

### 3.1 Changes to the Local Government Act 1993 – Ward and Councillor Numbers

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## EXECUTIVE SUMMARY

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### Purpose

To report to Council the changes to the Local Government Act 1993 and for Council to consider any changes to the current ward system or councillor numbers.

### Summary

On 27 June 2011 NSW Parliament passed the *Local Government Amendment Elections Act 2011* (the Amending Act). This was assented to by the Governor on 27 June 2011, and its provisions commenced on this date.

Two key changes under the Amending Act are that it allows Councils to:

- a) apply to reduce the number of Councillors without a constitutional referendum (Section 224A);
- b) apply to abolish wards without a constitutional referendum (Section 210B.)

Under the Act, the procedure for application to reduce councillor numbers and abolish wards has also been amended to include a longer exhibition period extending it from 21 to 42 days. Applications must be made no later than 5 months after the commencement of the Amending Act, that is, no later than 28 November 2011.

### Financial Impact

Council will have to advertise the proposal to abolish wards and reduce councillor numbers. Costs will also be incurred as a result of remapping the Local Government Area (LGA) as a result of the abolishment of wards.

If resolved by Council, and further approved by the Minister, cost saving may occur as a result of the reduction in councillor numbers, the annual fee payable and any provisions supplied under GOV-PL 120 Policy for Payment and Re-imbursment of Expenses Incurred by, and Provision of Facilities to, The Mayor, Deputy Mayor and Councillors.

### Policy Impact

Nil.

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## RECOMMENDATION OF ACTING DIRECTOR STRATEGIC AND DEVELOPMENT SERVICES

- A. That as a result of changes to the Local Government Act 1993, Council seek public comment for a period of 42 days in respect to:
  - I. abolishing all wards within Warringah Council;
  - II. that should wards be abolished, what is the preferred number of councillors

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III. maintaining the current structure; retaining three (3) wards, three (3) Councillors in each ward and a popularly elected Mayor;

B. That the results be reported back to Council.

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## REPORT

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### Background

Councils have previously been bound by Section 210 of the Local Government Act whereby Councils must hold a referendum to abolish wards or the number of councillors in a Local Government Area.

The recent changes to the Local Government Act 1993 allow councils to apply to the Minister to reduce the number of councillors and abolish all wards without the need for approval at a constitutional referendum.

### Changes to the Local Government Act 1993 – *Local Government Elections Act 2011* (the Amending Act)

The NSW Parliament has passed the *Local Government Amendment Elections Act 2011* (the Amending Act). This was assented to by the Governor on 27 June 2011, and its provisions commenced on this date. In part, the Amending Act now:

- enables Councils, in certain circumstances, to make an application to the Minister for Local Government for approval to reduce the number of their councillors without the need for approval at a constitutional referendum (Section 224A);
- enables Councils, in certain circumstances, to make an application to the Minister for approval to abolish all wards in their areas without the need for approval at a constitutional referendum (Section 210B.)

### Current Arrangements

Currently Warringah Council consists of three (3) wards, three (3) Councillors per ward, and one (1) popularly elected Mayor.

### NSW Government Requirements

On 29 June 2011, Council received advise via a Division of Local Government Circular (11-12) that NSW Parliament had passed the *Local Government Amendment Elections Act 2011* (the Amending Act). This was assented to by the Governor on 27 June 2011, and its provisions commenced on this date.

Under the Amending Act, the procedure for application to reduce councillor numbers and abolish wards has also been amended to include a longer exhibition period. Applications must be made no later than 5 months after the commencement of the Amending Act, that is, no later than 28 November 2011.

As such, by this date Council needs to consider whether to:

1. reduce Councillor numbers
2. abolish all Wards
3. maintain the status quo in relation to Councillor numbers and Wards

