

Shire of Lake Grace

Special Council Meeting

Minutes

10 January 2013



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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 10 January 2013.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

1.1 MEETING ATTENDANCE BY WAY OF INSTANTANEOUS COMMUNICATION

Cr Farrelly had previously advised he wished to attend the meeting by way of instantaneous communication as he is currently on holiday.

MOTION 11573

Moved Cr Newman
Seconded Cr De Landgraft

That Cr Farrelly's attendance at today's meeting by means of instantaneous communication be approved as per *Regulation 14A of the Local Government Administration Regulations 1996*.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr LW Armstrong	Shire President
Cr IG Chamberlain	Deputy Shire President
Cr R Chappell	
Cr JF De Landgraft	
Cr WA Newman	
Cr DP Sinclair	
Cr AJ Walker	

Mr GK Simpson	Acting Chief Executive Officer
Mrs L Trevenen	Coordinator Finance & Administration

Cr OP Farrelly was to have attended via phone link up however did not phone in whilst the meeting was in progress. He phoned in at 2.12pm and the President duly informed him of the resolution.

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

Nil

3.0 PUBLIC QUESTION TIME

Nil

4.0 DECLARATIONS OF INTEREST

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

Nil

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

Nil

4.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

Nil

5.0 MATTERS FOR CONSIDERATION

5.1 LAKE GRACE WARD – EXTRAORDINARY ELECTION 4 APRIL 2013

Applicant:	Western Australian Electoral Commission
File No.	0229
Attachments:	Letter dated 2 January 2013 Proposed Election Timetable
Author:	GK Simpson Acting Chief Executive Officer
Disclosure of Interest:	Nil
Date of Report:	3 January 2013

Summary

The purpose of this report is to seek council's support to approve the WA Electoral Commissioner to be responsible for conducting an Extraordinary Election for the Lake Grace Ward by the method of conducting the election as a postal election with Thursday 4 April 2013 to be the nominated election day.

Background

The extraordinary vacancy has arisen from the resignation submitted by former Councillor Mrs Amanda Milton and to be effective from 19 December 2012.

The Local Government Act 1995 sets out in Section 4.17 cases where the vacancy may remain unfilled until the following biennial election, however the timing of the resignation does not allow the deferral to occur.

Section 4.20 of the *Act* provides that the Chief Executive Officer is the returning officer of a local government for each election unless Council appoints a person other than the CEO. Section 4.20(4) of the *Act* enables a local government to declare the Electoral Commissioner to be responsible for the conduct of the election having first obtained the Commissioner's written agreement.

Furthermore, section 4.61 of the *Act* enables a local government to conduct the election as a postal election.

In the attached letter, the Commissioner has agreed to conduct the Extraordinary Ward Election and seeks Council's endorsement in accordance with the requirements of the *Act*.

Comment

Council has previously acknowledged the benefits of postal elections, namely:

- Increased voter participation;
- Convenience for electors;
- The availability of an experienced Returning Officer at "arms length" from local government business;
- Detailed candidates guides prepared by the Commissioner;
- All eligible electors being given information about the election; and
- Statutory requirements are fulfilled.

Legal Implications

Local Government Act, 1995 – Part 4
s4.20(4) – Electoral Commissioner to conduct election
s4.61(2) – Postal Elections

Policy Implications

Nil

Consultation

Internal: Senior Management Team

External: WA Electoral Commission

Financial Implications

The Electoral Commission has advised that:

The estimated cost to conduct the extraordinary election would be \$8,500 (Inc GST) which has been based on the following assumptions:

- 550 electors;
- response rate of approximately 50%; and
- count to be conducted in Lake Grace.

Costs not incorporated in this estimate include:

- 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; and
- one local government staff member to work in the polling place on election day.

Voting Requirements

Absolute Majority Required (5)

Recommendation/Resolution

MOTION 11574

Moved Cr Chappell
Seconded Cr Newman

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 election will be as a postal election.

MOTION CARRIED BY ABSOLUTE MAJORITY 7/0

6.0 CONFIDENTIAL BUSINESS – as per Local Government Act s5.23 (2)

Nil

7.0 CLOSURE

There being no further business, the President closed the meeting at 2.07pm.

8.0 CERTIFICATION

I Leonard William Armstrong certify that the minutes of the Special Meeting held on the 10 January 2013 as shown were confirmed as a true record at the meeting held on the 27 February 2013.

President

Date