AGENDA

Ordinary Council Meeting

PUBLIC AGENDA

28 October 2026

Shire of Victoria Plains

Council Chambers, Calingiri

AND

via E-Meeting Protocol

Commencing – 2:00 PM

11.1 Extraordinary Vacancy Resignation of Shire President

File Reference	
Report Date	28 October 2026
Applicant/Proponent	Shire of Victoria Plains
Officer Disclosure of Interest	Nil
Previous Meeting Reference	Nil
Prepared by	Sean Fletcher, Chief Executive Officer
Senior Officer	N/A
Authorised by	Sean Fletcher, Chief Executive Officer
Attachments	Council Briefing Note – Councillor Resignation and Extraordinary Vacancy – WAEC Updated

PUBLIC AGENDA

PURPOSE

For Council to consider the process for filling the extraordinary vacancy arising from the resignation of the Shire President and determine whether to conduct an extraordinary election or consolidate the vacancy with the 2027 ordinary local government election.

BACKGROUND

President Pauline Bantock met with the Chief Executive Officer on 27 October 2026 and advised that she intended to resign as a councillor. Mr Fletcher has now received the resignation dated 28 October 2026, which specifies that it takes effect from 6 November 2026. The President advised that she intends to read her resignation at the commencement of the 28 October 2026 Ordinary Council Meeting.

The office will become an extraordinary vacancy on 6 November 2026. The current Schedule 4.1A backfill mechanism is not available because the applicable 12-month eligibility period has expired. Council must therefore determine the appropriate election pathway.

COMMENT

The CEO has discussed the matter with Phil Richards, Manager Election Events, Western Australian Electoral Commission (WAEC). WAEC has advised that the next coordinated local government extraordinary election date is 18 March 2027. As this date falls outside the ordinary four-month period following a vacancy arising on 6 November 2026, the appropriate Electoral Commissioner approval would be required.

Council has two practical options:

1. **Extraordinary election** – proceed to fill the vacancy through an extraordinary election, with 18 March 2027 being the next coordinated WAEC extraordinary election date, subject to the required approval.

2. **Consolidation with the 2027 ordinary election** – under section 4.16(4) of the *Local Government Act 1995*, Council may, with the approval of the Electoral Commissioner, fix the

2027 ordinary election day as the day for the extraordinary election. The Shire would operate with four Councillors until the ordinary election. Mr Richards advised that he does not anticipate the Electoral Commissioner having an issue with the Shire operating with four Councillors during this period. Formal approval is nevertheless required.

The CEO advised WAEC that Council's preferred option will be communicated first thing Thursday morning, 29 October 2026, so that the appropriate Electoral Commissioner approval letter can be prepared and issued.

This matter has arisen after preparation of the agenda and requires a timely Council decision so that WAEC can progress the required statutory approval and election arrangements. Clause 5.6 of the Shire of Victoria Plains Meeting Procedures Local Law 2018 permits new business of an urgent nature to be raised without notice where the presiding member moves a motion, carried by the meeting, to allow the matter to be raised and decided. Clause 5.6(2) defines the relevant urgency or special circumstances as a matter arising after preparation of the agenda that is sufficiently important and urgent that it cannot be dealt with administratively and must be considered before the next meeting. This matter meets that test.

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CONSULTATION

- Cr Pauline Bantock, Shire President
- Phil Richards, Manager Election Events, Western Australian Electoral Commission
- Councillors – briefing at 11.00 am, 28 October 2026

STATUTORY CONTEXT

Local Government Act 1995

s.2.31 – resignation of a council member, including written notice delivered to the CEO and the effective date.

s.2.32 – circumstances in which the office of a council member becomes vacant.

s.4.8 – extraordinary election required to fill an extraordinary vacancy unless a statutory alternative applies.

s.4.9 – fixing the day for an extraordinary election and the ordinary four-month timing requirement, unless otherwise approved by the Electoral Commissioner.

s.4.10 – timing provisions where a vacancy results from a resignation notice.

s.4.16(4) – allows Council, with Electoral Commissioner approval, to fix the ordinary election day as the day for the extraordinary election where the statutory timing conditions are met.

Schedule 4.1A – filling certain extraordinary vacancies without an extraordinary election; the current 12-month eligibility requirement is not met in this case.

Shire of Victoria Plains Meeting Procedures Local Law 2018

cl.5.1(1) – business not specified in an ordinary meeting agenda may be transacted with the approval of the presiding member or a decision of the members present.

cl.5.6(1) – in a case of urgency or other special circumstances, a matter may be raised without notice and decided where a motion by the presiding member is carried by the meeting.

cl.5.6(2) – defines urgency or special circumstances as a matter arising after preparation of the agenda that cannot be dealt with administratively and must be considered and dealt with before the next meeting.

