



Western Australia

Agenda for the Special Meeting of the Murchison Shire Council,  
To be held in the Council Chambers, Carnarvon Mullewa Road, Murchison,  
On Wednesday 29<sup>th</sup> March 2017  
commencing at 3:20pm

**PURPOSE:**

To consider the vacancy left by the resignation of President Halleen

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4. PUBLIC QUESTION TIME**

**4.1. STANDING ORDERS**

***Council Decision:***

**Moved: Councillor**

**Seconded: Councillor**

That the following Local Law Standing Orders 2001 be stood down:

1. Limitation on the number of speeches
2. Duration of speeches

**Carried/Lost:**

**For:**

**Against:**

**5. CONSIDERATION OF VACANCY IN OFFICE LEFT BY RESIGNATION OF MARK HALLEEN**

File:	4.9
Authors:	Dianne Daniels – Chief Executive Officer
Interest Declared:	No interest to disclose
Date:	29/03/2017
Attachments:	Nil

**Matter for Consideration:**

Council to consider requesting that the Electoral Commissioner to allow the vacancy left by the resignation of Mark Halleen to remain unfilled until the Ordinary Elections for Council to be held on the 21st October 2017.

**Background:**

Mark Halleen recently resigned from council, effective 28 March 2017.

If a member's office becomes vacant under section 2.32 —

- (a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but
- (b) before the third Saturday in July in that election year,

the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

**Comment:**

Mark Halleen's term of office was due to have ended in October 2017 and so Council can either run an extra-ordinary election to fill that office or request permission from the Electoral Commissioner that the office remain vacant until the Ordinary Elections in October 2016

**Statutory Environment:**

2.32. How extraordinary vacancies occur in offices elected by electors

The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —

- (a) dies; or
- (b) resigns from the office; or

- (c) does not make the declaration required by section 2.29(1) within 2 months after being declared elected to the office; or
- (d) advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by the State Administrative Tribunal acting on an application under section 2.27; or
- (da) is disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council; or
- (e) becomes the holder of any office or position in the employment of the local government; or
- (f) having been elected to an office of councillor, is elected by the electors to the office of mayor or president of the council.

4.17. Cases in which vacant offices can remain unfilled

- (1) If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
- (2) If a member's office becomes vacant under section 2.32 —
  - (a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but
  - (b) before the third Saturday in July in that election year,

the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

- (3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow\* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

\* *Absolute majority required.*

(4A) Subsection (3) applies —

- (a) if —
  - (i) the office is for a district that has no wards; and
  - (ii) at least 80% of the number of offices of member of the council in the district are still filled;
- or
- (b) if —
  - (i) the office is for a ward for which there are 5 or more offices of councillor; and
  - (ii) at least 80% of the number of offices of councillor for the ward are still filled.
- (4) If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.

**Strategic Implications:**

Nil

**Policy Implications:**

Nil

**Budget/ Financial Implications:**

If Council decide to run an election, the cost of the four advertisements in the West Australian will amount to approximately \$2,000

**Sustainability Implications:**

- **Environmental**  
There are no known significant environmental implications associated with this decision
- **Economic**  
There are no known significant economic implications associated with this decision
- **Social**  
There are no known significant social considerations associated with this decision

**Consultation:**

WALGA – James McGovern

**Recommendation:**

That Council either:

- request the Electoral Commissioner to allow the vacancy left by the resignation of Mark Halleen to remain unfilled until the Ordinary Elections for Council to be held on the 21<sup>st</sup> October 2017; or
- Sets a date for the extra-ordinary election

**Voting Requirements:**

Absolute Majority

<b>Council Decision:</b>		
<b>Moved:</b>	<b>Seconded:</b>	
<b>Carried/Lost</b>	<b>For:</b>	<b>Against:</b>

**6. URGENT BUSINESS**

**7. MEETING CLOSURE**