

13.2.4 - Electoral Boundaries Structure Review

DATE: Wednesday 11 May 2022

TO: Ordinary Council Meeting

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AUTHORISING OFFICER: Jason Bradshaw - Director Corporate Services

PRESENTED FOR: Decision

ATTACHMENTS

1. Consultation Summary - Electoral Divisions [13.2.4.1 - 2 pages]

PURPOSE

To receive the results of the community engagement undertaken for the electoral structure review and consider whether to support the review of the current electoral arrangements for Council and representation prior to the next local government election in 2024.

OFFICER'S RECOMMENDATION

That Council defer any review of the electoral arrangements of the local government area until after the 2024 quadrennial election.

BACKGROUND

Council had planned to assess the electoral representation and distribution structure during its current term. This was outlined as a key focus area within the current Corporate Plan 2021-26. In preparation an investigation was undertaken on recent examples where changes had been considered, an example being Ipswich City Council. A draft community consultation plan was presented for discussion in September 2021. Council indicated a desire to reconsider undertaking the review and requested for the matter to be brought back to Council for decision.

At present the Whitsunday Regional Council comprises of a popularly elected Mayor and six (6) Councillors who are each elected from individual divisions. There are however different electoral structures that could be considered. Should any changes be proposed then sufficient lead time is required prior to the next local government election for the changes to be enacted.

The Local Government Change Commission (Change Commission) reviews the electoral arrangements of councils to determine if any proposed electoral change is in the public interest. These assessments can include whether a council is divided or undivided, the number of councillors, the council's name / classification (city, shire, region, town) or other electoral changes.

A report was presented at Council's Ordinary meeting held on 9 March 2022, whereby the matter was laid on the table to allow consultation with the community. The community consultation has been conducted and results are tabled for Council's consideration.

DISCUSSION/CURRENT ISSUE

Whitsunday Regional Council (WRC) sought feedback from residents and ratepayers about Council becoming 'Undivided' at the next local government election in 2024. Currently, WRC is divided into six geographical electoral divisions, each represented by a divisional Councillor.

Community consultation was undertaken through a short survey engaging online through Council's online engagement portal Your Say Whitsunday, via email and in person through Council offices. The consultation period ran for two weeks from 16 to 30 March 2022 and participants were presented with two options. Option 1 was 'No Change - remain as single member divisions' and Option 2 was 'Undivided - no divisions across the region.' This was not a comprehensive consultation but a short, sharp questionnaire to gauge the community interest in the proposal. 464 submissions were received and the survey results did indicate some support for a change to the current arrangements. Council will need to consider the survey results and the attached report.

Only the Minister for Local Government (the Minister) may refer a proposal to the Change Commission for assessment. Council could initiate the process by writing to the Minister, identifying the reasons that would support the Change Commission's review (supported by community feedback/engagement).

The assessment process for changing electoral arrangements involves the Change Commission:

- conducting community consultation, usually through written submissions (having regard to the extent of Council's previous community engagement).
- considering principles outlined in section 4 of the Local Government Act 2009 (LGA), including:
 - sustainable development, management of assets and infrastructure and delivery of effective services.
 - democratic representation, meaningful community engagement and social inclusion; and
 - good governance.

Once the Change Commission's assessment is complete, the final determination report is provided to the Minister. The Change Commission's recommendations can only be implemented by the Governor in Council under a regulation.

There is no legislated timetable for electoral arrangement reviews to be referred to, or considered by, the Change Commission. The timing is subject to a range of factors such as their complexity and public consultation requirements. The Department recommend that electoral arrangement reviews be conducted in the two-year period following a Local Government Quadrennial Election. That time has almost expired.

Council may choose to postpone the review process. The timeframes specified by the Department of Local Government may not allow enough time for comprehensive community consultation to occur before the next election.

With the impending Federal Election to be held, and the Mayor being a candidate for the seat of Dawson, Council may see some disruption through the trigger of other elections should the Mayor be successful.

In recent discussions with Council, it is unclear if there is a current need for the review and if there is not sufficient time for that review to be properly conducted. However, the feedback from the public consultation was 60-40 in support of a non-divisional structure. It is also important to recognise that Council currently does not have a full sitting Council, and it should be considered on proceeding with the review without the full representation and

support from all Councillors. It would seem fit, if Council was considering continuing with the review, to do so with all Council position filled with full representation.

Therefore, it is suggested that Council the following options:

1. defer any process to review electoral arrangements during the 2020 - 2024 Council term,
2. defer the matter until all Council positions are filled
3. choose to keep the current electoral structure
4. continue with the review and inform the Minister of Local Government of its proposal to change the electoral structure.

STATUTORY/COMPLIANCE MATTERS

S 18 Local Government Act 2009 - Only the Minister may propose a local government change to the change commission.

S 19 Local Government Act 2009 - The change commission is responsible for assessing whether a local government change proposed by the Minister is in the public interest.

S 20 Local Government Act 2009 - The Governor in Council may implement the change commission's recommendation under a regulation

STRATEGIC IMPACTS

Lead and coordinate of the organisation's corporate governance and risk management, in addition to the delivery of efficient and customer focused administration support for the organisation to ensure high levels of performance and compliance.

