



Western Australia

Minutes for the Special Meeting of the Murchison Shire Council,
held in the Council Chambers, Carnarvon Mullewa Road, Murchison,
On Wednesday 29th March 2017
commencing at 3:28pm

PURPOSE:

To consider the vacancy left by the resignation of President Halleen

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President declared the meeting open at 3:28pm

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

President Rossco Foulkes-Taylor
Deputy President Miles Williams
Councillor Andrew Whitmarsh
Councillor Emma Foulkes-Taylor

CEO – Dianne Daniels
Deputy CEO – Peter Dittrich

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

4.1. STANDING ORDERS

Council Decision:

Moved: Councillor E Foulkes-Taylor

Seconded: Councillor Whitmarsh

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

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

Carried:

For: 4

Against: 0

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 21st October 2017; or
- Sets a date for the extra-ordinary election

Voting Requirements:

Absolute Majority

Council Decision:

Moved: Councillor Williams

Seconded: Councillor Whitmarsh

That Council 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 21st October 2017.

Carried:

For: 4

Against: 0

6. URGENT BUSINESS

Council Decision:

Moved: Councillor Williams

Seconded: Councillor E Foulkes-Taylor

That Urgent Business be accepted.

Carried:

For: 4

Against: 0

6.1 CEO Recruitment

Council Decision:

Moved: Councillor Whitmarsh

Seconded: Councillor E Foulkes-Taylor

That the CEO gather quotes for the recruitment of a CEO for the Shire of Murchison and engages the preferred provider following consultation with the President.

Carried:

For: 4

Against: 0

7. MEETING CLOSURE

The President closed the meeting at 3:38 pm

These minutes were confirmed at the council meeting held on

Signed..... Presiding Officer