



Shire of Pingelly

Minutes

Special Council Meeting
9 October 2019

SHIRE OF PINGELLY

Minutes from the Special Meeting of Council to be held in the Council Chambers, 17 Queen Street, Pingelly on Wednesday 9 October 2019 – commencing at 9am.

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 9.13am.

2. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Noongar people of this area and recognise their continuing connection to land, waters and community. We pay respect to both the Aboriginal and non-Aboriginal people past and present.

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

3.1 Council Agenda Reports

Please note that all elected members have been provided with the relevant information pertaining to each Officers reports within today's Agenda and the Officer Recommendations are based on Council Policy and or State Acts and Legislation.

4. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Nil

MEMBERS PRESENT

Cr WV Mulrone
Cr DI Freebairn
Cr BW Hotham
Cr EJ Hodges

STAFF IN ATTENDANCE

Julie Burton Chief Executive Officer

APOLOGIES

Cr K Hastings
Cr PJ Wood
Cr J McBurney
Cr JM Walton-Hassell
S Billingham Director Corporate and Community Services
D Watkins Director Technical Services
L Boddy Executive Assistant

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6. PUBLIC QUESTION TIME

No members of the public present.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8. DISCLOSURES OF INTEREST

Nil.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

N/A

10. OFFICE OF THE CHIEF EXECUTIVE OFFICER

10.1 Extraordinary Election

File Reference: ADM0325
Location: Not Applicable
Applicant: Not Applicable
Author: Chief Executive Officer
Disclosure of Interest: Nil
Attachments: Nil
Previous Reference: Nil

Summary

Council is requested to set the date for an Extraordinary Election which is required to be held by 19 February 2020.

Background

At the close of nominations for the 2019 Local Government Elections, three (3) nominations were received and the candidates were declared elected. As there were four (4) vacancies, there is a requirement to have an extraordinary election to fill the remaining position on Council.

Comment

It is the responsibility of the President or the Council to set the date for holding an extraordinary election. An extraordinary election must be held within four months of the vacancy occurring, that is, by 19 February 2020.

An electoral roll is to be prepared for each election, except in the case where the extraordinary election day is less than 100 days after the Election Day for another election for the local government. Therefore, if Council wishes to have the extraordinary election before the 27 January 2020 it can use the existing roll with the approval of the Electoral Commissioner. If it would like to give eligible electors an opportunity to apply to go on the roll for the extraordinary election, a process of statewide public notice is required. It is proposed to update the residents roll, to ensure the option for both nominating to be an elected member, and to vote, is provided to new residents, and those who may not yet be on the roll.

The proposed date for the election is Friday 17 January 2020. This will assist in the potential of reducing costs due to proposed joint statewide advertising with the Shires of Wandering, Wagin and Williams, who will also be holding their election on Friday 17 January 2020.

Early voting will be able to be undertaken from 12 December 2019, with the close of early voting being 4pm on 16 January 2020.

Alternative dates have been considered, however due to the Christmas / New Year period, and the significant processes required leading up to the election date, mid January appears to be the best option to allow the preparation of an updated residents roll, candidate nominations, early voting and the election date.

The key dates for the election process based on a 17 January 2020 election are:

Process	Dates
State-wide public notice of the closing date and time for elector enrolments	8/11/2019 – 22/1/2019
Nominations open	4/12/2019
Nominations close	11/12/2019
Close of early voting	16/1/2020
Election Day	17/1/2020

Consultation

Western Australian Local Government Association

Statutory Environment

Local Government Act

Section 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.

Policy Implications

Nil

Financial Implications

There will be additional costs incurred due to the requirements to undertake Statewide advertising. These costs will be minimised if it is possible to share advertising with other Shires.

Strategic Implications

Strategic Community Plan Goal 5: Innovation, Leadership and Governance

Risk Implications

Risk	The key risk is in relation to the election process not being adhered to.
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Reputational / Legislative
Risk Action Plan (Controls or Treatment Proposed)	The timetable provided by the Department of Local Government Sport and Cultural Industries will be utilised throughout the election process.

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Voting Requirements

Simple Majority

12759 Moved: Cr Hodges Seconded: Cr Hotham

Recommendation and Council Decision:

That Council set the date for the Extraordinary Election to fill one (1) vacancy expiring 21 October 2023, as Friday 17 January 2020, and undertake the process of providing eligible electors an opportunity to be included on a new electoral roll.

Carried 4:0

11. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

Nil.

12. DIRECTORATE OF TECHNICAL SERVICES

Nil.

13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil


14. NEW BUSINESS OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

16. CLOSURE OF MEETING

The Chairman declared the meeting closed at 9.19am.

These minutes were confirmed by Council at the Ordinary Council Meeting held on 16 October 2019.

Signed.....
Presiding Person at the meeting at which the minutes were confirmed.