



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

# Local Government Advisory Board

## 2019-20 Annual Report



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## Further information:

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Local Government Advisory Board

Annual Report 2019-20

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Reference: E2017526

## Chair's Report

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This has been an extraordinary and challenging year for the local government sector, our state as a whole and for every country around the globe. The COVID-19 pandemic changed the reality of what was being done and what could be done to help keep our communities vital, active and functioning.

While being mindful of community expectations and priorities, the Local Government Advisory Board (the Board) was largely able to maintain a “business as usual” approach to its work – and thus retain some stability in relation to its role within the local government sector in WA.

The Board would like to publicly acknowledge the amazing efforts of each and every local government – and to thank them for their leadership, spirit, common sense and flexibility during this time.

These challenges also highlight the importance of maintaining the close relationships between local governments and their communities – as we continue through the recovery phase of the pandemic.

For the sector, the first half of the financial year included the October 2019 local government elections.

In preparing for the elections, many councils undertake ward and representation reviews to ensure a balanced ratio of councillors to electors and to ensure that the number of councillors provides reasonable and appropriate representation for the size of the district.

Ahead of the 2019 elections, the Board analysed and assessed 13 individual ward and representation reviews – with the Minister for Local Government approving all of the recommendations. The Board would like to acknowledge the work done and to thank those local governments that submitted reviews for consideration.

Since the 2019 elections, the Board has assessed two further reviews – where any approved changes will be implemented ahead of the next local government elections.

I would like to acknowledge the continued work of the Department of Local Government, Sport and Cultural Industries in its review of the *Local Government Act 1995*, which is a significant and long-term undertaking. The objective of the review is to have a new, modern Act that empowers local governments to better deliver for the West Australian community.

As always, I express my sincere appreciation to the members and deputies for their contribution to the ongoing operations of the Board. Their depth of knowledge and experience delivers a professional, knowledgeable and independent approach to the decision-making process, which ultimately benefits the local government sector.

I would also like to thank our executive staff, Julie Knight and Julie Craig, who provided great support to the Board throughout the year. Your assistance helps us to operate in an efficient and effective manner. I look forward to the Board continuing its excellent work this coming year.

 Marion Blair OAM

**Marion Blair OAM**

Chair – Local Government Advisory Board

31 August 2020

## Role and Function of the Board

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The Local Government Advisory Board (the Board) is a statutory body established under section 2.44 of the *Local Government Act 1995* (the Act).

The role of the Board is to consider proposals for changes to district boundaries and wards and representation structures of local governments. These proposals can be initiated by the Minister for Local Government (the Minister), local governments or electors. After the Board has considered a proposal, it makes a recommendation to the Minister about the proposal. The Minister has the option of either accepting or rejecting the recommendation.

The Board can also carry out other inquiries that the Minister may direct.

### Minister responsible

Hon. David Templeman MLA – Minister for Local Government; Heritage; Culture and the Arts

### Ministerial Statement of Expectation

The purpose of the Ministerial Statement of Expectation is to provide clarity as to the roles, values and objectives necessary to support an effective relationship between the Minister for Local Government and the Board. The Statement is publicly available on the [Local Government Advisory Board webpage](#) and covers the following topics:

- role and functions
- community participation
- requirement to consider proposals
- the Board's relationship with the Department of Local Government, Sport and Cultural Industries
- good governance
- the Board's communication with the Minister.

### Local Government Advisory Board Statement of Intent

The Board responded to the Minister's Statement of Expectation with a Statement of Intent, which outlines how they will implement the Minister's expectations. This statement is also available on the [Board's webpage](#).



# The Board's Guiding Principles

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The Board's Guiding Principles form the basis for the consideration of any changes to local government boundaries and take into account the eight factors set out in the Act which are detailed below.

## 1. Community of interests

Community of interests include parts of a district that share common interests, values, characteristics and issues giving rise to a separate sense of identity or community. Factors contributing to a sense of identity or community include shared interest and shared use of community facilities. For example, sporting, leisure and library facilities create a focus for the community.

The use of shopping areas and the location of schools also act to draw people together with similar interests. This can also give an indication about the direction that people travel to access services and facilities. The external boundaries of a local government need to reflect distinct communities of interest wherever possible.

Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging. The Board believes that wherever possible, it is inappropriate to divide the units between local governments.

## 2. Physical and topographic features

Physical and topographic features may be either natural or man-made and will vary from area to area. They may include:

- water features (such as rivers)
- catchment boundaries
- coastal plains and foothills
- parks and reserves
- man-made features (such as railway lines or freeways).

