



# Minutes

## Special Council Meeting

22 January 2024

### Confirmation of Minutes

I hereby certify that the Minutes and Attachments of the Ordinary Council Meeting held on 22 January 2024 are a true and accurate record of the proceedings contained therein.

Shire President

Date

## Disclaimer

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Please note that this agenda contains recommendations which have not yet been adopted by Council.

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**SNAPSHOT**

# Strategic Community Plan 2023-2033



**Your Choice. Our Future.**

**VISION**

A globally recognised community of guardians for our unique environment and culture as we pursue innovations for sustainable growth.

**GOALS**

The goals are organised in five strategic pillars: Social, Natural Environment, Built Environment, Economy, and Governance and Leadership.

## SOCIAL

Nurture a friendly, safe and inclusive community spirit.

- Improve local community and visitor experiences.
- Ensure a full suite of services to meet the needs of families and individuals at all ages and stages of life.
- Build community cohesion and connectedness.



## GOVERNANCE & LEADERSHIP

Foster open, transparent & accountable leadership, working collaboratively & in partnership with our community & stakeholders.

- Forward-thinking leadership for efficient & sustainable operations.
- Continued focus on transparent, accountable leadership & community & stakeholder engagement.
- Council & administration plan & lead with good governance.



## ECONOMY

Enhance a robust, resilient & diversified economy that champions innovation.

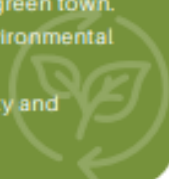
- Increase opportunities for smart and sustainable business ideas.
- Establish Exmouth as a vibrant, welcoming and environmentally aware destination.
- Promote Exmouth as a thriving economy based on its regional strength as a global environmental hotspot.



## NATURAL ENVIRONMENT

Embrace natural sensitivities and promote positive change.

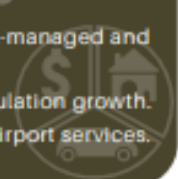
- Establish Exmouth as a clean and green town.
- Prepare Exmouth for changing environmental conditions.
- Increase awareness of sustainability and environmental issues.



## BUILT ENVIRONMENT

Enable sustainable development and infrastructure that meets the needs of the community, visitors and industry.

- Infrastructure and assets are well-managed and maintained.
- Plan and cater for increased population growth.
- Revitalisation and expansion of airport services.



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**1. Declaration of Opening and Announcements**

The Shire President declared the meeting open at 4.00 pm.

**2. Attendance, Apologies and Approved Leave of Absence**

Councillor M (Matthew) Niikkula      Shire President  
Councillor J (Jackie) Brooks      Deputy Shire President  
Councillor D (Darlene) Allston  
Councillor T (Todd) Bennett  
Mr Ben Lewis      Chief Executive Officer

Via Electronic Means

Councillor K (Kristy) Devereux (via Teams)

Apologies

Councillor D (David) Gillespie

**3. Response to Previous Public Questions Taken on Notice**

Nil

**4. Public Question Time**

Nil

**5. Declarations of Interest**

Nil

**6. Applications for Leave of Absence**

Nil

**7. Confirmation of Minutes of Previous Meetings**

That the Minutes and associated attachments of the Ordinary Council Meeting of the Shire of Exmouth held on 14 December 2023 are confirmed as a true and correct record of proceedings

**COUNCIL RESOLUTION**

**ITEM 7**

**Res No:                    01-0124**

**MOVED:                 Cr Brooks**  
**SECONDED:            Cr Bennett**

**That the Minutes and associated attachments of the Ordinary Council Meeting of the Shire of Exmouth held on 14 December 2023 be confirmed as a true and correct record of proceedings.**

**CARRIED 5/0**

For: SP Niikkula, Cr Brooks, Cr Allston, Cr Bennett, Cr Devereux

**8. Announcements/ Reports of Elected Members**

Nil

**9. Announcements by the Presiding Person without Discussion**

Nil

**10. Petitions/ Deputation/Presentations/ Submissions**

Nil

**11. Matters Arising from Committees of Council**

Nil

## 12. Reports of Officers

### EXECUTIVE SERVICES

#### 12.1.1 EXTRAORDINARY ELECTION

File Reference	GV.EL.10
Reporting Officer	Coordinator Governance
Responsible Officer	Chief Executive Officer
Date of Report	12 January 2024
Applicant/Proponent	Nil
Disclosure of Interest	Nil
Attachment(s)	1. Correspondence from Western Australian Electoral Commission

#### Purpose

1. That Council considers the two options presented in relation to the vacant office created.

#### Background

In accordance with 2.32 of the *Local Government Act 1995* there are various cases in which an extraordinary election occurs when an elected 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
  - e) (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
  - f) (db) is dismissed under section 8.15L or 8.25(2); or
  - g) becomes the holder of any office or position in the employment of the local government; or
  - h) while holding an office of councillor, is elected to the office of elector mayor or president on the council.
2. When an extraordinary vacancy occurs, an extraordinary election must be conducted; the election day must be decided on and fixed within one month of the vacancy.

