



Agenda

Special Meeting of Council
Wednesday, 7 August 2024





Shire of Wongan-Ballidu

NOTICE OF A SPECIAL COUNCIL MEETING

Dear Elected Members

I advise that the Special Meeting of the Shire of Wongan-Ballidu will be held on Wednesday, 7 August 2024 commencing at 4.00pm at Council Chambers, Shire of Wongan Ballidu, Corner Quinlan Street and Elphin Crescent, Wongan Hills WA 6603

SAM DOLZADELLI

CHIEF EXECUTIVE OFFICER

Disclaimer

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Wongan-Ballidu warns that any person(s) who has an application lodged with Council should rely only on written confirmation of the decision made at the Council meeting. No responsibility whatsoever is implied or accepted by the Shire of Wongan-Ballidu for any act, omission, statement or intimation taking place during a Council meeting.

AGENDA INDEX

Item 1. ACKNOWLEDGEMENT OF COUNTRY / DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS.....	4
Item 2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE PREVIOUSLY GRANTED	4
Item 3. OFFICER REPORT	5
Item 4. CLOSURE.....	7
Attachments.....	8

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

Acknowledgement of Country: -

"I'd like to begin by acknowledging the first nations people of the land on which we meet today. I would also like to pay my respects to Elders past, present and emerging."

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

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.

OFFICER RECOMMENDATION:

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.

ABSOLUTE MAJORITY REQUIRED

Item 4. CLOSURE



WESTERN AUSTRALIAN
Electoral Commission

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-Ballidu 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-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 28th of August, it is necessary to resolve to determine a day at this Ordinary Council Meeting held 24th 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 4th September**
4. Nominations open (51 days before) – **Tuesday 10th September**
5. Nominations close (44 days before) – **Tuesday 17th September**
6. Last day for CEO to prepare owner/occupier roll (43 days before) – **Wednesday 18th 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 3rd October**
9. Last day of statutory notice of election (26 days before) – **Saturday 5th 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

RESOLUTION: 050724

For:

Cr M Stephenson

Cr D Coad

Cr S Boekeman

Cr M Sewell

Cr S Starcevich

Against:



WESTERN AUSTRALIAN
Electoral Commission

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.

Yours sincerely,

A handwritten signature in blue ink, reading 'R Kennedy'.

Robert Kennedy
ELECTORAL COMMISSIONER
01 August 2024