FINANCIAL IMPLICATIONS

This initiative is budgeted for within the 2021-2022 budget, which can be addressed at a budget review.

CONSULTATION/ENGAGEMENT

Chief Executive Officer
Councillors
Communications and Marketing Team
Community Engagement Survey

RISK ASSESSMENT

The following risks were identified:

- Lack of interest from the community in the subject matter
- The process creates confusion around local government election procedures
- The community is unhappy with the outcome
- Reputational impact on Council
- Timeliness of the process and engagement with the Community

TIMINGS/DEADLINES

The Department recommend that electoral arrangement reviews be conducted in the two-year period following a Local Government Quadrennial Election. This means consultation and Council resolution would need to have occurred before March 2022. Aside from other

influences in the current environment, there may not be sufficient time to undertake the process effectively for any change in the 2024 Local Government Election.

CONFLICT OF INTEREST DECLARATION

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

HUMAN RIGHTS IMPACT

Section 58 of the Human Rights Act 2019 specifies required conduct for public entities when acting or making a decision. Sections 15-37 of the Human Rights Act 2019 identifies the human rights a public entity must consider in making a decision. The human rights relevant to this decision are as follows:

- Section 19 – Freedom of movement.
- Section 21 – Freedom of expression.
- Section 24 – Right to own property and not be arbitrarily deprived of property.
- Section 27 – Cultural rights – generally – all persons with a particular cultural, religious, racial, or linguistic background have the right to enjoy their culture, to declare and practice their religion and use their language.
- Section 28 – Cultural rights – Aboriginal peoples and Torres Strait Islander peoples.

This decision does not limit the above identified human rights.

ALTERNATIVES CONSIDERED

The following options have been discussed and while the decision to defer the work is proposed, other options have been considered around the decision and this process.

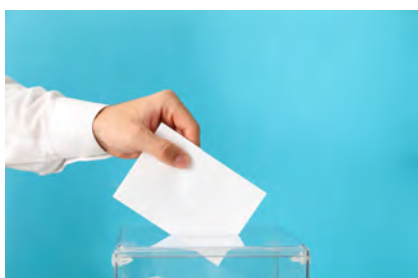
	Description	Positives	Negatives
Option 2	Request the Minister to refer the review of Council's Electoral Arrangements to the Change Commissioner, with the view to becoming 'undivided' for the 2024 elections and undertake no community consultation.	Faster process	This option risks getting residents 'off-side' and not supporting the change, suspecting some hidden agenda, as they were not involved in the preparatory discussions.
Option 3	Consult with the community on their views on becoming 'undivided' for the 2024 local government elections, before contacting the Minister.	This option involves the community in the Council decision making process and residents gives some ownership of the proposal. It may also reduce the consultation undertaken by the Change	This process takes a long time and could possibly clash with a by-election.

		Commission.	
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Consultation Summary

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KEY RESULTS

Residents were asked to choose between two proposed options available for the next local government election in 2024, including 'No Change - remain a 'Single Member Division', or becoming 'Undivided'.

APPROACH

We recently consulted with residents across the Whitsunday Region on our current electoral arrangements.

There were two proposed options presented which are available for the next local government election in 2024.

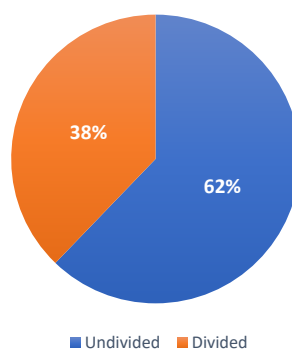
Option 1 - No change - remaining as Single Member Divisions

Option 2 - Undivided - no divisions across the region.

Residents were asked to choose which of these options is their preferred choice via one of the methods outlined in the graph below right.

Consultation was open from 16 to 30 March 2022.

SUBMISSION RESULTS



■ Undivided ■ Divided

Residents had a choice of submitting their response through a variety of options including:

- Your Say Whitsunday website
- Email
- Customer Service Centre
- Mail

WHO GAVE FEEDBACK?

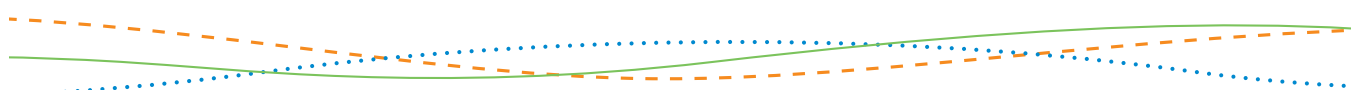
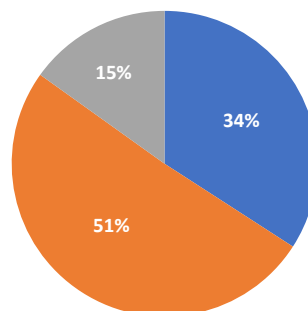
463 submissions were received from across the Whitsunday Region

NEXT STEPS

The consultation results were presented to Council at the Ordinary Meeting on (insert date) and (include outcome.)

SUBMISSION TYPE

■ Your Say Whitsunday ■ Email ■ Customer Service Centre





Consultation Summary

