

# **Minutes (Confirmed)**

Special Meeting of Council Wednesday, 7 August 2024



# **INDEX**

ltem 1.	ACKNOWLEDGEMENT OF COUNTRY / DECLARATION OF OPENING/	
	ANNOUNCEMENT OF VISITORS	. 3
Item 2.	ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE PREVIOUSLY GRANTED	. 3
Item 3.	OFFICER REPORT	. 4
ltem 4.	CLOSURE	. 6
Attachn	nents	

# Item 1. ACKNOWLEDGEMENT OF COUNTRY / DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Meeting opened at 4:02pm

# Item 2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE PREVIOUSLY GRANTED

### Attendees:

Cr Mandy Stephenson Shire President

Cr Dwight Coad Deputy Shire President

Cr Stuart Boekeman Member
Cr Geoffrey Chambon Member
Cr Matthew Sewell Member
Cr Sue Starcevich Member

### Staff:

Mr Sam Dolzadelli Chief Executive Officer

Mrs Tan Evans Executive Assistant and Governance Officer (Minutes)

### Item 3. OFFICER REPORT

### 3.1 CONSIDERATION OF ELECTORAL COMMISSIONERS WRITTEN AGREEMENT

FILE REFERENCE: Election Management

**REPORT DATE:** 1 August 2024

**APPLICANT/PROPONENT:** N/A **OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 9.1.4 – Ordinary Council Meeting 24 July 2024

**AUTHOR:** Tan Evans – Executive Assistant and Governance Officer

**REVIEWER:** Sam Dolzadelli – Chief Executive Officer **ATTACHMENTS:** a) Cost Estimate letter of 18 July 2024

b) Item 9.1.4 of 24 July 2024

c) Electoral Commissioners Written Agreement letter of

1 August 2024

### **PURPOSE OF REPORT:**

The purpose of this report is to recommend that Council resolve to accept the Electoral Commissioners Written Agreement.

### **BACKGROUND:**

To fill the vacancy left following Ms Elyssa Giedraitis' resignation as an elected member on Monday 15 July 2024, Council carried the following by absolute majority at the July Ordinary Council Meeting;

### That Council:

- 1. Resolve to declare an extraordinary election be held on Thursday 31st October 2024
- 2. Instruct the Chief Executive Officer to engage the Western Australian Electoral Commission to conduct the extraordinary election by postal vote.

Since that time, the Governance Officer has contacted the WAEC who have advised that the Commissioners Written Agreement that is only sent out AFTER the acceptance from Council of the initial cost estimate and commitment to proceed to an extraordinary election.

In order to proceed with the timeline set and to continue towards the extraordinary election date of 31 October 2024, Council are now required to formally;

- 1. Declare, the Electoral Commissioner to be responsible for the conduct of the extraordinary election, and
- 2. Decide, that the method of conducting the extraordinary election will be via postal election.

Section 4.61 requires the local government to resolve by absolute majority if the method of conducting the election will be by postal election.

### **POLICY REQUIREMENTS:**

Nil

### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995 – Part 4, Division 4. Local Government (Elections) Regulations 1997

### STRATEGIC IMPLICATIONS:

Nil

### **SUSTAINABILITY IMPLICATIONS:**

### Environment

There are no known environmental impacts associated with this proposal.

### Economic

There are no known economic impacts associated with this proposal.

### Social

There are no known social implications associated with this proposal.

### FINANCIAL IMPLICATIONS:

Costs estimated by the Western Australian Electoral Commission (WAEC) to oversee the postal vote election are approximately \$13,200 (inc GST), as previously circulated to Councillors prior to the July Ordinary Council Meeting.

**VOTING REQUIREMENTS:** Absolute Majority.

### MOVED: Cr STEPHENSON SECONDED: Cr SEWELL

That Council;

- 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 extraordinary election;
- 2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the extraordinary election will be a postal election.