These features can form identifiable boundaries and can also act as barriers to movement between adjoining areas. In many cases, physical and topographic features are appropriate district and ward boundaries. The Board supports local government structures and boundaries that facilitate the integration of human activity and land use.

## 3. Demographic trends

Local governments should consider the following characteristics when determining the demographics within their locality:

- population size
- population trends
- distribution by age

- gender
- occupation.

Current and projected population factors are also relevant, as well as similarities and differences between areas within the local government.

## 4. Economic factors

Economic factors can include anything that reflects the range of economic activities and resources in the area including:

- industries within the local area
- distribution of community assets
- infrastructure.

## 5. History of the area

The history of an area can be a relevant consideration, although the Board believes that in most cases this will not be a primary justification for changing or retaining local governments and local government boundaries. The nature of historical ties between communities is important to understand, irrespective of where the local government boundaries lie.

A community within a local government may have a strong historical identity; alternatively there may be strong historical links between two or more communities in adjacent local governments. It is important to note that historical identity is not lessened if an area does not have its own local government.

## 6. Transport and communication

The transport and communication linkages between towns and other areas may be a significant barrier to movement and therefore an appropriate boundary between local governments.

The following factors are important in any assessment of local government boundaries:

- port access
- neighbouring towns
- railways
- major roads.

## 7. Matters affecting the viability of local governments

A local government should have a significant resource base:

- to be able to efficiently and effectively exercise its proper functions and delegated powers and operate facilities and services
- to be flexible and responsive in exercising its functions and powers, and operating its facilities and services

- to employ appropriate professional expertise and skills
- to be capable of embracing micro-economic reform.

Each local government should have a diverse and sufficient rate base to ensure that general purpose grants do not represent the major revenue source.

## 8. Effective delivery of local government services

A broad range of factors can be relevant to the effective delivery of local government services and these are often directly relevant to those that also affect the viability of local governments. They include:

- the size and geographical spread of the population
- management effectiveness and efficiency
- the availability of staff expertise
- appropriate infrastructure and equipment
- customer satisfaction and feedback.



## Membership of the Board

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There are five members on the Local Government Advisory Board. The Chair is appointed by the Minister. The Minister also appoints two members from nominations made by the Western Australian Local Government Association (WALGA), and one member from nominations made by Local Government Professionals Australia (LG Pro) WA. The Board also includes one member who is an officer of the Department of Local Government, Sport and Cultural Industries (DLGSC).

Four deputy members are also appointed to officiate in the absence of members.

All appointments must be approved by Cabinet on the recommendation of the Minister and then by the Governor in Executive Council.

The current membership of the Board is as follows:

### **Chair**

Ms Marion Blair

### **WALGA Nominees**

Cr Karen Chappel

Mayor Dennis Wellington (Deputy to Cr Chappel)

Cr Russ Fishwick

Cr Karen Wheatland (Deputy to Cr Fishwick)

### **LG Pro Nominees**

Mr Anthony Vuleta

Ms Helen Sarcich (Deputy to Mr Vuleta)

### **DLGSC officers**

Ms Mary Adam (Deputy Chair)

Ms Narrell Lethorn (Deputy to Ms Adam)

### **Expiry of terms of office – August 2020**

There are no members or deputy members whose terms of appointment expire on 31 August 2020.

## Member profiles (as at 31 August 2020)

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### **Ms Marion Blair – Chair**

Marion Blair was appointed as Chair of the Board in September 2018. Her term of appointment concludes in August 2021. Marion was previously a councillor with the City of Mandurah and also with the City of Belmont where she was Deputy Mayor for nine years. In 2015, she was awarded the Medal of the Order of Australia in the General Division for service to local government, to the community of Perth and to women. Marion is a life member of the Australian Local Government Women's Association of Western Australia.

### **Ms Mary Adam – Deputy Chair**

Mary Adam has been a member and Deputy Chair of the Board since 2013. Her term of appointment concludes in August 2022. Mary currently works with the Department of Local Government, Sport and Cultural Industries as General Counsel. She is a member of the Australian Corporate Lawyers Association, Women on Boards and United Nations (UN) Women Australia.

### **Cr Karen Chappel – Member**

Karen Chappel has been a member of the Board since 2011. Her term of appointment concludes in August 2021. Karen was a deputy member of the Board until 2015, after which she was appointed as a member. She was elected to the Shire of Morawa in 2005, and has served as President since 2009. Karen is WALGA Deputy President, is a WALGA Life Member and State Councillor and represents local government on various committees. Karen has a Diploma in Local Government (elected member) and is a graduate of the Australian Institute of Company Directors.

