

1.8: EXTRAORDINARY ELECTION – FREDERICKSTOWN WARD

Attachments : Proposed Extraordinary Election Time Line.
Responsible Officer : Chief Executive Officer (Faileen James)

RECOMMENDATION**ITEM 1.8: RESPONSIBLE OFFICER RECOMMENDATION**
VOTING REQUIREMENT: ABSOLUTE MAJORITY**THAT Council:**

1. **RESOLVE**, in accordance with section 4.61 (2) of the *Local Government Act 1995*, that the method of conducting the required extraordinary election will be as a postal election.
2. **REQUEST**, in accordance with section 4.20 (4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of extraordinary elections in 2012.
3. **REQUEST**, in accordance with section 4.9(2) of the *Local Government Act 1995*, the Electoral Commissioner hold an extraordinary election for the Frederickstown Ward on Thursday 23 February 2012.
4. **NOTE** the conduct of the extraordinary election has not been budgeted for but that amount will be subject to the next quarterly review.

BACKGROUND

1. As a result of a serving member of Council being elected as the popularly elected Mayor there is a requirement for the City to conduct an extraordinary election for the Frederickstown Ward.

DISCUSSION

2. To ensure maximum number of returns and ensure ballots are issued after the school holidays it is proposed that the extraordinary election is held on 23 February 2012.
3. The proposed date for the Extraordinary Election is outside the prescribed time of four months since the vacancy occurred, therefore the Electoral Commissioner's agreement is required to be sought.

CEO:

4. The Electoral Commissioner is responsible for conducting postal elections in Western Australia and conducts elections on request under the *Local Government Act 1995*.
5. By making the Electoral Commissioner responsible for the extraordinary election, the City of Albany can ensure that the election is conducted by professional, experienced staff who are independent and impartial.
6. Other advantages for the City of Albany having the election conducted by the Western Australian Electoral Commission;
 - (a) Ensures that all statutory requirements are fulfilled, noting that it is not the core business of a CEO to run elections;
 - (b) A full election report (including statistics) is prepared by the Electoral Commissioner for presentation to Council;
 - (c) The vast majority of elector and candidate enquiries are received and resolved by either the Returning Officer or the Electoral Commissioner; and
 - (d) Processes, materials and equipment used meet contemporary electoral standards.

GOVERNMENT CONSULTATION

7. Consultation has been conducted with Western Australian Electoral Commission, and its suggested time line is attached.

PUBLIC CONSULTATION / ENGAGEMENT

8. There is no requirement to conduct public consultation for this item.

STATUTORY IMPLICATIONS

9. Section 4.61 of the *Local Government Act 1995*, states in part as follows:

“4.61 Choice of methods of conducting the election

(1) The election can be conducted as a –

“Postal election” which is an election at which the principal method of casting votes is by posting or delivering them to an electoral officer on or before the election day, or

“voting in personal election” which is an election at which the principal method of casting votes is by voting in person on election day, or posted and delivered, in accordance with regulations.

(2) *The local government may decide* to conduct the election as a postal election.*

***Absolute majority required**

10. Section 4.20 (4) of the Act states as follows:

(3) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

***Absolute majority required**

11. There is no option under the *Local Government Act 1995* to have the vacancy remain unfilled.

STRATEGIC IMPLICATIONS

12. The introduction and trial a new committee structure directly links to the City's Vision and Values (2011-2021), being: Results: Strive for business excellence and continuous improvement.

Key Focus Areas

- **Organisation Performance:** Local Government standards must be ethical, transparent and include democratic decision making.

POLICY IMPLICATIONS

13. Nil.

RISK IDENTIFICATION & MITIGATION

14. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not support appointing the WAEC to conduct the election.</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>The Extraordinary Election would be run by City of Albany staff.</i>
<i>Council does not support the proposed extraordinary election date.</i>	<i>Unlikely</i>	<i>Low</i>	<i>Low</i>	<i>The date will be set by the Western Australian Electoral Commissioner at a time not of Council's choosing.</i>

FINANCIAL IMPLICATIONS

15. The cost for the WAEC to conduct the election will be based on the following assumptions;

- 3,634 electors
- Response rate of approximately 47%
- Count to be conducted in Albany

15/11/2011

REFER DISCLAIMER

16. An accurate cost at this time is not know but could be as much as \$15,000.
17. Costs not incorporated in the estimate include (approx \$2 000);
- Non statutory (i.e. additional advertising in community newspapers and promotional advertising
 - One local government staff member to work in the polling place on Election Day
18. The cost of running the extraordinary election has not been budgeted for.

LEGAL IMPLICATIONS

19. There are no legal implications related to this item except for compliance with specific provisions of the *Local Government Act 1995*, including Subdivision 2 – Committees and their meetings.

ALTERNATE OPTIONS

20. Council can chose to set the proposed date for the extraordinary election or abdicate this responsibility to the Electoral Commissioner.

Consulted References	<i>Local Government Act 1995</i>
File Number (Name of Ward)	All Wards
Previous Reference	OCM 11/10/2011 Item 1.8