CARRIED BY ABSOLUTE MAJORITY: 6/0 RESOLUTION: 010824

For: Against:

Cr M Stephenson

Cr D Coad

Cr S Boekeman

Cr M Sewell

Cr S Starcevich

# Item 4. CLOSURE

There being no further business, the Chairperson, Cr M Stephenson, declared the meeting closed at 4:03pm.

These minutes are to be confirmed at the next Council Meeting.

Cr M Stephenson

Shire President

Date



LGE 028

Mr Sam Dolzadelli Chief Executive Officer Shire of Wongan-Ballidu PO Box 84 WONGAN HILLS WA 6603

Dear Sam.

# Councillor vacancy – Local Government Extraordinary Election – Cost Estimate

I refer to an email enquiring about the cost to undertake an extraordinary election for the Shire of Wongan-Ballidu.

As you are aware, if a declaration has been made under section 4.20(4) of the *Local Government Act 1995*, the local government is required to meet the expenses of the Commissioner in connection with the election to the extent required by regulations.

As such, to assist with the Council's decision under section 4.20(4) of the *Local Government Act 1995*, the Commission has estimated the cost to conduct your Council's election as a postal election at approximately \$13.200 (inc GST) which is based on the following assumptions:

- 930 electors;
- response rate of approximately 60%;
- appointment of a non-local Returning Officer; and
- count to be conducted at your office using CountWA.

### Costs not included in this estimate:

- 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 matter.
- · local government staff members to issue replacement votes; and
- the cost of any casual staff to assist the Returning Officer on election day or night

This cost estimate is **not** to be taken as my written agreement to be responsible for the conduct of the local government extraordinary election for the Shire of Wongan-Balllidu in accordance with section 4.20(4) of the *Local Government Act 1995*.

I will provide that written agreement upon receiving written confirmation from you that:

- A. Your Council agrees to the costs estimate of approximately \$13,200 (inc GST) as set out above; and
- B. You agree that, upon receiving my written agreement, the following two motions will be presented to your Council (unchanged):
  - 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 extraordinary election;
  - 2. decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the extraordinary election will be as a postal election.

For the Commission to conduct the extraordinary election as a postal election, your Council will then need to pass the above two motions (unchanged) by an absolute majority after receiving my written agreement.

If you have any queries, please contact lgelections@waec.wa.gov.au.

Yours sincerely

P Robert Kennedy

**ELECTORAL COMMISSIONER** 

18 July 2024

### 9.1.4 SCHEDULING OF EXTRAORDINARY ELECTION

FILE REFERENCE: Election Management

**REPORT DATE:** 17 July 2024

**APPLICANT/PROPONENT:** N/A **OFFICER DISCLOSURE OF INTEREST:** Nil

**PREVIOUS MEETING REFERENCES:** 

**AUTHOR:** Sam Dolzadelli – Chief Executive Officer

ATTACHMENTS: Nil

### **PURPOSE OF REPORT:**

The purpose of this report is to recommend that Council resolve to set the date for the extraordinary election to fill one vacancy and resolve on the method of which the election will be conducted.

### **BACKGROUND:**

Ms Elyssa Giedraitis tendered her resignation as an elected member on Monday 15 July 2024. Section 4.9(1)(b) of the *Local Government Act 1995* requires that Council must determine the day in which the extraordinary election it to be held, and this decision must occur within one month of the vacancy being declared and the day cannot be later than four months after the vacancy is declared.

Section 4.61 requires the local government to resolve by absolute majority if the method of conducting the election will be by postal election.

### **POLICY REQUIREMENTS:**

Nil

### **LEGISLATIVE REQUIREMENTS:**

Local Government Act 1995 – Part 4, Division 4. Local Government (Elections) Regulations 1997

### STRATEGIC IMPLICATIONS:

Nil

### **SUSTAINABILITY IMPLICATIONS:**

#### Environment

There are no known environmental impacts associated with this proposal.

### Economic

There are no known economic impacts associated with this proposal.

