



Department of
**Local Government, Sport
and Cultural Industries**

Reviewing Ward Boundaries and Representation - Overview

Local Government Advisory Board

May 2024

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For more information, please contact:

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PO Box 8349, Perth Business Centre WA 6849

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Translating and Interpreting Service (TIS) – Telephone: 13 14 50

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Introduction

Background

The Local Government Advisory Board (the Board) has the responsibility for ensuring that recommendations from local governments for changes to names, wards and representation conform to the requirements of Schedule 2.2 of the *Local Government Act 1995* (the Act).

Local governments that have a ward system are required to review their ward boundaries and representation every so often to ensure that no more than 10 years elapse between successive reviews.

The Board may also request in writing at any time that a local government carry out a review.

Where local governments do not review these matters, the Board may recommend the making of an order in relation to potential changes. The Board may recover the costs of any inquiries conducted for this purpose from the local government.

The Board also assesses boundaries and representation for newly created districts in accordance with the Act.

Relevant information

The following information may be helpful when formulating and submitting proposals:

- Schedule 2.2 of the *Local Government Act 1995*.
- A Guide for Local Governments – How to conduct a review of wards and representation: Information package for local governments with a ward system and local governments without a ward system. (Available on the [LGAB web page](#).)
- LGAB - Reviewing ward boundaries and representation – overview. (Available on the [LGAB web page](#).)
- Form 3 - Community submission about changes to names, wards or representation (Format for a petition from electors to initiate a boundary proposal). (Available on the [LGAB web page](#).)

For advice and assistance

You can contact the Local Government Advisory Board to discuss any aspects of your proposal. Our contacts details are:

Telephone: (08) 6552 7300

Email: advisoryboard@dlgsc.wa.gov.au

Making a Proposal

Proposals to make orders to amend ward and representation structures can be made to the Board by local governments and by affected electors after they have made a submission to a local government. Proposals can also be made to the Board by the Minister for Local Government (the Minister) to assess boundaries and representation for newly created districts.

Affected electors can make a submission

Affected electors may make submissions to a local government with regard to representation or ward boundaries. They must be:

- at least 250 in number; or
- at least 10% of the total number of affected electors.

A local government is to consider any submission made.

The council can reject a submission if it is deemed to be similar to a proposal that the Board has assessed within the last two years or if the majority of affected electors no longer support the submission.

The council can consider an affected elector's submission as one of a minor nature and not one about which public submissions need to be invited, in accordance with clause 5 of Schedule 2.2 of the Act, and submit a proposal to the Board requesting an order be made as such.

If the council does not reject, propose to reject a submission, or consider it as a matter of a minor nature, the local government is to carry out a review.

For further information please refer to clauses 3 and 4 of Schedule 2.2 of the Act.

Boundaries for new districts

The Board also has a role in assessing boundaries and representation for newly created districts. This is done in accordance with the Act.

Local government proposals

A local government can submit a proposal to the Board that is one of a minor nature, in accordance with clause 5 of Schedule 2.2 of the Act, for which public submissions need not be invited. A local government may also submit a proposal after it has completed a review of its ward and representation structure, in accordance with clauses 8 and 9 of Schedule 2.2 of the Act.

Matters of a minor nature

To determine whether a proposal is one of a minor nature or if public submissions are required, a local government should consider the impact of the proposal on:

- affected electors (ie level of representation and access to representatives)

- other electors of the district (ie a comparison of the ratio of electors to councillors)
- local government finance and decision making capacity.

Following consideration of a proposal, the Board will then make a determination as to whether or not a matter is of a minor nature.

Ward and representation reviews

Local governments divided into districts are required to review their ward boundaries and representation at least every 10 years. All local governments are required to conduct a review at any time if requested in writing by the Board.

The local government must then give public notice advising that a review is to be carried out and that submissions may be made to the local government.

The submission period is to be not less than six weeks.

The local government is to invite submissions from the public. Consultation may also include public meetings, forums, questionnaires, interviews with key stakeholders, etc.

Any proposed changes are to be assessed against the following five factors, (also considering any other relevant matters):

- community of interest
- physical and topographic features
- demographic trends
- economic factors
- ratio of councillors to electors in various wards.

For further information refer to Clauses 6, 7 and 8 of Schedule 2.2 of the Act.

The Department of Local Government, Sport and Cultural Industries has developed a reference document 'A Guide for Local Governments – How to conduct a review of wards and representation' to assist local governments undertake ward and representation reviews. This document is available on the [LGAB web page](#).

