



## **ORDINARY MEETING OF COUNCIL**

### **LATE AGENDA ITEM**

**27 November 2024**

### 13.1 Extra Ordinary Election – revised election date

<b>File Reference:</b>	GV.05
<b>Reporting Officer:</b>	David Mosel, Chief Executive Officer
<b>Date Report Written:</b>	25 October 2024
<b>Disclosure of Interest:</b>	The author has no financial, proximity, or impartiality interests in the proposal.
<b>Voting Requirement:</b>	Simple Majority

#### Summary

To advise Council of a revised date for the Extra Ordinary election to ensure the statutory requirements of the WA Electoral Commission are adhered to.

#### Background

At the 30 October council meeting, it was resolved to hold the extra ordinary election on the 29 November to fill a vacancy following Cr Andrew Jones resignation.

Following our advice to the WA Electoral Commission of the proposed date, the WAEC advised that the date would not allow the required statutory timeframes required by the WA Electoral Commission and would therefore need to revise the election date.

#### Comment

In conjunction with the WA Electoral Commission a revised date of the 14 March 2025 has been proposed to ensure all statutory requirements are met. As the revised election date goes over the four month timeframe as required in The Local Government Act 1995, the Electoral Commission required written notification from the Shire President and Chief Executive Officer.

Upon the formal confirmation from the Electoral Commission a revised date needs to be noted by the Council.

#### Statutory Environment

##### Local Government Act 1995

##### s.4.8. Extraordinary elections

- (1) If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32, an election to fill the office is to be held, except if the vacancy is filled under Schedule 4.1A or 4.1B.
- (2) An election is also to be held under this section if section 4.57 or 4.58 so requires.
- (3) An election under this section is called an extraordinary election.

##### s.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.

### **Financial Implications**

The cost of the extraordinary election has not been budgeted for, as such an eventuality was not anticipated. This will need to be accounted for through the Budget Review.

### **Strategic Implications**

Shire of Ngaanyatjarraku Plan for the Future 2021-2031

#### Goal 3 – Our Leadership

Outcome 7 – Good leadership, effectively representing and advocating for our communities.

Strategy 7.2 – Advocate on behalf of our communities

### **Risk Management**

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “High” risk with prioritised action required.

### **Policy Implications**

There are no known policy implications for this matter.

### **Attachments**

Nil

**Officers Recommendation:**

1. That Council notes that the original date of 29 November 2024 for the Extraordinary Election resolved at the 30 October 2024 Council meeting, will require changing to meet the WA Electoral Commission Statutory timeframe and a proposed date of 14 March 2025 is awaiting formal confirmation from the WA Electoral Commissioner.
2. Decide, in accordance with section 4.61 (2) of the Local Government Act 1994 that the method of conducting the extra ordinary election will held as a voting in person election.