



NOTICE OF MEETING

Dear Councillors

I respectfully advise that the ORDINARY COUNCIL MEETING will be held in Council Chambers, York Town Hall, York on Tuesday, 22 October 2024, commencing at 5:00pm.

MEETING LATE AGENDA ATTACHED

Chris Linnell

CHRIS LINNELL
CHIEF EXECUTIVE OFFICER
Date: 16 October 2024

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MISSION STATEMENT
"Building on our history to create our future"

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0 BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

SY112-10/24 CONSIDERATION OF WALGA ELECTIONS ADVOCACY POSITIONS

File Number:	4.8484
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Authoriser:	Chris Linnell, Chief Executive Officer
Previously before Council:	Not Applicable
Disclosure of Interest:	Nil
Appendices:	Nil

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report presents WALGA's advocacy positions as they relate to local government elections to Council for consideration.

BACKGROUND

WALGA recently undertook a comprehensive review and analysis of five (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 on 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 (5) occasions and at all times the sector has supported the following:

1. First-past-the-post method of counting votes.
2. Voting at local government elections to be voluntary.
3. Four (4) year terms with a two (2) year spill.

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

1. The introduction of Optional Preferential Voting (OPV)
2. Extending the election period to account for delays in postal services
3. Changes to the publication of information about candidates
4. Backfilling provisions for extraordinary vacancies after the 2023 election
5. Public election of the Mayor or President for larger local governments
6. Abolishing wards for smaller local governments

7. Aligning the size of councils with the size of populations of each local government (change to representation)

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.

COMMENTS AND DETAILS

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.

The following is a summary of WALGA’s State Council current Advocacy Positions in relation to local government elections:

Elections

Position Statement	<p>The local government sector supports:</p> <ol style="list-style-type: none"> 1. Four (4) year terms with a two (2) year spill 2. Greater participation in local government elections 3. The option to hold elections through: <ol style="list-style-type: none"> a. Online voting b. Postal voting, and c. In-person voting 4. Voting at local government elections to be voluntary 5. The first past the post method of counting votes <p>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.</p>
Background	<p>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.</p>
State Council Resolution	<p>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</p>
Supporting Documents	<p>Advocacy Positions for a New Local Government Act WALGA submission: Local Government Reform Proposal (February 2022)</p>

Method of Election of Mayor

Position Statement	<p>Local governments should determine whether their Mayor or President will be elected by the Council or elected by the community.</p>
State Council Resolution	<p>February 2022 – 312.1/2022 March 2019 – 06.3/2019 December 2017 – 121.6/2017</p>

Conduct of Postal Elections

Position Statement	The <i>Local Government Act 1995</i> 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 (4) year terms with a two (2) year spill.

OR

- b. The sector supports four (4) year terms on an all in/all out basis.

3. Voting Methods

- a. The sector supports First Past the Post as the preferred voting method for general elections. If Optional Preferential Voting 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 as the preferred voting method for general elections.

4. Internal Elections

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

OR

- b. The sector supports Optional Preferential Voting 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.

OPTIONS

Council has the following options:

- Option 1:** Council could choose to request the Chief Executive Officer to provide feedback to WALGA regarding its support for the six (6) advocacy positions.
- Option 2:** Council could choose to request the Chief Executive Officer to not provide feedback to WALGA regarding its support for the six (6) advocacy positions.
- Option 3:** Council could choose to request the Chief Executive Officer to provide feedback to WALGA regarding its support for a different number of advocacy positions, and identify which advocacy positions it wishes to provide feedback on.

Option 1 is the recommended option.

IMPLICATIONS TO CONSIDER

Consultative

Concept Forum 15 October 2024

Strategic

Strategic Community Plan 2020-2030

Goal 5: Strong Leadership and Governance

To have effective and responsive leadership and governance, where a sense of collective purpose and shared direction combine to work together.

Policy Related

Nil

Financial

Nil

Legal and Statutory

Nil

Risk Related

Should Council choose not to provide feedback to WALGA Avon-Midland Country Zone there is a reputational risk to the Shire which is rated Low. Providing feedback to WALGA will enable Council's voice to be heard and mitigate this risk.

Workforce

The scope of this report is managed within current operational capacity.

VOTING REQUIREMENTS**Absolute Majority: No****RECOMMENDATION****That, with regard to Consideration of WALGA Elections Advocacy Positions, Council:**

- 1. Recommends that WALGA adopts the following local government election advocacy positions:**
 - a. Participation – Council supports advocacy position A - The sector continues to support voluntary voting at local government elections.**
 - b. Terms of Office – Council supports advocacy position A - The sector continues to support four (4) year terms with a two (2) year spill.**
 - c. Voting Methods – Council supports advocacy position A - The sector supports First Past the Post as the preferred voting method for general elections. If Optional Preferential Voting remains as the primary method of voting, the sector supports the removal of the ‘proportional’ part of the voting method for general elections.**
 - d. Internal Elections – Council supports advocacy position A - The sector supports First Past the Post as the preferred voting method for all internal elections.**
 - e. Voting Accessibility – Council supports advocacy position A and B - The sector supports the option to hold general elections through Electronic voting and/or Postal voting.**
 - f. Method of Election of Mayor – Council supports advocacy position B - Return to previous legislated provisions where all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.**
- 2. Requests the Chief Executive Officer to inform WALGA of Council’s preferences by no later than Monday 28 October 2024.**