

Council Agenda

SPECIAL COUNCIL MEETING

5.00pm, 29 January, 2009

Civic Centre,

Dundebar Road, Wanneroo

Recording of Council Meetings Policy

Objective

- To ensure that there is a process in place to outline access to the recorded proceedings of Council.
- To emphasise that the reason for recording of Council Meetings is to ensure the accuracy of Council Minutes and that any reproduction is for the sole purpose of Council business.

Statement

Recording of Proceedings

- (1) Proceedings for meetings of the Council, Electors, Audit Committee and Public Question Time during Council Briefing Sessions shall be recorded by the City on sound recording equipment, except in the case of meetings of the Council where the Council closes the meeting to the public.
- (2) Notwithstanding subclause (1), proceedings of a meeting of the Council which is closed to the public shall be recorded where the Council resolves to do so.
- (3) No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council.

Access to Recordings

- (4) Members of the public may purchase a copy of recorded proceedings or alternatively listen to recorded proceedings with the supervision of a City Officer. Costs of providing recorded proceedings to members of the public will be the cost of the CD plus staff time to make the copy of the proceedings. The cost of supervised listening to recorded proceedings will be the cost of the staff time. The cost of staff time will be set in the City's schedule of fees and charges each year.
- (5) Elected Members may request a recording of the Council proceedings at no charge. However, no transcript will be produced without the approval of the Chief Executive Officer. All Elected Members are to be notified when recordings are requested by individual Members.

Retention of Recordings

- (6) Recordings pertaining to the proceedings of Council Meetings shall be retained in accordance with the State Records Act 2000 (General Disposal Authority for Local Government Records). The current requirement for the retention of recorded proceedings is thirty (30) years.

Disclosure of Policy

- (7) This policy shall be printed within the agenda of all Council, Special Council, Electors and Special Electors meetings to advise the public that the proceedings of the meeting are recorded.



City of Wanneroo

Notice is hereby given that a Special Council Meeting will be held at the Civic Centre,
Dundebar Road, Wanneroo on **Thursday** 29 January, 2009 commencing at **5.00pm.**

D Simms
Chief Executive Officer
27 January 2009

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A G E N D A

Item 1 Attendances

Item 2 Apologies and Leave of Absence

Item 3 Public Question Time

Please Note: Section 7(4)(b) of the Local Government (Administration) Regulations 1996 states that:

“a Council at a Special Meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked”.

Item 4 Reports

Declarations of Interest by Elected Members, including the nature and extent of the interest. Declaration of Interest forms to be completed and handed to the Chief Executive Officer.

SPC01-01/09 Extraordinary Election - North Ward Vacancy

File Ref:	S11/0018
Responsible Officer:	Director Governance & Strategy
Disclosure of Interest:	Nil
Attachment(s):	1

Issue

To consider calling an extraordinary election for the position of North Ward Councillor following the resignation of Councillor Paul Miles.

Background

On 23 January 2009, the Chief Executive Officer received a letter of resignation effective from 12 February 2009 from Councillor Paul Miles. Councillor Miles who was elected to State Parliament in September 2008 has stated that his reasons for resignation are due to his increased commitments and possible conflicts of interest that may arise from his dual roles.

Detail

If the office of a Councillor becomes vacant because of the resignation of a member, an extraordinary election must be held within four months of the vacancy occurring.

The filling of extraordinary vacancies that occur after the third Saturday in January up until the third Saturday in July in an election year can be deferred if approved by the Electoral Commissioner under *Section 4.16* of the *Local Government Act 1995*.

Should Council wish to hold an extraordinary election, then in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner has agreed in writing to be responsible for the conduct of the election on a date to be appointed by Council. Council will need to resolve by absolute majority that it requires the Commission to be responsible for the conduct of the election and that it be conducted as a postal election.

The Electoral Commission has in the interim provided an extraordinary election timetable (**Attachment 1**) which highlights the critical dates in the election process and a suggested polling day of Thursday 07 May 2009. Council has the opportunity to change the date, however it must be no later than four months from the date of vacancy.

The Commission is required by the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis. Costs may vary depending on a range of factors including the cost of materials or number of replies received. The basis for their charges is all materials at cost and a margin on staff time only. The estimated cost to conduct the extraordinary election would be \$17,000 including GST which has been based on the following assumptions:

- 7,800 electors;
- response rate of approximately 35%; and
- count to be conducted in Wanneroo.

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.

Should Council wish to proceed, it is suggested that an estimate of up to \$20 000 be identified to include unforeseen costs and non statutory advertising and that funds be identified through the City's Mid Year Budget Review and a consequential budget variation in the 2008/09 budget affected accordingly.

However consideration should be given to the fact that the Local Government Ordinary Elections is set for Saturday 17 October 2009 and Section 4.16 (4) of the Local Government Act 1995 states:-

“(4) If a member's office becomes vacant under section 2.32;

- (a) after the third Saturday in January in an election year, but*
- (b) before the third Saturday in July in that election year,*

the council may, with the approval of the Electoral Commissioner, fix the ordinary election day in that election year, as the day for holding any poll needed for the extraordinary election to fill that vacancy.”

Council Administration would recommend that Council, due to budget and resource constraints, and with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled until the Ordinary Elections in October 2009.

Council has the option of :-

a) Allow the vacancy to remain unfilled until the Ordinary Elections in October 2009.

That Council in accordance with *Section 4.16 (4) of the Local Government Act 1995* REQUEST the approval of the Electoral Commissioner to allow Council to fix the ordinary election day of 17 October 2009 as the day for holding the poll for the extraordinary election to fill the vacancy in the North Ward.”

