Member is to be absent from. Leave of absence cannot be approved retrospectively.

#### **Voting at meetings**

If a Council Member is present at a Council Meeting, he or she is required by law to vote on all matters before that meeting unless he or she has a financial interest in the matter. Agendas are delivered to the Council Members within the required timeframes of the Local Government Act 1995, being a minimum of seventy-two (72) hours prior to the advertised commencement of the meeting. While late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Council Members are required to give due consideration to all matters contained in the agenda. Without adequate time for reading the agenda, it is extremely difficult for the Council Members to make effective assessments of issues and provide constructive input to the Council debate and decision making. It is recommended that further information be requested if there is insufficient material available to make an informed decision.

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## **1 DECLARATION OF OPENING**

The Shire President, as Presiding Member declared the meeting open at \_\_\_\_\_pm.

## **2 ANNOUNCEMENT OF VISITORS**

Nil

## **3 RECORD OF ATTENDANCE**

Councillors: Cr P Warner, Shire President  
Cr S Sudhir, Deputy Shire President  
Cr G Dwyer  
Cr J Dwyer  
Cr A Tucker  
Cr I Baird  
Cr K Tucker

Staff: Ms K Van Kuyl, Acting Chief Executive Officer  
Ms M Yulo-Uy, Executive Officer (Minutes)

## **4 PUBLIC QUESTION TIME (RELATING TO SPECIAL BUSINESS ONLY)**

## **5 APPLICATION BY MEMBERS**

## **6 DISCLOSURES OF INTEREST**

## **7 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

Nil

## **8 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

# 9 REPORTS OF OFFICERS

## 9.1 Finance Reports

Nil

## 9.2 Administration Reports

<b>9.2.1</b>	<b>Local Government Elections-Review of WALGA's Advocacy Positions</b>	
<b>LOCATION</b>	<b>Not Applicable</b>	
<b>APPLICANT</b>	<b>Internal</b>	
<b>DOCUMENT REF</b>	<b>NAM1372</b>	
<b>DATE OF REPORT</b>	<b>22 October 2024</b>	
<b>AUTHOR</b>	<b>WALGA</b>	
<b>RESPONSIBLE OFFICER</b>	<b>Acting Chief Executive Officer, Kristy Van Kuyl</b>	
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>	
<b>ATTACHMENT</b>	1. Info Page - Elections Advocacy Positions V 4 [9.2.1.1 - 1 page]	

**SUMMARY:**

To obtain a Council decision on WALGA’s advocacy positions relating to Local Government Elections.

**BACKGROUND:**

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services;
- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor or President for larger Local Governments;
- abolishing wards for smaller Local Governments; and
- aligning the size of councils with the size of populations of each Local Government (change to representation)

Following requests from several Zone’s, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian

Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

**COMMENT:**

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA’s Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

WALGA State Council current advocacy positions:

The following is a summary of WALGA’s current Advocacy Positions in relation to Local Government Elections:

**2.5.15 ELECTIONS**

- |                    |  |
|--------------------|--|
| Position Statement | <p>The Local Government sector supports:</p> <ol style="list-style-type: none"> <li>1. Four year terms with a two year spill</li> <li>2. Greater participation in Local Government elections</li> <li>3. The option to hold elections through: <ul style="list-style-type: none"> <li>• Online voting</li> <li>• Postal voting, and</li> <li>• In-person voting</li> </ul> </li> <li>4. Voting at Local Government elections to be voluntary</li> <li>5. The first past the post method of counting votes</li> </ol> |
|--------------------|--|

The Local Government sector opposes the introduction of preferential voting, however if ‘first past the post’ voting is not retained then optional preferential voting is preferred.

Background	The first past the post (FPTP) method is simple, allows an expression of the electorate’s wishes and does not encourage tickets and alliances to be formed to allocate preferences.
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State Council Resolution	February 2022 – 312.1/2022
	December 2020 – 142.6/2020
	March 2019 – 06.3/2019
	December 2017 – 121.6/2017
	October 2008 – 427.5/2008

Supporting Documents     Advocacy Positions for a New Local Government Act  
WALGA submission: Local Government Reform  
Proposal (February 2022)

#### **2.5.16 METHOD OF ELECTION OF MAYOR**

Position Statement     Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

State Council             February 2022 – 312.1/2022  
Resolution                March 2019 – 06.3/2019  
December 2017 – 121.6/2017

#### **2.5.18 CONDUCT OF POSTAL ELECTIONS**

Position Statement     The *Local Government Act 1995* should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.