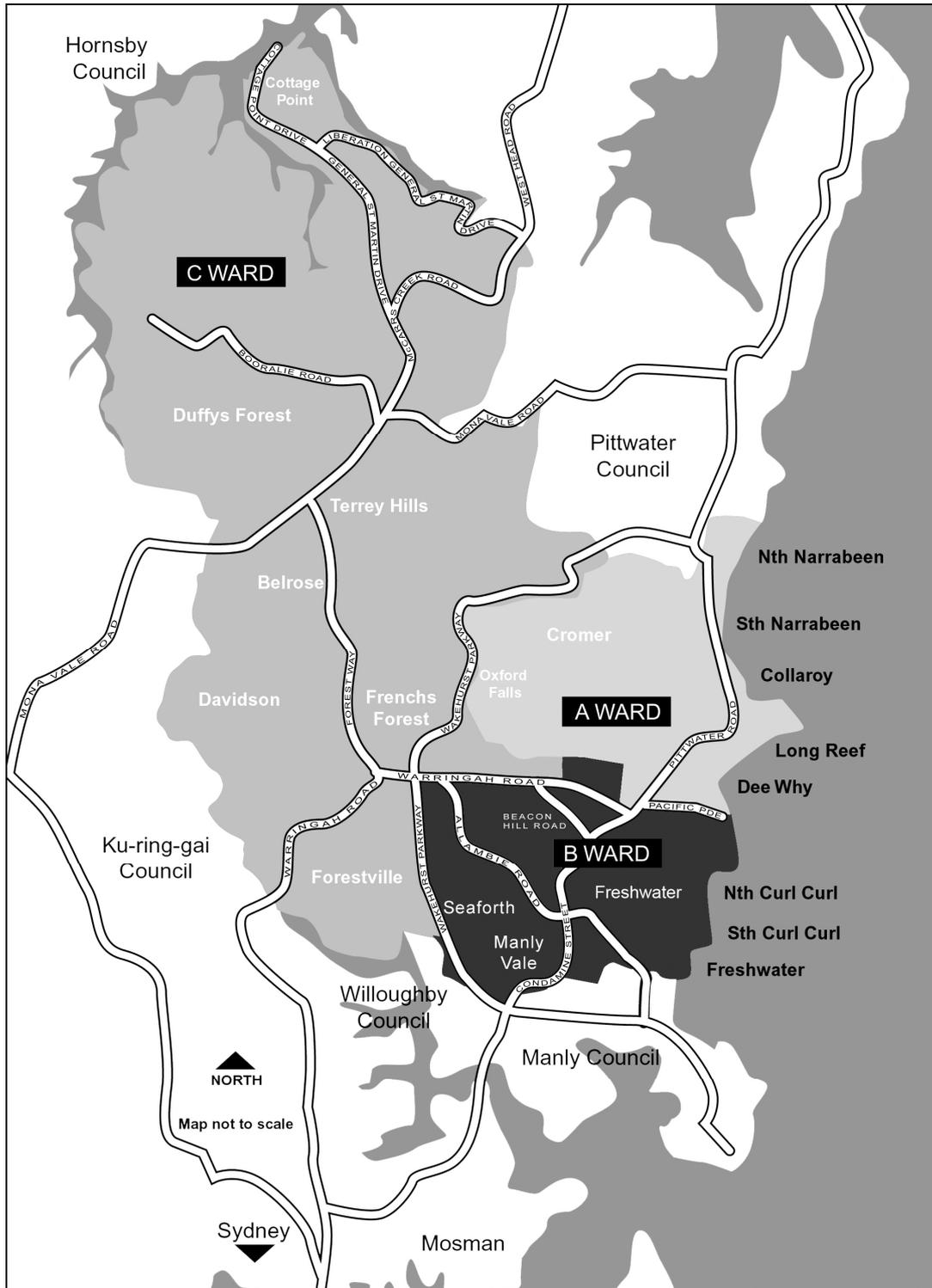
Regarding such applications, councillors are reminded that Section 224A still prevents such applications being made where:

- the reduction would result in the council having less than five councillors
- the council is divided into wards and the reduction would result in the number of councillors for each ward being fewer than 3.

**Wards and Councillors**

Warringah Council currently consists of three (3) wards, Ward A; Ward B and; Ward C. The three (3) wards as per their current arrangement are illustrated in the map below.

*Warringah Council Ward Map*



The Wards have been in their current arrangement since the secession of Pittwater in 1992. A referendum was held in Warringah in 2004 in relation to abolition of the Ward system within Warringah and a preferred voting system, including that there be three (3) Councillors per Ward and a popularly elected Mayor. The abolition of Wards was not approved, however the preferred voting system was, and for the first time in 2008 residents of Warringah popularly elected a Mayor.

As a part of the Amending Act, councils have been given an opportunity to go through the process to change number of Councillors or abolish wards (a one off opportunity) without the need for a constitutional referendum. To do this:

- a council must give not less than 42 days public notice of its proposal to resolve to apply to the Minister for approval to reduce its councillor numbers;
- public notice must:
  - state the place at which, the dates on which, and the times during which the public may inspect the proposed resolution, and
  - invite public submissions on the proposal
- The council must bring the notice to the attention of as many people in its area as possible. This is commonly done by doing all of the following:
  - advertising in a newspaper regularly circulating in the council area
  - exhibiting the notice in public areas such as community centres, libraries and public notice boards, and
  - posting the notice on the council's website
- After passing the resolution the council must forward to the Minister:
  - copy of resolution;
  - a summary of any submissions received by it;
  - its comments concerning those submissions.

### **Timing**

For any change to occur, Council must make an application to the Minister by 28 November 2011.

### **Policy Impact**

Council will utilise the Local Government (General) Amendment (Elections) Regulation 2011 and the Guidelines for Council Administered Elections 2012, both released by the DLG.

### **Financial Impact**

Costs to Council as a result of the abolishment of wards and any change in councillor numbers would be in relation to advertising the proposal in the Manly Daily.

Council would also incur costs as a result of remapping the Local Government Area with a reduced number of, or no wards.

If resolved by Council and further approved by the Minister, cost savings as a result of the reduction of councillor numbers. This would include the annual fee for a councillor, and any provisions under GOV-PL120, Policy for Payment and Re-imbursment of Expenses Incurred by, and Provision of Facilities to, The Mayor, Deputy Mayor and Councillors.

**Acting Director Strategic and Development Services**