#### Comment

3. On the 21 December 2023 the Shire President was notified that Mr Kai Broedner who was elected unopposed at the Local Government Election held 21 October 2023, will not make the declaration required by section 2.29(1) within the required timeframe after being declared to office.
4. The Western Australian Electoral Commission (WAEC) was notified of the vacancy.
5. The WAEC has provided the attached written agreement to conduct the extraordinary election as a postal election in accordance with section 4.20(4) of the *Local Government Act 1995*, on Friday 12 April 2024.
6. The WAEC has previously been responsible for conducting ordinary and extraordinary elections for the Shire in the past and it is recommended that Council declare the responsibility of the pending extraordinary election to the WAEC.

7. The process for Council to follow in terms of appointing the WAEC to be responsible for the conduct of the extraordinary election and for the election to be a postal election is as follows:
- 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 extraordinary election.
  - Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the extraordinary election will be as a postal election.

### Consultation

8. Western Australian Electoral Commission
9. Chief Executive Officer

### Statutory Environment

#### 10. *Local Government Act 1995*

- section 2.32 – How extraordinary vacancies occur in offices elected by electors
- section 4.8 – Extraordinary Elections
- section 4.9 – Election Day for extraordinary elections
- section 4.20 – CEO to be the returning officer unless other arrangements made
- section 4.61 – Choice of methods of conducting election

### Policy Implications

11. Nil

### Financial Implications

12. Conducting an extraordinary election would be an unbudgeted expenditure requiring a budget amendment of \$23,636.36 (ex GST). The cost is based on the following assumptions:
  - 1,700 electors
  - Response rate of approximately 50%
  - Appointment of a Returning Officer; and
  - Count to be conducted at the Shire of Exmouth

### Risk Management

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Compliance	Possible	Major	High	Engage the WAEC to conduct the Extraordinary Election by postal ballot
Reputational	Possible	Major	High	Engage the WAEC to conduct the Extraordinary Election by postal ballot which will be coordinated by a competent Returning Officer.

### Risk Matrix

Consequence \ Likelihood	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Catastrophic (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (5)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Alternate Options

13. Nil

### Strategic Alignment

14. This item is relevant to the Council's approved Strategic Community Plan and Corporate Business Plan 2023 – 2033.



Social Governance & Leadership	<b>Nurture a friendly, safe and inclusive community spirit</b> <b>Foster open, transparent &amp; accountable leadership, working collaboratively and in partnership with our community and stakeholders</b> 5.1 Forward-thinking leadership for efficient and sustainable operations 5.2 Continued focus on transparent, accountable leadership and community stakeholder engagement 5.3 Council and administration plan and lead with good governance
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### Voting Requirements

15. Absolute Majority

#### Officers Recommendation

Item 12.1.1

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 extraordinary election.
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the extraordinary election will be as a postal election.
3. Approves a budget amendment of \$23,636.36 (ex GST) to the 2023/24 budget for the conduct of the extraordinary election process.

#### COUNCIL RESOLUTION

ITEM 12.1.1

**Res No:** 02-0124

**MOVED:** Cr Brooks

**SECONDED:** Cr Allston

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 extraordinary election.
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the extraordinary election will be as a postal election.
3. Approves a budget amendment of \$23,636.36 (ex GST) to the 2023/24 budget for the conduct of the extraordinary election process.

**CARRIED 5/0**

For: SP Niikkula, Cr Brooks, Cr Allston, Cr Bennett, Cr Devereux

**13. Elected Members Motions of which Previous Notice has Been Given**

Nil

**14. New Business of an Urgent nature introduced by Decision of Meeting**

Nil

**15. Matters to be considered Behind Closed Doors**

Nil

**16. Closure of Meeting**

The Shire President advised the next Ordinary Council meeting is scheduled for 22 February 2024, and declared the meeting closed at 4.06 pm.