

Ordinary Council Meeting

Notice of Meeting | 27th February 2025

I respectfully advise that the ORDINARY COUNCIL MEETING will be held in the Council Chambers, 10 Jennaberring Road, Quairading, WA on 27th February 2025 commencing at 2.00pm

Public are able to attend this meeting.

Public questions may be submitted electronically to this meeting. Please click on the link for further information <https://www.quairading.wa.gov.au/documents/1150/public-question-time-form>

Alternatively, Questions may be asked in Person.

LATE ITEM AGENDA ATTACHED



Natalie Ness
CHIEF EXECUTIVE OFFICER

Date: 25 February 2025

Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the Shire of Quairading during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Quairading. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received.

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ITEM 12 MATTERS FOR CONSIDERATION – GOVERNANCE & ADMINISTRATION**12.6 Vacancy on Council**

Responsible Officer Natalie Ness, Chief Executive Officer

Reporting Officer Marion Haeusler, Executive Officer

Attachments Nil

Voting Requirements Absolute Majority

Disclosure of Interest Reporting Officer: Nil
Responsible Officer: Nil

OFFICER RECOMMENDATION

That Council in accordance with Section 4.17(2) of the *Local Government Act 1995* apply to the Electoral Commissioner to allow the current vacancy on Council to remain unfilled until the Ordinary Local Government Elections on 18 October 2025.

IN BRIEF

On Wednesday, 19 February 2025, the Chief Executive Officer received notification from Cr Jo Haythornthwaite of her resignation from her positions as Shire President and Councillor for the Shire of Quairading, effective immediately.

Cr Haythornthwaite's term of office would have expired on 17 October 2025.

The *Local Government Act 1995* Section 4.17(2) allows for a vacancy to remain unfilled with approval of the Electoral Commissioner, if the vacancy occurred between the third Saturday of October the year before the term would have ended and the third Saturday of July in that election year.

This condition is fulfilled.

MATTER FOR CONSIDERATION

Council must consider the following:

- In-person election could be held no earlier than 16 May 2025 to allow for enough time to comply with electoral requirements.
- Postal elections would necessitate Council's resolution to task the Electoral Commission and could not be held earlier than 15 June 2025, unless Council held a Special Meeting before the March OCM for this purpose, to allow for the declaration to be made a minimum of 80 days before the election date.
- An election date must not be set later than four months following the office becoming vacant, 19 June 2025.
- Ordinary Local Government Elections 2025 are legislated to take place on 18 October 2025, nominations open 51 days before the election date, 28 August 2025.
- A new Councillor would hold office for a maximum of seven months and one week before the end of their term.

- The approximate cost for conducting a postal election would be between \$4,274.00 (one nomination, no election necessary) and \$13,100.00 (more than one nomination, election must be conducted).

BACKGROUND

In the event of a vacancy on Council following a resignation, the Shire President or Council must, according to section 4.9(1) of the Act, set a date for the extraordinary election to fill the vacancy within 30 days of the vacancy occurring.

If Council do not set a date for the extraordinary election, the Electoral Commissioner must fix a date and advise the Chief Executive Officer of this.

Section 4.17(2) sets out the special circumstance in which Council may apply to the Electoral Commissioner to allow for the vacancy to remain unfilled. Should the vacancy occur between 12 and 3 months before the term would have ended, that circumstance is fulfilled, and the application can be made.

In 2024, Council was obliged to fill one vacancy through extraordinary election with minimal success. The Electoral Commissioner was tasked with conducting the extraordinary election as a postal election and a cost estimate was received for \$13,100. In the first round of the extraordinary election, no nominations were received, and Council were obliged to conduct another round. The cost estimate for the second round was equally \$13,100.

One nomination was received in the second round of the extraordinary election and a new Councillor was elected unopposed.

Officers have not received invoices for the full cost of conducting the extraordinary election in 2024, but the first round alone was invoiced at \$4,274.00 excl GST.

If Council conduct an extraordinary election for this vacancy, several possibilities may occur:

- Best case scenario: If Council set the election date for the earliest possible date and one nomination is received. This will result in just over seven months of term left for the Councillor to be in office.
- Worst case scenarios: If no nomination is received for an early election and a second round must be conducted. This would lead to a very short term for the Councillor.

If the election is conducted at the latest possible date and no nomination is received, no second round would be possible, and the vacancy would have to be filled at the Ordinary Local Government Election in October.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

An additional extraordinary election is not considered in the 24/25 endorsed budget, this would have to be taken into consideration during the budget review in March 2025. The election could be included in the 25/26 budget. Conducting the extraordinary election would lead to costs in addition to those of the Ordinary Local Government Elections in October 2025.

ALIGNMENT WITH STRATEGIC PRIORITIES

5.4 Governance & Leadership: Implement systems and processes that meet legislative and audit obligations

CONSULTATION

Nil

RISK MANAGEMENT PRIORITIES

This report addresses the following identified Strategic Risk Management Priorities:

3.3 Governance, Financial and Compliance Risks: Organisational Misconduct

3.1 Governance, Financial and Compliance Risks: Financial Viability and Asset Management

RISK ASSESSMENT

	Option 1
Financial	Medium <i>An extraordinary election to fill the current vacancy would pose an additional cost that Council is not obligated to incur.</i>
Health	N/A
Reputation	High <i>As Ordinary Local Government Elections are already being conducted this year, the community might not agree that there is a cost benefit to filling the vacancy in the meantime.</i>
Operations	Medium <i>Depending on the mode of conducting an extraordinary election, the process could add considerably to Officer’s ordinary workload and pose some interruption to normal operations.</i>
Natural Environment	N/A

	Consequence				
Likelihood	Insignificant	Minor	Moderate	Major	Critical
Rare	LOW Accept the risk Routine management	LOW Accept the risk Routine management	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review
Unlikely	LOW Accept the risk Routine management	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review
Possible	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	HIGH Quarterly senior management review
Likely	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	HIGH Quarterly senior management review	EXTREME Monthly senior management review
Almost certain	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	EXTREME Monthly senior management review	EXTREME Monthly senior management review

COMMENT

Nil