

# SHIRE OF KENT



## (UNCONFIRMED) SPECIAL MEETING MINUTES

**DATE:** Thursday 7 March 2023

**TIME:** 1:00pm

**VENUE:** Council Chambers,  
Richmond Street, Nyabing WA 6341

**ADAM SEILER  
CHIEF EXECUTIVE OFFICER**

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**Adam Seiler**

CHIEF EXECUTIVE OFFICER

**AGENDA**  
**7 March 2023**

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

The meeting was opened at 1:02pm by the Shire President.

**2. RECORD OF ATTENDANCE/APOLOGIES AND APPROVED LEAVE OF ABSENCE****Members**

Cr S Crosby	Shire President
Cr K Johnston	Deputy Shire President (Via phone)
Cr D Gray	Member
Cr G Hobley	Member
Cr R Jury	Member (Via phone)
Cr T Borgward	Member (Via phone)
Cr J Germain	Member (Via phone)

**Staff**

A Seiler	Chief Executive Officer
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**Members of the Public**

Nil

**Apologies**

Nil

**Members on Approved Leave of Absence**

Nil

**3. DISCLOSURES OF INTEREST**

Nil

**4. PUBLIC QUESTION TIME**

Nil

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Section 5.25 *Local Government Act 1995*

**6. CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING**

Nil

**7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Nil

**8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

**9. OFFICER REPORTS**

**9.1.1 ORDINARY ELECTION – 21 OCTOBER 2023**

<b>PROPOSED MEETING DATE:</b>	7 March 2023
<b>PROPONENT:</b>	Western Australian Electoral Commission
<b>LOCATION:</b>	Shire of Kent
<b>AUTHOR:</b>	Adam Seiler – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Adam Seiler – Chief Executive Officer
<b>FILE NO:</b>	GOV.106
<b>ASSESSMENT NO:</b>	Nil
<b>ATTACHMENTS:</b>	Correspondence from the Western Australian Electoral Commissioner: 2023 Local Government Ordinary Election – Appointment of Returning Officer
<b>DISCLOSURE OF INTEREST:</b>	Paid Positions on Election Day: Returning Officer – Christie Smith Deputy Returning Officer – Nathaniel Taekema

**PURPOSE**

For Council to endorse conduct of the 2023 Ordinary Council Election utilising internal resources as opposed to outsourcing to the Western Australian Electoral Commission (WAEC) to facilitate a Postal Election on behalf of Council.

**BACKGROUND.**

Correspondence was received from the Minister for Local Government concerning arrangements for the upcoming 2023 Ordinary Election, which was subsequently followed with correspondence from the Western Australian Electoral Commission (WAEC), including a cost estimate.

**COMMENT**

Council has, since 2015, appointed the WAEC to conduct Postal Elections on behalf of Council, which incurs a cost whether an election occurs or if there are sufficient or insufficient nominations and an election is declared at the conclusion of the nomination process, or an Extraordinary Election process is commenced thereafter due to insufficient nominations.

The Chief Executive Officer has significant experience in conducting Elections spanning nearly three decades and the Manager Corporate also has experience in the roles of Deputy Returning Officer and Polling Officer.

It is proposed to conduct the 2023 Election in-house and appointing the Manager Corporate as Council's Returning Officer and the Governance Officer, Deputy Returning Officer.

This will provide both staff members with exposure in relation to the process, with oversight and support from the Chief Executive Officer as required.

There are clear trigger-points during the 56-day election process, which Council would have to manage and facilitate regardless if the election was outsourced or conducted in-house.

Further, the estimated cost to conduct the election utilising the Western Australian Electoral Commission is \$13,000.

By contrast, the estimated additional cost to Council to conduct an election which incorporated postal voting, early voting and in-person voting (8am – 6pm Saturday 21 October) amount to \$1,275 plus \$235 associated on-costs, printing and stationery. A total outlay of \$1,510.

This incorporates the following rostering where candidate nominations exceed available vacancies and an election is declared:

- Returning Officer 12 hours (07:30 – 19:30)
- Deputy Returning Officer 12 hours (07:30 – 19:30)
- Polling Clerk 2 hours (17:30 – 19:30)
- Polling Clerk 2 hours (17:30 – 19:30)

There is no requirement to engage a Presiding Officer due to the minimal size of responsible officers / Polling Clerks engaged and the direct supervision by the Deputy Returning Officer.

If there is no election, there is no cost with the in-house option.