OR

b) Approving an extraordinary election for 7 May 2009:-

1. DECLARE, BY ABSOLUTE MAJORITY 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, BY ABSOLUTE MAJORITY 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. SET the extraordinary election date for Thursday 07 May 2009;
4. Pursuant to *Section 6.8 (1) of the Local Government Act 1995* APPROVE BY ABSOLUTE MAJORITY the unbudgeted expenditure of \$20,000 to fund the Extraordinary Election process.

Comment

Should Council choose to delay the Extraordinary Election until the October 2009 Ordinary Elections, a perception may be that the North Ward would not be adequately represented in Council’s deliberations and associated budget discussions which would include issues such as rate rises and future facilities that would be required in the area over the next 12 months, due to extensive development plans in place for the northern corridor.

The Yanchep district structure plan involving a regional centre will in the future rival Joondalup. The northern corridor inclusive of Yanchep and Alkimos Eglington, is expected to provide many new homes and jobs and these factors will impact on the short term planning for the City. Strong elected member representation for the North Ward may be required to ensure that local issues are considered in these planning processes.

However consideration should be given to the fact that the budget and planning process would be well underway by 7 May 2009, the earliest possible extraordinary election date. The new member, upon election, would need to be adequately inducted and it may take some time to become familiar with the City's business, before being in a position to provide meaningful input into the planning and budgetary process. Additionally the current 2008/2009 budget has no provision for sustaining the costs of an Extraordinary Election and funds will need to be identified through the mid year budget review to reallocate to this function. Savings could potentially be realised by delaying the Extraordinary Election until the Ordinary Elections in October where advertising and other costs could be amalgamated into one process.

The current economic climate and the perception of the community in terms of expending ratepayer funds on an election process that could be combined should also be considered in the decision making process.

Statutory Compliance

Local Government Act 1995 – s2.32, s4.9, 4.16, 4.20, 4.61 & 6.8.

Strategic Implications

The City Strategic Plan 2006 – 2021, Objective 4 states:-

“Maintain a high standard of Governance and accountability”.

Policy Implications

Nil

Financial Implications

The costs associated with running the extraordinary election is estimated to be \$17,000. In addition to the WAEC quote, expenses will be incurred for non-statutory advertising, staff wages, materials and contingencies. The current budget provision for elections is \$0, thus an additional \$20,000 will need to be identified in the 2008/2009 mid year budget review and funds reallocated to the election process.

Voting Requirements

Simple Majority

Recommendation

Option 1

That Council in accordance with Section 4.16 (4) of the Local Government Act 1995 REQUEST the approval of the Electoral Commissioner to allow Council to fix the ordinary election day of 17 October 2009 as the day for holding the poll for the extraordinary election to fill the vacancy in the North Ward.

OR

Option 2

That Council:-

- 1. DECLARE, BY ABSOLUTE MAJORITY 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, BY ABSOLUTE MAJORITY 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. SET the extraordinary election date for Thursday 07 May 2009; and**
- 4. Pursuant to *Section 6.8 (1)* of the *Local Government Act 1995* APPROVE BY ABSOLUTE MAJORITY the unbudgeted expenditure of \$20,000 to fund the Extraordinary Election process.**



ELECTION TIMETABLE
City of Wanneroo
Local Government Extraordinary Election

DT

Days to Polling Day	Local Government Act	References to Act/Regs	Day	Date
80	Last day for agreement of Electoral Commissioner to conduct postal election.	LGA 4.20 (2)(3)(4)	Mon	16/02/2009
80	A decision made to conduct the election as a postal election cannot be rescinded after the 80th day.	LGA 4.61(5)	Mon	16/02/2009
70	Electoral Commissioner to appoint a person to be the Returning Officer of the Local Government for the election.	LGA 4.20 (4)	Thu	26/02/2009
70 to 56	Between the 70th/56th day the CEO is to give Statewide public notice of the time and date of close of enrolments. Preferred date Wednesday 4 March 2009	LGA 4.39(2)	Thu to Thu	26/02/2009 to 12/03/2009
56	Advertising may begin for nominations from 56 days and no later than 45 days before election day. Preferred date Wednesday 18 March 2009	LGA 4.47(1)	Thu	12/03/2009
50	Close roll 5.00pm	LGA 4.39(1)	Wed	18/03/2009
45	Last day for advertisement to be placed calling for nominations.	LGA 4.47(1)	Mon	23/03/2009
44	Nominations Open First day for candidates to lodge completed nomination paper, in the prescribed form, with the Returning Officer. Nominations period is open for 8 days.	LGA 4.49(a)	Tue	24/03/2009
38	If a candidate's nomination is withdrawn no later than 4pm on the 38th day before election day, the candidate's deposit is to be refunded.	Reg. 27(5)	Mon	30/03/2009
37	Close of Nominations 4.00pm on the 37th day before election day.	LGA 4.49(a)	Tue	31/03/2009
36	CEO to prepare an owners' & occupiers' roll for the election. Electoral Commissioner to prepare residents' roll.	LGA 4.41(1) LGA 4.40(2)	Wed	01/04/2009
23	Lodgement of election packages with Australia Post.	Approx	Tue	14/04/2009
19	Last day for the Returning Officer to give Statewide public notice of the election. Preferred date Wednesday 8 April 2009	LGA 4.64(1)	Sat	18/04/2009
3	Commence processing returned election packages	Approx	Mon	04/05/2009
0	Polling Day Close of poll 6.00pm	LGA 4.7	Thu	07/05/2009

Post Polling Day	Post Declaration	References to Act/Regs	Day	Date
6	Public Notice of the result.	LGA 4.77	Wed	13/05/2009
14	Report to Minister. The report relating to an election under section 4.79 is to be provided to the Minister within 14 days after the declaration of the result of the election.	Reg.81	Thu	21/05/2009
28	An invalidity complaint is to be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election.	LGA 4.81(1)	Thu	04/06/2009



Item 5 Closure