



Special Council Meeting

Agenda

29 April 2025



City of
Belmont

Notice of Meeting

A **Special Council Meeting** will be held in the Council Chamber of the **City of Belmont Civic Centre**, 215 Wright Street, Cloverdale, on **Tuesday 29 April 2025**, commencing at 6:00pm.

John Christie
Chief Executive Officer

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CITY OF BELMONT

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Table of Contents

29 April 2025

Item	Subject Heading	Page
1	Official Opening	4
2	Apologies and leave of absence	4
3	Declarations of interest that might cause a conflict	4
3.1	Financial Interests	5
3.2	Disclosure of interest that may affect impartiality	5
4	Announcements by the Presiding Member (without discussion) and declarations by Members	6
4.1	Announcements	6
4.2	Disclaimer	6
4.3	Declarations by Members who have not given due considerations to all matters contained in the business papers presently before the meeting	6
5	Public question time	6
5.1	Questions from members of the public	6
6	Reports of administration	7
6.1	Request to WA Electoral Commissioner - Exemption from Extraordinary Election for South Ward Vacancy	7
7	Matters for which the meeting may be closed	11
8	Closure	11

1 Official Opening

The Presiding Member will read aloud the Acknowledgement of Country.

Acknowledgement of Country

Before I begin, I would like to acknowledge the Whadjuk Noongar people as the Traditional Owners of this land and pay my respects to Elders past, present and emerging.

I further acknowledge their cultural heritage, beliefs, connection and relationship with this land which continues today.

The Presiding Member will cause the Affirmation of Civic Duty and Responsibility to be read aloud by a Councillor.

Affirmation of Civic Duty and Responsibility

I make this affirmation in good faith and declare that I will duly, faithfully, honestly, and with integrity fulfil the duties of my office for all the people in the City of Belmont according to the best of my judgement and ability.

I will observe the City's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

2 Apologies and leave of absence

Mr W Loh

Director Development and Communities

3 Declarations of interest that might cause a conflict

Elected Members/Staff are reminded of the requirements of s5.65 of the *Local Government Act 1995*, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the City's Code of Conduct for Council Members, Committee Members and Candidates and the Code of Conduct for Employees.

3.1 Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

Name	Item No and Title	Nature of Interest (and extent, where appropriate)

3.2 Disclosure of interest that may affect impartiality

Elected Members and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member/employee is also encouraged to disclose the nature of the interest. The member/employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member/employee declares that their impartiality will not be affected then they may participate in the decision-making process.

Name	Item No and Title	Nature of Interest (and extent, where appropriate)

4 Announcements by the Presiding Member (without discussion) and declarations by Members

4.1 Announcements

4.2 Disclaimer

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4.3 Declarations by Members who have not given due considerations to all matters contained in the business papers presently before the meeting

5 Public question time

5.1 Questions from members of the public

6 Reports of administration

6.1 Request to WA Electoral Commissioner - Exemption from Extraordinary Election for South Ward Vacancy

Voting Requirement	:	Simple Majority
Subject Index	:	35/003
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

Council role

Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Purpose of report

For Council to seek approval from the Electoral Commissioner of the Western Australian Electoral Commission (WAEC) to allow the vacancy created by the passing of Councillor Janet Powell to remain unfilled in light of the ordinary election to be held on 18 October 2025.

Summary and key issues

The South Ward seat has become vacant due to the passing of Councillor Powell on 19 April 2025.

- This has created a vacancy for South Ward which would ordinarily require an extraordinary election.
- The earliest date for an extraordinary election would be 25 July 2025, and the ordinary elections will be held on 18 October 2025.
- The estimated cost for holding an extraordinary election by postal ballot by the WAEC would be approximately \$40,000.

- Given a successful candidate would occupy the vacancy as a councillor for three months, it is recommended that the vacancy not be filled. Section 4.17 of the *Local Government Act 1995 (WA)* provides for the Council to seek an exemption from the Electoral Commissioner to leave the vacancy unfilled.

Officer Recommendation

That Council resolve, in accordance with section 4.17(2) of the *Local Government Act 1995 (WA)*, to seek approval from the Electoral Commissioner of the Western Australian Electoral Commission to allow the South Ward vacancy to remain unfilled until the ordinary election which is to be held on 18 October 2025.

Location

Not applicable.

Consultation

There has been no specific consultation undertaken in respect to this matter.

Strategic Community Plan implications

In accordance with the 2020 – 2040 Strategic Community Plan:

Key Performance Area: Performance

Outcome: 10. Effective leadership, governance and financial management.

Policy implications

There are no policy implications associated with this report.

Statutory environment

Section 4.17 (2) of the *Local Government Act 1995 (WA)* states:

- (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.

Background

Councillor Janet Powell passed on 19 April 2025, which created an extraordinary vacancy in accordance with section 2.32(1)(a) of the *Local Government Act 1995 (WA)* (the Act). The Chief Executive Officer has advised the Director General of the Department of Local Government, Sports and Cultural Industries of the vacancy in accordance with section 2.32 (2) of the Act.

The Act contains provisions which determine the process for the vacancy to be filled through the declaration of an extraordinary election or cases where a vacant office can remain unfilled.

As the 2025 ordinary elections are to be held on 18 October 2025 and this vacancy would be one that would ordinarily have to be filled, it is believed appropriate that the vacancy remain unfilled.

Report

As a result of Councillor Janet Powell's passing, the South Ward now has an extraordinary vacancy. This position was due to be filled in the October 2025 Ordinary Elections.

An extraordinary election would normally be called in line with the requirements of the Act. The City could call for an extraordinary election and liaise with the WAEC to determine a suitable date for the election to be held, as per section 4.9(3) of the Act. The date needs to comply with the legislative requirements in that:

- it must be held at least 80 days after the City appoints the WAEC,
- the WAEC agrees to be responsible for the conduct of the election, and
- a postal ballot to be held.

The WAEC has on prior occasions indicated that the preferred date for holding an extraordinary election is on a Friday. Based on this, the earliest date for an extraordinary election is Friday 25 July 2025. Again, this is subject to the availability of the WAEC as they prepare for statewide municipal elections.

Due to the timeframes required for the calling and running of such an extraordinary election, a successful candidate might only occupy the position of

Councillor for the South Ward for approximately three months before having to re-contest the position again. This would be a significant cost for potential candidates.

The Act envisages this situation, whereby there is a very short period of time for a new Elected Member to sit and then re-contest the position, and provides for Council to seek an exemption from the Electoral Commissioner of the WAEC to have the vacancy remain unfilled.

The cost of holding an extraordinary election by way of postal ballot by the Electoral Commissioner is approximately \$40,000.

Under the recent reforms of the Act, whereby an Elected Member can be “appointed” (as a result of who comes second or third at a prior general election) is not an option as this process only runs for twelve months post the general municipal elections. This timeframe expired on 21 October 2024, being 12 months after the ordinary elections held on 21 October 2023.

Given the above scenario, it would be appropriate for Council to seek the Electoral Commissioner’s approval to have the South Ward vacancy remain unfilled until the ordinary elections are held on 18 October 2025 as provided for under section 4.17(2) of the Act.

Financial implications

If Council resolved to hold an extraordinary election, then the cost would be approximately \$40,000. A budget amendment would be required to fund this cost.

Environmental implications

There are no environmental implications associated with this report.

Social implications

There are no social implications associated with this report.

Attachment details

Attachment No and title
Nil.

7 Matters for which the meeting may be closed

8 Closure