

6.1 LOCAL GOVERNMENT ELECTIONS 2007

(All Wards) (Chief Executive Office)

KEY ISSUES

- Members will recall that the Local Government Amendment Bill 2006 was only recently introduced into State Parliament. Amongst other things, this Bill provides for a change in the local government biennial election date from "the first Saturday in May" to the "third Saturday in October".
- The Bill needs to be formally enacted and come into operation prior to the end of the year to enable the new arrangements concerning the election day to be in place for 2007. However, as Members will well recall the Bill also contains a contentious preferential voting proposal which has not received bi-partisan political support.
- The Bill has been passed by the Legislative Assembly and was introduced into the Legislative Council on Thursday 2 November 2006. However, the Bill has not progressed from this stage. The House has now risen and will not re-convene until 21 November.
- The Western Australian Electoral Commission has recommended that local governments prepare for the next local government election in **May** 2007 because of the current uncertainty. In any event, the resolutions recommended below will apply and be relevant if the election date is either in May or October.
- The Council therefore needs to now consider whether a postal or "in person" election is to be conducted for the 2007 "ordinary" City elections. In the first instance, the Council also needs to consider the appointment of the Electoral Commissioner to conduct the 2007 elections on behalf of the City of Swan.

It is recommended that the Western Australian Electoral Commissioner be the person responsible for conducting the 2007 elections and that the election be conducted by post.

BACKGROUND

The Local Government Act 1995 provides that a Council may decide whether or not to conduct a "postal election" or hold a "voting in person election". If a Council decides to conduct a postal election, the Western Australian Electoral Commissioner must conduct the election. An absolute majority vote of the Council is required if this course is to be followed. A Council can also request the Electoral Commissioner to conduct a "voting in person election" and an absolute majority decision is also required for such a decision.

The last five City Council elections have been administered by the Electoral Commissioner and conducted by postal ballot. In May 2005 the overall participation rate for the City of Swan was approximately 34% which was similar to other local governments in the State using the postal voting method.

REPORT

The Local Government Amendment Bill 2006 was recently introduced into the State Legislative Assembly. The Bill was passed through in the Assembly and was introduced into the Legislative Council on Thursday 2 November 2006. The Bill did not progress beyond this stage in the Upper House. However, the Upper House has now risen and will not re-convene until 21 November. Although there remains a hopeful expectation that the legislation will be enacted in time to enable the 2007 local government elections to be held on the third Saturday in October, the Electoral Commission is urging that we put the necessary enabling resolutions in place now as a precautionary approach.

It should also be noted that new City ward boundary and Councillor representation arrangements will apply to the next election, whether it is held in May or October 2007. These new arrangements are summarised as follows:

- Abolition of both the Swan Valley and Gidgegannup Wards and creation of a new Ward comprising the former districts of Swan Valley and Gidgegannup Wards and to be named "Swan Valley/Gidgegannup Ward".
- The number of offices of Councillor for the new Swan Valley/Gidgegannup Ward shall be 2 (two).
- The number of offices of Councillor for the Ellenbrook Ward shall be 2 (two) instead of 1 (one).
- The Altone, Ballajura, Guildford, Midland and North Wards remain unchanged in terms of both ward boundaries and Councillor representation.

The relevant Executive Council order also makes provision for a "continuing Councillor" in the Swan Valley/Gidgegannup Ward and other transitional arrangements.

ATTACHMENTS

Nil

STRATEGIC IMPLICATIONS

This item relates to Key Result Area 1 of the City's 2003-2005 Strategic Plan - Leading the City of Swan:

Objective 1.2 - The City of Swan is recognised as a well governed City with strong cooperation with its community;

Strategy 1.1.1 - Ensure compliance with statutory requirements and guidelines; and

Strategy 1.1.4 - Increase community participation in the City's planning and decision-making process.

STATUTORY ENVIRONMENT

If the Council desires to conduct a postal election, it must first resolve to appoint the Electoral Commissioner to be responsible for the conduct of the election under s4.20(4) of the Local Government Act. The Electoral Commissioner then makes a declaration to that effect and appoints a Returning Officer.

In accordance with s4.61(2) of the Local Government Act, the Council is then required to resolve that a postal election be conducted.

Both resolutions require an "absolute majority" vote of the Council.

Alternatively, the Council may resolve to either:

- Appoint the CEO as Returning Officer; or
- Appoint another person as the Returning Officer

In each case, if a person other than the Electoral Commissioner is appointed, a voting in person election must be conducted.

As a further alternative, the Electoral Commissioner may also be appointed to be responsible for the conduct of a voting in person election.

FINANCIAL IMPLICATIONS

The Electoral Commission has provided an estimated cost for the 2007 election of \$119,000 plus GST. This estimate has been based on the following assumptions:

- 48,500 electors;
- response rate of approximately 35%;
- 7 vacancies; and
- count to be conducted at the premises of the City of Swan.

However, this is an estimate only and the City will be billed on a total cost recovery basis.

Costs not incorporated in this estimate include:

- non-statutory advertising (i.e. additional advertisements in community newspapers and promotional advertising);
- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns; and

- one local government staff member to work in the polling place on election day. (Similarly, any additional City staff involvement will be at the City's cost).

The matter of appropriate financial provision will be addressed once a decision has been made whether the election will be held in either May or October.

RECOMMENDATION

That the Council resolve to:

- 1) Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2007 ordinary elections together with any other elections or polls which may also be required; and
- 2) Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.

CARRIED