### Social

There are no known social implications associated with this proposal.

### FINANCIAL IMPLICATIONS:

Small fee will be incurred to engage the Western Australian Electoral Commission (WAEC) to oversee the postal vote election.

### **COMMENT:**

Unlike the ordinary elections held biannually, extraordinary elections are not required to be held on the third Saturday in October. The WAEC recommend an election day of Thursday to save on costs and minimise the expense to the local government.

The latest date the extraordinary election can be held in this instance is 15 November 2024. As the WAEC require a minimum of 80 days' notice, this would mean they must be notified by 27 August 2024. As the August Ordinary Council Meeting is scheduled for Wednesday 28<sup>th</sup> of August, it is necessary to resolve to determine a day at this Ordinary Council Meeting held 24<sup>th</sup> of July.

As voters will have approximately 28 days to vote, it must be considered that school holidays are scheduled from 21 September 2024 to 6 October 2024. In order to attain maximum voting response, it is recommended that the extraordinary election be held on Thursday 31 October 2024.

Below is an overview of the timeline for the extraordinary election process (as recommended by WAEC).

- 1. Last date to declare WAEC to conduct election (80 days before) Monday 12th August
- 2. Last day for CEO to request an electoral roll (63 days before) Thursday 29th August
- 3. Roll close date (57 days before) **Wednesday 4<sup>th</sup> September**
- 4. Nominations open (51 days before) **Tuesday 10<sup>th</sup> September**
- 5. Nominations close (44 days before) **Tuesday 17<sup>th</sup> September**
- 6. Last day for CEO to prepare owner/occupier roll (43 days before) **Wednesday 18<sup>th</sup> September**
- 7. Election packages lodged with Australia Post (30 days before) Tuesday 1st October
- 8. Packages start to be received (approx. 28 days before) **Thursday 3<sup>rd</sup> October**
- 9. Last day of statutory notice of election (26 days before) Saturday 5<sup>th</sup> October
- 10. Election date Thursday 31st October

**VOTING REQUIREMENTS:** Absolute Majority.

**UPDATE TO COUNCIL:** WAEC written quote as distributed to Councillors via email prior to the

meeting is estimated at \$13,200.

### MOVED: Cr STEPHENSON SECONDED: Cr SEWELL

## That Council:

- 1. Resolve to declare an extraordinary election be held on Thursday 31st October 2024
- 2. Instruct the Chief Executive Officer to engage the Western Australian Electoral Commission to conduct the extraordinary election by postal vote.

CARRIED: 5/0

**Against:** 

**RESOLUTION: 050724** 

For:

Cr M Stephenson Cr D Coad Cr S Boekeman Cr M Sewell

Cr S Starcevich



Mr Sam Dolzadelli Chief Executive Officer Shire of Wongan-Ballidu PO Box 84 WONGAN HILLS WA 6603

Dear Sam.

## Councillor vacancy - Local Government Extraordinary Election -Written Agreement

I refer to a letter dated 1 August 2024 in which you accept the Western Australian Electoral Commission's Cost Estimate for the 2024 Local Government Extraordinary Election and commit to take it to your next council meeting on the 21 August 2024.

For the purposes of section 4.20(4) of the Local Government Act 1995, this letter constitutes my written agreement to be responsible for the conduct of the local government extraordinary election for the Shire of Wongan-Ballidu subject to your Council passing the following two motions (unchanged):

- 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 extraordinary election; and
- 2. decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the extraordinary election will be as a postal election.

For the Commission to conduct the extraordinary election as a postal election, your Council will then need to pass the above two motions (unchanged) by an absolute majority upon receipt of this letter.

Once the Council passes the above mentioned motions, please forward confirmation to the Commission to the email address below.

If you have further queries, please contact lgelections@waec.wa.gov.au.

T (08) 9214 0400

Yours sincerely,

Robert Kennedy

**ELECTORAL COMMISSIONER** 

01 August 2024