



To: Chief Executive Officers

From: Tony Brown
Executive Manager
Governance & Strategy

Organisation: All Local Governments

Date: 25 September 2014

Reference: 05-034-01-0018

Priority: High

Subject: WALGA's Poll Provisions Advocacy Position

IN BRIEF:

Operational Area:	Governance
Key Issues:	<ul style="list-style-type: none">• Feedback is sought by 31 October from all Local Governments to refine WALGA's advocacy position relating to the poll provisions contained in Schedule 2.1 of the <i>Local Government Act 1995</i>;• Options are provided: that all boundary change proposals could be eligible for a poll or, that a percentage variation – 10, 25 or 50 percent – in population, rateable properties, or revenue could define 'significantly affected' that would enable the community to request a poll. General feedback or alternative suggestions are also welcome.
Action Required:	Provide a response to tlane@walga.asn.au by Friday, 31 October .

Background

Input is sought to define WALGA's position regarding advocacy for amendments to the poll provisions contained in Schedule 2.1 of the *Local Government Act 1995* to enable electors of a Local Government that will be abolished or significantly affected by a boundary change proposal to demand a poll.

At the **2 July** State Council meeting, State Council resolved to adopt, and advocate for, a policy position that the poll provisions should be amended so that electors of a Local Government where one or more Local Governments will be abolished or significantly affected by a boundary change proposal are able to demand a poll on the proposal, with 'significantly affected' being specifically defined as causing a fifty percent variation in:

- i. Population; or,
- ii. Rateable properties; or,
- iii. Revenue.

At WALGA's Annual General Meeting, held on **6 August**, the meeting resolved:

That this Annual General Meeting, recognising the current approach by the State Government to the manipulation of the principles of the 'Dadour' poll provisions:

- a) *endorse WALGA's position of providing community access to the poll provisions where 1 or more districts are to be abolished rather than the 2 or more districts as currently provided for in the Local Government Act 1995;*
- b) *endorse WALGA's proposed extension of the poll provisions to significant boundary adjustments subject to any associated criteria and any percentages being agreed to by a majority of all local governments in Western Australia, and*
- c) *reaffirm as policy, that WALGA is opposed to the removal or dilution of the 'Dadour' poll provisions including the temporary dilution or removal of those provisions.*

State Council, at their **3 September** meeting, endorsed parts (a) and (c) of the AGM resolution above and resolved the following in relation to part (b):

4.7B Part (b) – endorse WALGA’s proposed extension of the poll provisions to include significant boundary adjustments subject to further research and sector consultation being carried out on any associated criteria and for a report to be presented through the next Zone/State Council Meetings.



This InfoPage represents sector consultation on the definition and criteria associated with a Local Government being significantly affected by a boundary change proposal. Local Governments are invited to provide feedback prior to Friday **31 October** to inform an agenda item to be prepared for the **3 December** State Council meeting.

Comment

Defining the criteria for whether a boundary change significantly affects a Local Government is difficult and there are divergent views in the Local Government sector.

There is a general view that a minor boundary change, perhaps to fix an anomaly, should not be the subject of a potential poll of electors. There is also a general view that, where one or more Local Governments will be abolished or a Local Government’s viability could be affected by a boundary change proposal, electors should have the right to demand a poll.

Criteria defining whether a Local Government would be ‘significantly affected’ could be defined in the Local Government Act. This was State Council’s original approach where it was resolved that a 50 percent variation in population, or rateable properties or revenue would be the trigger for the community to have the option to call a poll. In addressing this matter it needs to be determined whether these are the appropriate criteria or whether there should be an alternative method to determine whether a Local Government would be ‘significantly affected’ by a boundary change proposal.

Options to address this issue are presented:

1. All boundary change proposals could be the subject of a poll. While there is a general view that minor boundary changes should not be subject to a poll of the community, it could be argued that a minor boundary change that only affects a small number of properties would be unlikely to attract enough interest from the community for a poll to be called or to ultimately be successful in overturning the proposal. This would remove the need for criteria to be established to define ‘significantly affected’.
2. Criteria defining whether a Local Government would be ‘significantly affected’ could be defined in the Local Government Act. It is suggested that a percentage variation in population, or rateable properties, or revenue could be defined as the appropriate criteria to trigger the community’s right to call a poll. Three percentages are presented as options to define these criteria in the Local Government Act:
 - a. 10 percent.
 - b. 25 percent
 - c. 50 percent

A Faxback is attached to facilitate feedback on the options presented above as well as general feedback to refine WALGA’s advocacy position, including alternative criteria to define when a Local Government would be ‘significantly affected’ by a poll.

Feedback will guide a State Council agenda item to be considered by Zones in late November and then State Council at their **3 December** meeting.

*Please submit feedback to Manager Strategy and Reform, Tim Lane, on tlane@walga.asn.au by Friday **31 October** 2014.*

FAX BACK

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Governance & Strategy



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Subject WALGA's Poll Provisions Advocacy Position

FAX BACK TO WALGA ON 9213 2077 or email tlane@walga.asn.au

IN BRIEF:

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Action Required:	Provide a response to tlane@walga.asn.au by Friday, 31 October .

Please advise whether your Council supports the *Local Government Act 1995* being amended so that the community of a Local Government could demand a poll with which of the following conditions being met:

- | | |
|--|--------------------------|
| 1. Under any boundary change proposal | YES / NO |
| OR | |
| 2. With a significant variation in population, or rateable properties or revenue by: | |
| a. 10 percent | <input type="checkbox"/> |
| b. 25 percent | <input type="checkbox"/> |
| c. 50 percent | <input type="checkbox"/> |

(Please indicate preferences – i.e. 1 for most preferred, then 2 then 3)

General feedback to refine WALGA's advocacy position would be welcomed including alternative criteria to define when a Local Government would be 'significantly affected' by a poll.

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Feedback will guide a State Council agenda item to be considered by Zones in late November and then State Council at their **3 December** meeting.

Please submit feedback to Manager Strategy and Reform, Tim Lane, on tlane@walga.asn.au by **Friday 31 October 2014**.

Thank you for your assistance.

For further information please contact:

Manager Strategy and Reform, Tim Lane on 9213 2029 or email tlane@walga.asn.au.