CORPORATE CONTEXT

Strategic Business Plan/Corporate Business Plan

Council Plan 2026–2036

The Council Plan 2026–2036, adopted by Council in September 2026, is the Shire's principal strategic planning document and integrates the strategic community and corporate business planning framework. This matter aligns most directly with the Civic Leadership pillar, in particular the Plan's focus on ensuring equitable representation of all communities across the Shire and sustaining sound organisational capability.

Dealing with the extraordinary vacancy in accordance with the *Local Government Act 1995* and the Shire's Meeting Procedures Local Law supports effective governance, lawful decision-making and continuity of Council representation.

Delegation

Nil. The decision whether to use the consolidation pathway under section 4.16(4) is a Council decision and requires Electoral Commissioner approval.

Policy Implications

Nil

Other Corporate Document

Council Briefing Note – Councillor Resignation and Extraordinary Vacancy – WAEC Updated.

Risk Analysis

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance Failure to follow the statutory vacancy and urgent-business processes could result in an invalid or delayed decision.	**Moderate (3)** Short-term non-compliance may require corrective regulatory action.	**Unlikely (2)** Not expected where the Act, Local Law and WAEC advice are followed.	**Medium (6)**	**Executive Team (SMT)** Risk acceptable with statutory and procedural controls.	Follow the Local Government Act 1995, clause 5.6 of the Meeting Procedures Local Law 2018 and obtain the required Electoral Commissioner approval.

FINANCIAL IMPLICATIONS

Option 1 will involve the costs of conducting a separate extraordinary election. WAEC costings are to be confirmed.

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Option 2 is expected to avoid or substantially reduce the additional cost of a stand-alone extraordinary election by consolidating the vacancy with the 2027 ordinary election.

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

That Council:

1. In accordance with clause 5.6(1) of the *Shire of Victoria Plains Meeting Procedures Local Law 2018*, agrees that the extraordinary vacancy arising from the resignation of the Shire President be considered as new business of an urgent nature; and

2. Having considered the options for filling the extraordinary vacancy, resolves to seek Electoral Commissioner approval under section 4.16(4) of the *Local Government Act 1995* to consolidate the extraordinary election with the 2027 ordinary local government election].

For _____ / Against _____

PUBLIC AGENDA

File Reference	ADM-CNL-ELC
Report Date	28 October 2026
Applicant/Proponent	Shire of Victoria Plains
Officer Disclosure of Interest	Nil
Previous Meeting Reference	Nil
Prepared by	Sean Fletcher, Chief Executive Officer
Senior Officer	N/A
Authorised by	Sean Fletcher, Chief Executive Officer
Attachments	Council Briefing Note – Councillor Resignation and Extraordinary Vacancy – WAEC Updated

PURPOSE

For Council to consider the process for filling the extraordinary vacancy arising from the resignation of the Shire President and determine whether to conduct an extraordinary election or consolidate the vacancy with the 2027 ordinary local government election.

BACKGROUND

President Pauline Bantock tendered her written resignation as a Councillor to the Chief Executive Officer on 27 October 2026. The resignation is dated 28 October 2026 and specifies that it takes effect from 6 November 2026. The President advised that she intends to read her resignation at the commencement of the 28 October 2026 Ordinary Council Meeting.

The office will become an extraordinary vacancy on 6 November 2026. The current Schedule 4.1A backfill mechanism is not available because the applicable 12-month eligibility period has expired. Council must therefore determine the appropriate election pathway.

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COMMENT

The CEO has discussed the matter with Phil Richards, Manager Election Events, Western Australian Electoral Commission (WAEC). WAEC has advised that the next coordinated local government extraordinary election date is 18 March 2027. As this date falls outside the ordinary four-month period following a vacancy arising on 6 November 2026, the appropriate Electoral Commissioner approval would be required.

Council has two practical options:

1. Extraordinary election – proceed to fill the vacancy through an extraordinary election, with 18 March 2027 being the next coordinated WAEC extraordinary election date, subject to the required approval.

2. Consolidation with the 2027 ordinary election – under section 4.16(4) of the Local Government Act 1995, Council may, with the approval of the Electoral Commissioner, fix the 2027 ordinary election day as the day for the extraordinary election. The Shire would operate with four Councillors until the ordinary election. Mr Richards advised that he does not anticipate the Electoral Commissioner having an issue with the Shire operating with four Councillors during this period. Formal approval is nevertheless required.

The CEO advised WAEC that Council's preferred option will be communicated first thing Thursday morning, 29 October 2026, so that the appropriate Electoral Commissioner approval letter can be prepared and issued.

