

**1.3: CONDUCT OF ELECTIONS 2013**

**Attachments** : Proposed Extraordinary Election Time Line.  
**Responsible Officer** : Acting Chief Executive Officer (L Hill)

**RECOMMENDATION****ITEM 1.3: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY****THAT Council:**

1. **DECLARE**, in accordance with section 4.20 (4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2013 ordinary election together with any other elections or polls which may be required.
2. **DECIDE**, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

**BACKGROUND**

1. The current written agreement between the City of Albany and the Western Australian Electoral Commission has expired.
2. The next local government ordinary election will be held on 19 October 2013.

**DISCUSSION**

3. The Electoral Commissioner is responsible for conducting postal elections in Western Australia and conducts elections on request under the *Local Government Act 1995*.
4. By making the Electoral Commissioner responsible for the conduct of elections, the City of Albany can ensure that the election is conducted by professional, experienced staff that are independent and impartial.
5. 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.

6. Postal voting provides greater opportunity for participation, as opposed to in person voting.

### GOVERNMENT CONSULTATION

7. Consultation has been conducted with Western Australian Electoral Commission.

### 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***

### STRATEGIC IMPLICATIONS

11. 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

12. Nil.

**RISK IDENTIFICATION & MITIGATION**

13. 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>Elections would be run by City of Albany staff.</i>

**FINANCIAL IMPLICATIONS**

14. The estimated cost for the 2013 election if conducted as a postal ballot is **\$82 000** inc GST, which has been based on the following assumptions:
- 24,000 electors
  - response rate of approximately 48%
  - 6 vacancies
  - count to be conducted at the offices of the City of Albany.
15. 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

**LEGAL IMPLICATIONS**

16. There are no legal implications related to this item except for compliance with specific provisions of the *Local Government Act 1995*.

**ALTERNATE OPTIONS**

17. **Option One.** "postal election" which is an election at which the method of casting votes is to be posting or delivering them to an electoral officer on or before election day; or
18. **Option Two.** "voting in person election" which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
19. The preferred option is Option One as:
- (a) The running of elections is not the core business of the Chief Executive Officer; and
  - (b) Having the elections run by the WAEC will ensure statutory compliance is met.

<b>Consulted References</b>	<i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	All Wards
<b>Previous Reference</b>	OCM 15/11/2011 Item 1.8