### **Cr Russ Fishwick – Member**

Russ Fishwick has been a member of the Board since 2016. His term of appointment concludes in August 2022. Russ has more than 40 years' experience as a serving local government officer and previously worked as the Executive Manager of Governance with the Town of Victoria Park. He has also acted in the role as its CEO. Russ is currently a councillor with the City of Joondalup and was first elected in 2006. He has also served two terms as its Deputy Mayor. Russ was the Chair of the Mindarie Regional Council for 10 years and is a current WALGA State Councillor.

### **Mr Anthony Vuleta – Member**

Anthony Vuleta has been a member of the Board since 2016. His term of appointment concludes in August 2022. Anthony has been the CEO of the Town of Victoria Park since 2014. He was previously President of the Institute of Public Works Engineering Australasia (WA) and is now a member of that Board. Anthony is also a member of the Burswood Park Board.

### **Ms Narrell Lethorn – Deputy member to Mary Adam**

Narrell Lethorn was appointed as a deputy member to the Board in April 2018. Her term of appointment concludes in August 2021. Narrell currently works with the Department of Local Government, Sport and Cultural Industries and has a Master of Business Administration.

**Mayor Dennis Wellington – Deputy member to Karen Chappel**

Dennis Wellington was appointed as a deputy member of the Board in September 2018. His term of appointment concludes in August 2021. He has been Mayor of the City of Albany since 2011. Dennis also has board experience with the Great Southern Development Commission, the WALGA Great Southern Zone and the National ANZAC Centre Advisory Group.

**Cr Karen Wheatland – Deputy member to Russ Fishwick**

Karen Wheatland was appointed as a deputy member of the board in September 2019. Her term of appointment concludes in August 2022. Karen has been a councillor with the City of Melville since 2017, where she is also a member of a number of committees. Karen is currently undertaking her Diploma in Local Government with WALGA.

**Ms Helen Sarcich – Deputy member to Anthony Vuleta**

Helen Sarcich was appointed as a deputy member of the board in September 2019. Her term of appointment concludes in August 2022. Helen is currently the deputy CEO at the Shire of Serpentine Jarrahdale. Helen's experience in local government dates back to 2006 and she has held positions with the Cities of Wanneroo, Rockingham, Kwinana and Fremantle. Helen was previously a councillor with the City of Kalgoorlie Boulder. She is the current president of the Peel Branch of LG Professionals.

## The Year in Review – Board Activities 2019-20

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### Creating, changing and abolishing district boundaries

#### **Proposal to amend the boundaries between the Shire of Nannup and the Shire of Manjimup (carried over from 2018-19 and finalised in 2019-20)**

In April 2019, the Board received a proposal from the Lower Donnelly River Conservation Association (LDRCA) to transfer 33 dwellings located on the Lower Donnelly River from the Shire of Nannup to the Shire of Manjimup. A petition signed by 42 petitioners who lease the Donnelly River huts accompanied the submission.

The basis of the proposal was that while the lessees of the 33 Nannup-based dwellings paid rates to their local shire, the lessees of a further 10 dwellings at the same location, but built on the opposite side of the river in Manjimup, were not required to pay rates to their local shire. The proponents argued that a boundary change should occur – so that none of the dwellings would be subject to council rates.

In June 2019, the Board commenced a formal inquiry into the LDRCA proposal, in accordance with the provisions of Schedule 2.1 of the *Local Government Act 1995* (the Act), which relates to creating, changing the boundaries of, and abolishing districts. This inquiry included a six-week public submission period which concluded in August 2019.

During the course of the inquiry, the Board met with the Shires with Manjimup and Nannup, and also with representatives of the LDRCA. A public meeting held in Nannup on 23 July 2019 was attended by around 90 people.

208 submissions were received in relation to the boundary change proposal – 92% supported the boundary change proposal and 8% opposed it.

While the majority of public submissions indicated a preference for the proposed boundary change, the Board noted that this is not unusual – as generally those seeking a change will be vocal and engaged, whereas those supporting the status quo may appear less active in comparison.

It was also noted that while the Shire of Manjimup was somewhat neutral about the proposal, the Shire of Nannup strongly opposed the boundary change.

The Board considered the eight prescribed matters in its deliberations of the LDRCA proposal, and concluded that while the proponents included the application of rates by the Shire of Nannup as one of the main reasons for their boundary change proposal, this is not a valid criterion, in accordance with the Act.

