



# **AGENDA**

**Monday, 10 February 2025**

**Special Council Meeting**

**I hereby give notice that a Special Meeting of Council will be held on:**

**Date: Monday, 10 February 2025**

**Time: 12:00pm**

**Location: Council Chambers**

**Peter Franks**  
**Chief Executive Officer**



**Order Of Business**

**1 Members in Attendance ..... 5**

**2 Apologies/Leave of Absence/Absence on Council Business ..... 5**

**3 Office of the CEO ..... 7**

**7.1 Filling a Councillor Vacancy ..... 7**



**1 MEMBERS IN ATTENDANCE**

**2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS**



### 3 OFFICE OF THE CEO

#### 7.1 FILLING A COUNCILLOR VACANCY

**Date Prepared:** 3 February 2025  
**Author:** Chief Executive Officer  
**Attachments:** Nil

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#### EXECUTIVE SUMMARY

This report recommends to Council the steps it is required to take to fill the current vacancy on Council.

#### RECOMMENDATION

That Council

1. decides that the vacancy is to be filled by a by-election; and
2. requests the Minister to consider making a direction that the ballot be conducted as a postal vote.

#### BACKGROUND

The specific's for filling a vacancy are set out in *Division 3 "Vacancies in councillor's office"* of The Local Government Act 2009. The Act states that within two months of a vacancy occurring Council must fill the vacancy.

Section 166 of the act states that if the vacancy occurs during the beginning period of the term, defined as the first 12 months after an election, the Council must decide whether the vacancy be filled by either a by-election or following the procedure under section 166A of the Act. In short this procedure makes it possible for the runner-up of the election to be offered the position and if that candidate does not wish to assume the position then it be offered to the next runner -up etc until the position is accepted. It should be noted that should the vacancy occur after the 12 month period a by-election must be called.

As the vacancy occurred within the 12-month period, Council must decide if it is in the best interests of the community to either have a by-election or have the runner-up considered for the position. Factors that should be taken into consideration are

1. the time elapsed since the election.
2. the actual results of the election
3. the cost of conducting a by-election

When considering the actual results of the election. The candidate who came 6<sup>th</sup> received 59% of the possible votes (6854 votes), the runner-up received 45% of the possible votes (5319 votes). This means that nearly 60% of the population were supportive of the candidate who came 6<sup>th</sup> but less

than half (45%) supported the candidate who came 7<sup>th</sup>. Three other unsuccessful candidates all received more than 40% of the possible votes, two of whom were within 1% or less.

Candidate	Vote Count	Percentage of possible votes
Declared: CARDILLO, Ross	6854	58.61%
CHONG, Shaquille	4778	40.86%
BIRD, Daniel Joseph	5154	44.07%
BOSNIC, Mladen	5319	45.48%
MLIKOTA, Mario	5283	45.17%
WITTENBERG, Leonie	4381	37.46%
Declared: BRAES, Amy	8148	69.67%
Declared: BROWN, Edward (Nipper)	8190	70.03%
Declared: GRAHAM, Mary	6897	58.97%
Declared: DAVIES, Kevin	6852	58.59%
Declared: WYATT, Lenore	8314	71.09%
Total formal votes (TFV)	70170	
Total Possible votes a candidate could have received.(TFV/6)	11695	

Source ECQ final election results 2024

As well as the closeness of the 4 candidates who did not get elected, there has been a considerable time lapse since nominations closed for the last election.

The 2024 election was conducted on 16 March 2024. The vacancy occurred within eight (8) weeks of the cutoff point at which a by-election would be mandatory.

The cost of a by-election is unknown, however the last election cost \$141,258 (ex GST). Given the largest expense is for wages (72%), one would expect a by-election would be cheaper as it requires substantially less staff time, given it is much simpler counting single votes rather than the complexity of counting ballots with six votes on it. However a cost estimate has been requested from the Electoral Commission of Queensland and at the time of writing has not yet been received.

A postal ballot would also reduce costs as polling stations would not be required to be established, staffed, and resourced. It is therefore recommended that Council request the Minister to allow the election to be conducted by postal ballot. Given that only 35.5% of the electors actually voted on election day with the rest pre-polling in person or by post, there will hopefully be no objections to this by the State.

## RISK IMPLICATIONS

### Financial

A by-election would come at a cost whereas appointed the candidate who came seventh (7<sup>th</sup>).



**Legal and Compliance**

Section 166 of the Local Government Act 2009 requires Council to decide which option is to be taken.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Nil.

***Operating***

The cost of a by-election is unknown.

***Is the expenditure noted above included in the current budget?***

No.

***If not you must recommend how the budget can be amended to accommodate the expenditure***

The cost can be covered by the surplus available in the actual operating results.

**LINK TO CORPORATE PLAN**

**Financial Sustainability and Governance:** A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.