### **STATUTORY IMPLICATIONS**

Part 4 of the *Local Government Act 1995* Division 3 – Ordinary Elections and Division 7 – Provisions about electoral officers and the conduct of elections

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Provision will be incorporated into the 2023/2024 Budget

### **STRATEGIC IMPLICATIONS**

Nil

### **RISK IMPLICATIONS**

Nil

### **VOTING REQUIREMENT**

Absolute Majority

<b>OCM2223/093 - COUNCIL RESOLUTION</b>
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**MOVED Cr DP Gray / Cr KV Johnston**

**That Council endorse correspondence received from the Western Australian Electoral Commission dated 13 February 2023 confirming written approval to appoint Ms Christie Smith as Returning Officer for the Shire of Kent ordinary election to be held 21 October 2023 in accordance with section 4.20 (2) of the *Local Government Act 1995*.**

**CARRIED 7/0  
By Absolute Majority**

**9.1.2 LOCAL GOVERNMENT ADVISORY BOARD – VOLUNTARY AMENDMENT**

<b>PROPOSED MEETING DATE:</b>	7 March 2023
<b>PROPONENT:</b>	Shire of Kent
<b>LOCATION:</b>	Shire of Kent
<b>AUTHOR:</b>	Adam Seiler – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Adam Seiler – Chief Executive Officer
<b>FILE NO:</b>	GOV.106
<b>ASSESSMENT NO:</b>	Nil
<b>ATTACHMENTS:</b>	Nil
<b>DISCLOSURE OF INTEREST:</b>	Nil

**PURPOSE**

Council endorse and authorise preparation of a comprehensive report in relation to work undertaken in response to the Local Government Advisory Board (LGAB) pathway toward the 2023 Ordinary Election.

**BACKGROUND**

Council received the resignation of Cr Tapscott in December with an effective date of 1 February 2023.

Council is required, post this effective date, to resolve acceptance of the resignation and make a request to the WA Electoral Commissioner that the vacancy remain unfilled until October 2023 (noting Cr Tapscott's original term concludes October 2025).

**COMMENT**

Attached is a position paper from Conway Highbury which details the process Council is to follow.

*Local Government Act 1995, section 4.9*

3. Subject to the discussions with LG Advisory Board staff, the Special Meeting also consider–
  - (a) formally consider the outcomes of the public consultation regarding representation,
  - (b) determine the basis for a submission to the LG Advisory Board, and
  - (c) request and extension until 31 March 2023 from the LG Advisory Board to make a submission regarding the voluntary pathway to be taken for a reduction of number of elected members.
4. Subject to the discussions with LG Advisory Board staff, that at the Ordinary Meeting to be held on 15 March 2023, Council consider that the submission to the LG Advisory Board be –
  - (a) a reduction of number from 8 to 6 as previously decided,
  - (b) that the balance of the current vacancy for a term concluding in October 2025 be terminated in October 2023, effectively bringing that intended reduction forward 2 years, and
  - (c) that the reduction of vacancies from 4 to 3 in October 2023 remain in place.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995 section 4.9.*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**RISK IMPLICATIONS**

Nil

**VOTING REQUIREMENT**

Absolute Majority

<b>OCM2223/094 - COUNCIL RESOLUTION</b>
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**MOVED Cr TD Borgward / Cr GW Hobley****That Council:**

- 1. Formally consider the outcomes of the public consultation regarding representation;**
- 2. Determine the basis for a submission to the Local Government Advisory Board to be via a written statement outlining the outcomes of the public consultation period; and,**
- 3. Request an extension until 31 March 2023 from the Local Government Advisory Board to make a submission regarding the voluntary pathway to be taken for a reduction of the number of elected members.**
- 4. At the March Ordinary Meeting, Council consider that a submission to the Local Government Advisory Board be:**
  - a. A reduction of the number of elected members from 8 to 6 as previously decided;**
  - b. That the balance of the current vacancy related to Cr Tapscott for a term concluding in October 2025 be terminated in October 2023; and,**
  - c. That the reduction of vacancies from 4 to 3 in October 2023 remain in place.**

**CARRIED 7/0  
By Absolute Majority**



**10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**  
Nil

**11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL**  
Nil

**12. MATTERS BEHIND CLOSED DOORS**

That the meeting be closed to the public in accordance with section 5.23 Local Government Act 1995, 5.5.23(2))

- Matters affecting employee(s)
- Personal affairs of any person(s), including financial and/or commercial Contracts
- Commercial Confidentiality
- Legal advice/matters
- Public safety/security matters where public knowledge may be prejudicial.

**13. MEETING CLOSED**

There being no further business the Shire President, Cr Scott Crosby, closed the meeting at 1:12pm

I certify these minutes were confirmed at the Ordinary Meeting of Council held 15 March 2023.

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Cr Scott Crosby – Shire President

.....  
Date