Final Report to the Board

A local government's final ward and representation review report to the Board should include (but is not limited to):

- Copy of minutes from the council meeting containing the resolution to change or review ward boundaries or representation
- Map of current ward boundaries plus a map of the proposed ward boundaries (if applicable). All maps must be high quality and easy to interpret, preferably a deposited plan sourced from Landgate
- Details of the background for the review, including current ward and boundary situation
- Details of the review and consultation process, including copies of the advertisement of the review (if applicable) and any promotional activities undertaken
- Alternatively, reasons for determining the change is minor or does not require public submissions (if relevant)
- Current and proposed councillor to elector ratios
- Comprehensive and clear analysis, rationale and conclusion – including assessment of the proposal against the five prescribed matters as noted at clause 8 of Schedule 2.2 of the Act
- The Council's decision and subsequent recommendation to the Board
- Executive summary (template available on request by emailing advisoryboard@dlgsc.wa.gov.au)
- Please note that local governments should avoid submitting multiple copies of the same documents as part of their report (eg the public discussion paper, council meeting minutes etc)
- Ward and representation reviews should be addressed to:
The Chair
Local Government Advisory Board
DLGSC
PO Box 8349, Perth Business Centre WA 6849
- As DLGSC is a paperless office, submission by email is preferred to: advisoryboard@dlgsc.wa.gov.au

Dealing with a Proposal

The Board's role in the assessment of submissions concerning ward boundaries and representation is twofold.

1. It can be directed by the Minister to make recommendations on ward boundaries and representation for a newly created district; and
2. It is also responsible for assessing the process that local governments have used in proposing orders for changes to ward boundaries or representation (ie proposals of a minor nature or proposals made after a ward and representation review has been conducted). This is the most common type of assessment undertaken by the Board.

Proposals submitted as a matter of a minor nature

Where the Board agrees with the local government and determines that the proposed change is one of a minor nature, then the Board recommends to the Minister that an order is made.

Where a local government proposes that a matter is one of a minor nature, but the Board determines that the matter is one which requires a review, the Board will inform the local government that it needs to carry out a review in accordance with Schedule 2.2 of the Act.

Proposals submitted as a result of the completion of a ward and representation review

When the Board has requested that a local government undertake a review or when a local government has chosen to conduct a review, the Board will assess if the review met the following requirements of the Act:

- the review was advertised
- the community had at least six weeks to make submissions
- submissions were considered by the council
- the review appropriately considered the prescribed matters in accordance with clause 8 of Schedule 2.2 of the Act.

Where the Board does not believe that a review has correctly taken into account the prescribed matters to be considered, it may request the local government to make a proposal that correctly takes those matters into account.

Where a local government fails to submit a new proposal, the Board may recommend the making of an order to correctly take into account the prescribed matters.

Where the Board recommends the making of an order to the Minister, the Minister may accept or reject its recommendation. Should the Minister reject the Board's recommendation the proposal can be referred back to the Board for reconsideration.

Administrative Processes Leading to Publication in the Government Gazette

After the Board makes a recommendation to the Minister for the making of an order to amend a local government's ward and representation structure, a number of statutory and administrative processes must occur prior to the finalisation and gazettal of the changes. These processes are as follows:

1. Ministerial approval of the Board's recommendation is sought.
2. Should the Minister accept the Board's recommendation, a letter is sent to the local government advising of the Minister's approval.
3. Officers of the Department request Landgate to prepare deposited plans based on the digital maps supplied by the local governments with their proposal (not applicable when abolishing wards or reducing/increasing offices of councillors).
4. Officers of the Department request Parliamentary Counsel's Office prepare Orders.
5. When the Orders are received, officers of the Department prepare Executive Council Papers to be signed by the Governor in Executive Council.
6. The signed Executive Council Orders are sent to State Law Publisher to be published in the *Government Gazette*.
7. A notification letter is sent to the local government with a copy of the *Government Gazette* extract.
8. Officers of the Department notify Landgate and the Western Australian Electoral Commission of the changes.
9. The local government implements the changes at the next election; or for reductions in representation created by a vacancy, on the day after the day it is published in the *Government Gazette*.

The timeframe for the completion of the administrative processes is usually within three to four months from when a proposal is considered by the Board. However this time frame can vary depending on individual circumstances.

If a local government would like changes to be in place in time for an ordinary election, it must submit its report to the Board by **30 January** (preferably earlier) in the year of that ordinary election. This will allow sufficient time for any changes to be considered and processed for the beginning of the election cycle.

Flow chart: Local Government Advisory Board – Ward and representation review process

