

## 14.1 Local Government Extraordinary Elections

File Ref: D-26-12399

Reporting Officer(s): Anita Amprimo, Acting Chief Executive Officer

### Summary

This report recommends acceptance of the Cost Estimate and Written Letter Agreement provided by the Western Australian Electoral Commission, which provides the authorisation for the Western Australian Electoral Commissioner to conduct the 2026 Local Government Extraordinary Elections on behalf of the City of South Perth.

The 2026 Extraordinary Election is comprised of two vacancies and is proposed to be conducted as a postal election.

### Officer Recommendation

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 2026 extraordinary election, together with any other elections or polls which may be required.
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.
3. Accept the Estimate of Costs **Attachment (a)** and Written Agreement **Attachment (b)** as provided by the Western Australian Electoral Commission.
4. In accordance with Section 4.9(1)(b) of the *Local Government Act 1995* fix Thursday 24 September 2026 as the date for the City of South Perth extraordinary election to fill the vacant elected member positions.

**Absolute Majority Required.**

### Background

Following the resignation of former Councillors Hayley Prendiville and Bronwyn Waugh, Council is required to conduct an extraordinary Local Government Election.

Subsequently the Chief Executive Officer (CEO) provided the resignations to the Department of Local Government, Industry Regulation and Safety (DLGIRS) confirming the extraordinary vacancies.

As the vacancies occur more than 12 months after the commencement of the Councillor's terms, they cannot be filled by appointment under Schedule 4.1A of the *Local Government Act 1995* (the Act) and must be filled by an extraordinary election.

Section 4.20(1) of the Act provides for the CEO to be the returning officer for the local government elections unless Council appoint another person. If Council appoint a person other than the CEO, the Western Australian Electoral Commissioner must approve that person.

## 14.1 Local Government Extraordinary Elections

Under section 4.20(4) of the Act, Council can determine that the Western Australian Electoral Commissioner be responsible for the election, including the appointment of a returning officer and other arrangements associated with the election.

The City received a letter from the Western Australian Electoral Commissioner **Attachment (a)** providing an estimate of the costs for the Western Australian Electoral Commission (WAEC) to conduct the 2026 extraordinary local government election as a postal election, on the City's behalf and any other polls that may be required in 2026.

Subsequent to the receipt of the cost estimate, and in accordance with section 4.20(4) of the Act the City received a Written Letter Agreement **Attachment (b)** from the WAEC for Council's consideration.

Former Councillor Tim Houweling also tendered his resignation. Schedule 4.1A and 4.1B of the Act provides for the filling of vacancies using backfilling provisions. As former Councillor Houweling was elected at the 18 October 2025 Ordinary Elections, the CEO will seek to fill this vacancy with the backfilling provisions.

### Comment

In accordance with Section 4.61(1) of the Act, there are two methods for conducting local government elections, being postal voting or voting in person. The local government has the ability to decide to conduct the election as a postal election, by absolute majority in accordance with Section 4.61(2). All postal elections must be conducted by the Western Australian Electoral Commission. There are significant benefits for the elections to be conducted as a postal election:

- It increases the voter turnout.
- Having an external person appointed by the Electoral Commission as the returning officer creates separation and proves independence to the process.
- It is easier for electors to vote.

While the local government has the ability to choose the method of conducting its elections, in accordance with section 4.1C of the Act, the Governor may, on the recommendation of the Minister, by order provide that, until the order is revoked, each election for a specified local government must be conducted as a postal election. This applies despite section 4.61 of the Act.

### Consultation

The City has engaged with the Western Australian Electoral Commission (the Commission) to seek advice on the conduct, timing, and cost of the required election. The WAEC has proposed an extraordinary election date of 24 September 2026, subject to Council adopting the required resolutions.

To meet the 24 September 2026 Local Government Extraordinary Elections, a resolution of Council is required to be provided to the Commission by 6 July 2026.

### Policy and Legislative Implications

Division 1 of Part 4 of the *Local Government Act 1995*

Division 4 of Part 4 of the *Local Government Act 1995*

**14.1 Local Government Extraordinary Elections**

Section 4.9 provides for the election day for extraordinary election:

- “(1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed –*
- (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or*
  - (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).*
- (2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.*
- (3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to –*
- (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and*
  - (b) advise the CEO of the day fixed.”*

In accordance with Section 4.61, the local government may decide to conduct the election as a postal election. An absolute majority is required in this respect.

**Financial Implications**

It is estimated that the cost for the WAEC to conduct the 2026 City of South Perth extraordinary local government election would be approximately \$83,000 (ex GST) for two vacancies. Note additional costs may be incurred for casual staff associated with the election which may materially increase the final costs.