This matter has arisen after preparation of the agenda and requires a timely Council decision so that WAEC can progress the required statutory approval and election arrangements. Clause 5.6 of the Shire of Victoria Plains Meeting Procedures Local Law 2018 permits new business of an urgent nature to be raised without notice where the presiding member moves a motion, carried by the meeting, to allow the matter to be raised and decided. Clause 5.6(2) defines the relevant urgency or special circumstances as a matter arising after preparation of the agenda that is sufficiently important and urgent that it cannot be dealt with administratively and must be considered before the next meeting. This matter meets that test.

CONSULTATION

Cr Pauline Bantock, Shire President
Phil Richards, Manager Election Events, Western Australian Electoral Commission
Councillors – briefing at 11.00 am, 28 October 2026

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STATUTORY CONTEXT

Local Government Act 1995 –
• s.2.31 – resignation of a council member, including written notice delivered to the CEO and the effective date.
• s.2.32 – circumstances in which the office of a council member becomes vacant.
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• s.4.10 – timing provisions where a vacancy results from a resignation notice.
• s.4.16(4) – allows Council, with Electoral Commissioner approval, to fix the ordinary election day as the day for the extraordinary election where the statutory timing conditions are met.
• Schedule 4.1A – filling certain extraordinary vacancies without an extraordinary election; the current 12-month eligibility requirement is not met in this case.

Shire of Victoria Plains Meeting Procedures Local Law 2018 –
• cl.5.1(1) – business not specified in an ordinary meeting agenda may be transacted with the approval of the presiding member or a decision of the members present.
• cl.5.6(1) – in a case of urgency or other special circumstances, a matter may be raised without notice and decided where a motion by the presiding member is carried by the meeting.
• cl.5.6(2) – defines urgency or special circumstances as a matter arising after preparation of the agenda that cannot be dealt with administratively and must be considered and dealt with before the next meeting.

CORPORATE CONTEXT

Nil.

Risk Analysis

Strategic Business Plan/Corporate Business Plan
Council Plan 2026–2036

The Council Plan 2026–2036, adopted by Council in September 2026, is the Shire's principal strategic planning document and integrates the strategic community and corporate business planning framework. This matter aligns most directly with the Civic Leadership pillar, in particular the Plan's focus on ensuring equitable representation of all communities across the Shire and sustaining sound organisational capability.

Dealing with the extraordinary vacancy in accordance with the Local Government Act 1995 and the Shire's Meeting Procedures Local Law supports effective governance, lawful decision-making and continuity of Council representation.

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
1. COMMUNITY	
1.2 Inclusive community activities, events and initiatives	Well attended local events and activities
	Volunteers and community groups feel supported
	Community Development Officer jointly plans and works with local groups
	We increase the number and diversity of sport, recreation, learning and cultural events
1.3 Recreational, social and heritage spaces are safe and are activated	Sport and recreation facilities are planned, maintained and developed in a coordinated manner, aligned with community need
	Shire owned community buildings and places of interest are well maintained and used

Delegation
Nil. The decision whether to use the consolidation pathway under section 4.16(4) is a Council decision and requires Electoral Commissioner approval.

Policy Implications

Nil.

Other Corporate Document

Council Briefing Note – Councillor Resignation and Extraordinary Vacancy – WAEC Updated.

Risk Analysis

A risk analysis must be provided with every item based on the Shire's risk profiles. The following table must be completed:

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SHIRE OF VIC PLAINS PROFILE FEBRUARY 2024 FINAL.XLSM

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance Failure to follow the statutory vacancy and urgent-business processes could result in an invalid or delayed decision.	Moderate (3) Short-term non-compliance may require corrective regulatory action.	Unlikely (2) Not expected where the Act, Local Law and WAEC advice are followed.	Medium (6)	Executive Team (SMT) Risk acceptable with statutory and procedural controls.	Follow the Local Government Act 1995, clause 5.6 of the Meeting Procedures Local Law 2018 and obtain the required Electoral Commissioner approval.

FINANCIAL IMPLICATIONS

Option 1 will involve the costs of conducting a separate extraordinary election. WAEC costings are to be confirmed. Option 2 is expected to avoid or substantially reduce the additional cost of a stand-alone extraordinary election by consolidating the vacancy with the 2027 ordinary election.

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

That Council

1. in accordance with clause 5.6(1) of the Shire of Victoria Plains Meeting Procedures Local Law 2018, agrees that the extraordinary vacancy arising from the resignation of the Shire President be considered as new business of an urgent nature; and
2. having considered the options for filling the extraordinary vacancy, resolves to conduct an extraordinary election on the next coordinated WAEC extraordinary election date of 18 March 2027, subject to Electoral Commissioner approval / seek Electoral Commissioner approval under section 4.16(4) of the Local Government Act 1995 to consolidate the extraordinary election with the 2027 ordinary local government election.

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