

Shire of Lake Grace



Special Council Meeting

Minutes

1 October 2015

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SHIRE OF LAKE GRACE

Minutes of the Special Meeting of Council held at Council Chambers, 1 Bishop St Lake Grace on Thursday 1 October 2015.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (Shire President) opened the meeting at 6:00 pm and advised that today's special meeting had been convened to consider the 2015 Extraordinary Election for the position of one Elected Member for the Rural Ward.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr AJ Walker	Shire President
Cr LW Armstrong	
Cr R Chappell	
Cr DS Clarke	<i>entered the meeting at 6:05 pm</i>
Cr SG Hunt	
Cr AD Marshall	
Cr MG Stanton	

In Attendance

Mr NA Hale	Chief Executive Officer
Ms D Gobbart	A/Manager Corporate Services
Mrs J Bennett	Executive Assistant

2.2 APOLOGIES

Cr JF De Landgraft	Deputy Shire President
Cr DP Sinclair	

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Cr Chappell - Motion 12115 September 2015

Cr Chappell has approved leave of absence from 11 October to 18 October 2015.

3.0 PUBLIC QUESTION TIME

No members of the public present.

4.0 DECLARATIONS OF INTEREST

4.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A

None

4.2 DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT 1995 SECTION 5.60B

None

4.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

None

5.0 MATTERS FOR CONSIDERATION

5.1 EXTRAORDINARY ELECTION – DECEMBER 2015

Applicant:	WA Electoral Commissioner
File No.	0229
Attachments:	Letter
Author:	Mr Neville Hale Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	1 October 2015
Senior Officer:	Mr Neville Hale Chief Executive Officer

Summary

For Council to appoint the Electoral Commissioner to be responsible for the conduct of the proposed 23 December 2015 Extraordinary election.

Background

Following the closure of nominations for the 17 October 2015 Ordinary Elections, there remained one vacancy not filled for the Rural Ward. In accordance with s4.57 of the Local Government Act, 1995 an extraordinary election is required to be held.

The Electoral Commissioner has agreed to be responsible for the conduct of an extraordinary election on the proviso that the election is conducted as a postal election on a day to be determined by Council.

It is suggested that the extraordinary election be held on Wednesday, 23 December 2015 so as to avoid the Christmas/New Year period.

4.9. Election day for extraordinary election

(1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed

(a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or

(b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).

(2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.

(3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —

(a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and

(b) advise the CEO of the day fixed.

Comment

Following discussions with the Electoral Commission officers and the Department of Local Government and Communities it was established that the most appropriate option that meets the statutory requirements was to set the election date as 23 December 2015.

This avoids the Christmas New year period and the fact that the community in general takes vacation during January.

The nominated date would see the electoral packages being sent to voters as early as 25 November 2015, with ample time to have them returned and processed prior to the Christmas/New Year and school holiday period.

Legal Implications

Local Government Act 1995:

Section 4.57. Less candidates than vacancies

(1) If, at the close of nominations, there are no candidates for the office or offices to be filled at the election, an extraordinary election is to be held to fill the office or offices as if it or they had become vacant on the day after the close of nominations.

(2) If, at the close of nominations, the number of candidates is less than the number of offices to be filled at the election —

(a) the candidate or candidates is or are elected; and

(b) an extraordinary election is to be held to fill the remaining office or offices as if it or they had become vacant on the day after the close of nominations.

(3) If, at the close of nominations for an extraordinary election required under subsection (1) or (2) there are no candidates or the number of candidates is less than the number of offices to be filled at the election, the council may appoint to any unfilled office a person who would be eligible to be a candidate for election to the office and who is willing to accept the appointment.*

** Absolute majority required.*

(4) A person appointed under subsection (3) is to be regarded as having been elected.

Policy Implications

N/A

Consultation

External: Electoral Commission – Manager Local Government Elections
Department of Local Government and Communities – Jenny Law

Financial Implications

The estimated cost to conduct the extraordinary election is \$8,000 including GST.

Additional cost will be incurred for non-statutory advertising (community newspapers). This is in accordance with 2015/16 Budget provisions.

Strategic Implications

Shire of Lake Grace Strategic Community Plan

- CL1 All members of the community feel well represented and have opportunities to contribute to Shire decision making.

Voting Requirements

Absolute (5) majority required.

Recommendation / Resolution

MOTION 12141

Moved Cr Armstrong
Seconded Cr Chappell

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 to be held on Wednesday, 23 December 2015; 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.
3. Acknowledge the Electoral Commissioner's approval, in accordance with section 4.37(3)(b) of the Local Government Act 1995, of the use of the roll prepared for the 17 October 2015 ordinary election for the forthcoming extraordinary election.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

6.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 6:10 pm.

7.0 CERTIFICATION

I _____, certify that the minutes of the special meeting held on the 1 October 2015 as shown were confirmed as a true record at the meeting held on the 21 October 2015.

Chairman

Date