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Mr Vernon Lawrence
Chief Executive Officer
Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA WA 6743

Dear Mr Lawrence

Local Government Extraordinary Election

I refer to the letter of 10 November 2021 from the Shire President, Mr David Menzel advising that a vacancy has arisen due to the resignation of Councillor Petherick on 16 October 2021 and the need to conduct an extraordinary election to fill the vacancy. He also requested an extension to the time for the Shire of Wyndham East Kimberley to hold an extraordinary election.

In view of section 4.9(2) of the *Local Government Act 1995*, it can be expected that ordinarily the extraordinary election would be held within four months of the relevant vacancy occurring. However, with the impact of the Christmas/New Year break & the school holidays in January, I note that this would not be practicable in this case.

In accordance with section 4.9(2), I agree that 12 March 2022 can be set as the day for holding the extraordinary election to fill the vacancy. I will also use this letter as a request for a residents' roll to be produced for the election.

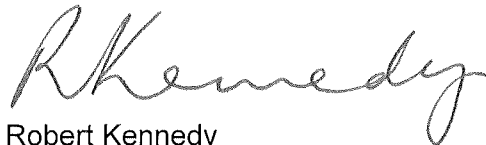
I also understand that you have indicated in telephone conversations with my staff that you would like me to be responsible for the conduct of the extraordinary election. The current procedure required by the Act is that my written agreement has to be obtained before the vote by Council is taken. To facilitate the process, you can take this letter as my agreement to be responsible for the conduct of the local government extraordinary election for the Shire of Wyndham East Kimberley in accordance with section 4.20(4) of the *Local Government Act 1995*. My agreement is subject to the proviso that the Shire of Wyndham East Kimberley also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

In order to achieve this, your Council would need to pass the following two motions by absolute majority:

- 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 local government extraordinary election together with any other elections which may be required
- 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.

If you have any further queries please contact Phil Richards Manager, Election Events on 9214 0443.

Yours sincerely

A handwritten signature in black ink that reads "R Kennedy". The signature is written in a cursive style with a large, prominent "R" at the beginning.

Robert Kennedy
ELECTORAL COMMISSIONER

11 November 2021