In summary, the Board did not recommend in favour of the LDRCA boundary change proposal for the following reasons:

- The current natural boundary of the Donnelly River is considered to be an appropriate boundary
- Only one of the two local governments supported the boundary change
- There would be a negative financial effect to the Shire of Nannup should they lose the rates from the 33 properties currently located within their boundaries
- The State Administrative Tribunal has determined that the application of rates by the Shire of Nannup in this case is legal and in accordance with the Act
- While the community of interests with the Shire of Manjimup has been demonstrated, it is only one of eight factors that the Board is required to consider.

Following a detailed analysis of the proposal, and consideration of all accompanying information and other evidence, the Board recommended that the Minister reject the LDRCA proposal.

The Minister accordingly accepted the Board's recommendation in November 2019, therefore no boundary change occurred.

### **Proposal to amend the boundaries between the City of Vincent and the City of Stirling (carried over from 2018-19 and finalised in 2019-20)**

In August 2019, the Advisory Board received a joint proposal from the City of Vincent and the City of Stirling to change the boundary between the two Cities. The boundary change would result in approximately 0.32 hectares of land being transferred from Vincent to Stirling. No landholders or businesses were affected by the proposal.

In December 2019, the Advisory Board determined that the proposal was one of a minor nature and therefore not one about which public submissions need be invited.

Following consideration of the proposal, the Board recommended that it be approved by the Minister. Accordingly, in December 2019, the Minister agreed with the Board's recommendation, with the boundary change being finalised and gazetted in April 2020.

## **Governance of the Advisory Board**

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During 2019-20, the Advisory Board continued to maintain its governance framework, including any required updates of the guidelines and submission templates for boundary change proposals and ward and representation reviews, which are available on the [Local Government Advisory Board webpage](#).

The Advisory Board meets annually or bi-annually to review its governance principles and documentation and to ensure currency and consistency with Public Sector Commission (PSC) guidelines.

The Advisory Board's charter, code of conduct, meeting procedures and communications protocol are being reviewed in 2020, in accordance with the PSC's good governance processes.

## **District boundary amendment proposals considered by the Board**

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Under schedule 2.1 of the Act, local governments may make proposals to create, change the boundaries of, or abolish districts.

The Board finalised its consideration of the following district boundary amendment proposals during 2019-20:

**Table 1: District boundary amendments 2019-20**

Local Governments	Matter	Gazettal Date
Shire of Nannup/ Shire of Manjimup	Transfer of territory (33 dwellings) from Shire of Nannup to Shire of Manjimup Proposal not approved by Minister	N/A
City of Vincent/ City of Stirling	Transfer of 0.32 hectare of land from City of Vincent to City of Stirling Proposal approved by Minister	24 April 2020

**Carried over to 2020-21**

There are currently no district boundary amendment matters under consideration by the Board in 2019-20 which would be finalised in 2020-21.

## Ward and representation amendment proposals considered by the Board

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Under schedule 2.2 of the Act, local governments with wards are required to conduct ward and representation reviews every eight years.

As 2020 is not a local government election year, it is relatively uncommon for councils to undertake ward and representation reviews during this period.

Consequently, there were only three ward and representation reviews conducted by local governments in 2019-20.

The following local government conducted a review during 2019-20 and resolved to maintain its existing ward boundaries and levels of representation:

- Shire of Menzies

Two other local governments submitted a proposal for change as a result of their reviews, as detailed in the table below. One of the reviews was finalised during 2019-20, and the other was still under consideration by the Board as at 30 June 2020.

## Proposals recommended to the Minister

**Table 2: Ward and representation proposals 2019-20**

Local Government	Matter	Gazettal Date
Shire of Perenjori	Abolish the shire's current four ward structure and implement a single district ward The number of councillors to be reduced from nine to seven	6 March and 9 June 2020



Shire of Dalwallinu	The number of councillors to be reduced from nine to eight	TBC
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### **Carried over from 2018-19**

There were no ward and representation matters under consideration by the Board in 2018-19 which would be finalised in 2019-20.

### **Carried over to 2020-21**

There is one ward and representation matter (Shire of Dalwallinu) which is currently under consideration by the Board in 2019-20 and which will be finalised in 2020-21.

## **Other Information**

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Information required to be reported under section 175ZE of the *Electoral Act 1907* (public agencies to report on certain expenditure) is included in the Annual Report of the Department of Local Government, Sport and Cultural Industries.

The following officers of the Department of Local Government, Sport and Cultural Industries provided executive, research and administrative support to the Board in 2019-20:

### **Officers:**

Ms Julie Knight – Manager, Local Government Executive Support

Ms Julie Craig – Strategy and Research Officer