Given the costs will be incurred early in the financial year, if identified savings cannot be made throughout the year to accommodate the costs, the budget will require adjusting in the mid-year budget review.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Extraordinary local government elections are to be run in accordance with the Act and regulations. Officers and the Western Australian Electoral Commission are aware of the obligations.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Leadership
Aspiration:	A local government that is receptive and proactive in meeting the needs of our community
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

### Attachments

14.1 (a):	Estimate of Costs
14.1 (b):	Written Agreement

PREVIEW



Ms Anita Amprimo  
Acting Chief Executive Officer  
City of South Perth  
Locked Bag 22  
SOUTH PERTH WA 6151

Ms Amprimo,

### **Date for Local Government Extraordinary Election 2026**

Thank you for a recent email from Donna Shaw, on 24 June 2026 which advised of the resignation of Councillor Hayley Prendiville and Councillor Bronwyn Waugh and that as a result two extraordinary elections will need to be conducted in the City of South Perth.

I note that as per section 4.9(1) of *the Local Government Act 1995*, Council has one (1) month after the vacancy occurring (the day the resignation is received) to decide on and fix the election day for the extraordinary election. The *Local Government Act 1995* allows for either the WAEC to conduct the extraordinary election or for the Local Government to conduct the election in-house, with the CEO as the Returning Officer.

To assist your Council in making this decision, I am writing to advise you that the earliest date that the Western Australian Electoral Commission (WAEC) can conduct an extraordinary election is **Thursday 24 September 2026**. This is also our preferred date for the election.

This letter also serves as your cost estimate. The WAEC has estimated the cost to conduct this election at approximately **\$83,000** (ex GST). This cost has been based on the following assumptions:

- The method of election will be postal
- 2 councillor vacancies across 2 wards
- 14 850 electors
- response rate of approximately 40%
- appointment of a local Returning Officer
- your local government providing all other electoral officers to assist in the conduct of the election
- count to be conducted at your office using CountWA.

The WA Electoral Commission conducts elections on the basis of full accrual cost recovery, in accordance with *the Local Government (Elections) Regulations 1997*. This means if the actual costs to conduct the election are less or greater than what we have estimated, the final cost may differ from the estimate we have provided.

We aim to keep additional costs at a minimum, however examples of where cost increases may arise include:

- you select Australia Post Priority Service for the lodgement of your election package
- casual staff are required to be provided for the issuing of Replacement Election Packages
- casual staff are required to be provided to assist the Returning Officer on election day or with the count at night
- unanticipated cost increases from our suppliers

I note that the City has historically used casual staff and that for your last ordinary election event this resulted in an additional charge of \$32,496. You may wish to advise Council that these items can materially increase the final cost and should be taken into account when considering this estimate.

I would also highlight that the ongoing situation in the Middle East may impact on estimates and we will continue to liaise with you as we get closer to the event to confirm your estimate. We will keep you informed of any unanticipated cost increases if they emerge.

The WA Electoral Commission is committed to conducting elections impartially, effectively, efficiently and professionally. Following each election event, we review our performance and identify ways to improve our service delivery. If you have any suggestions for improvements we can make to deliver your election, your feedback is welcome at all times.

Please advise us in writing as soon as practicable that you accept to take this cost estimate to Council, so I can provide you with my written agreement to conduct the election in a sperate letter. Both the cost estimate letter, and the written agreement letter then need to be taken to Council for a decision.

The WA Electoral Commission is available to you to provide any further advice or support. If you have any queries please contact Phil Richards, Manager Election Events, at [lgelections@waec.wa.gov.au](mailto:lgelections@waec.wa.gov.au).

Yours sincerely,



Dennis O'Reilly  
**ELECTORAL COMMISSIONER**

24 June 2026



Ms Anita Amprimo  
Acting Chief Executive Officer  
City of South Perth  
Locked Bag 22  
SOUTH PERTH WA 6151

Ms Amprimo

**Written Agreement: Second 2026 Local Government Extraordinary Election**

Thank you for your correspondence dated 26 June 2026 in which you accept to take the Western Australian Electoral Commission's cost estimate for your 2026 local government extraordinary election to your next Council meeting.

I am pleased to provide this letter as my written agreement to be responsible for the conduct of your local government extraordinary election. In order to finalise this agreement, please submit the following motions to Council for a postal election as required under the *Local Government Act 1995*:

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 2026 extraordinary election, together with any other elections or polls which may be required;
2. decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

Please note:

- the above motions must be presented to Council as drafted and cannot be amended in any way
- both the Cost Estimate letter, and this Written Agreement letter should be attached to the item for Council's consideration
- the above motions must be passed by an absolute majority

Once the Council passes the above mentioned motions, please forward confirmation to us via the email address below. We will then proceed with arrangements for your election.

The WA Electoral Commission is available to you to provide any further advice or support. For any queries, please contact please contact Phil Richards, Manager Election Events via email at [lgelections@waec.wa.gov.au](mailto:lgelections@waec.wa.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "D O'Reilly".

Dennis O'Reilly  
**ELECTORAL COMMISSIONER**

26 June 2026