Background              Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.

State Council Resolution   May 2023 – 452.2/2023  
March 2019 – 06.3/2019  
December 2017 – 121.6/2017  
March 2012 – 24.2/2012

WALGA has requested the following advocacy positions be considered by Councils:

#### **1. PARTICIPATION**

(a) The sector continues to support voluntary voting at Local Government elections.

OR

(b) The sector supports compulsory voting at Local Governments elections.



## **2. TERMS OF OFFICE**

(a) The sector continues to support four-year terms with a two year spill;

OR

(b) The sector supports four-year terms on an all in/all out basis.

## **3. VOTING METHODS**

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

## **4. INTERNAL ELECTIONS**

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

## **5. VOTING ACCESSIBILITY**

The sector supports the option to hold general elections through:

(a) Electronic voting; and/or

(b) Postal voting; and/or

(c) In-Person voting.

## **6. METHOD OF ELECTION OF MAYOR**

The sector supports:

(a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.

(b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.

(c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

## **CONSULTATION:**

The report was based on the WALGA template report.

## **STATUTORY AUTHORITY:**

Various sections of Part 4 of the Local Government Act 1995

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

The method of election can have a significant impact on the cost of holding an ordinary election; however, adopting an advocacy position incurs no associated cost.

**RISK ASSESSMENT:**

No significant risks are noted in relation to the formation of an advocacy position.

**STRATEGIC IMPLICATIONS:**

The Shire’s Strategic Community Plan 2021-2031 outlines the following Outcome and Strategy:

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

Accordingly, the officer’s recommendation aligns with the Strategic Community Plan.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That the Shire of Menzies recommends that WALGA adopt the following Local Government Election Advocacy Positions:

- 1. Participation – Council support advocacy position \_\_\_\_\_
- 2. Terms of Office - Council support advocacy position \_\_\_\_\_
- 3. Voting Methods - Council support advocacy position \_\_\_\_\_
- 4. Internal Elections - Council support advocacy position \_\_\_\_\_
- 5. Voting Accessibility - Council support advocacy position \_\_\_\_\_
- 6. Method of Election of President - Council support advocacy position \_\_\_\_\_

**COUNCIL DECISION:**

<b>Council Resolution Number</b>	
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<b>Moved</b>		<b>Seconded</b>	
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<b>Carried</b>	
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# INFOPAGE

**To:** All Local Governments

**From:** Tony Brown,  
Executive Director Member Services

**Date:** 6 September 2024

**Subject:** Local Government Elections – Advocacy Positions

<b>Operational Area:</b>	Governance
<b>Key Issues:</b>	<ul style="list-style-type: none"> <li>Local Governments are being asked to consider WALGAs current and alternative advocacy positions as they relate to Local Government Elections</li> <li>Local Government decision (Council) required by 28 October</li> <li>Template Agenda Item provided to assist Council in preparing their positions</li> </ul>
<b>Action Required:</b>	<b>Council Decision</b> to WALGA by <b>28 October 2024</b> for inclusion in the December 2024 State Council Agenda

WALGA recently undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of legislative reforms to the Local Government electoral process. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost of conducting Local Government elections in Western Australia.

The report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

Since 2008, WALGA has surveyed the sector on five occasions and at all times the sector has supported the following:

- first-past-the-post method of counting votes,
- voting at Local Government elections to be voluntary, and
- four-year terms with a two-year spill.

All Local Governments are now being asked to provide a Council decision on WALGAs advocacy positions as they relate to Local Government Elections, to see if the positions are still current.

To inform an item for the December meeting of State Council, Council decisions are requested by **Monday 28 October 2024**. Local Governments will also be able to provide feedback through the November round of Zone meetings. To assist Councils in compiling their positions, WALGA has drafted a template Agenda Item.

**For more information, please contact:**

Tony Brown, (08) 9213 2051, [tbrown@walga.asn.au](mailto:tbrown@walga.asn.au)

## **10 BEHIND CLOSED DOORS - CONFIDENTIAL REPORTS**

Nil

## **11 CLOSURE OF MEETING**

The Shire President, as Presiding Member declared the meeting closed at \_\_\_\_\_pm.