



## **BUSINESS PAPER**

# **Extraordinary Council Meeting Wednesday, 15 September 2021**

**Date: Wednesday, 15 September 2021**

**Time: 10.00 am**

**Location: Shire Chamber  
Coonamble**

**Pre-Meeting Session:** Kindly note that a Pre-Meeting Session will be held at 9:00am in the Council Chamber to allow for questions from Councillors to be asked regarding items included with the Business paper – in order to ensure clarity and an informed decision-making process. Councillors are also encouraged to make contact with the General manager or the applicable Executive Leader before the Council Meeting to clarify any questions that you may have.

**Hein Basson  
General Manager**

**Notice is hereby given that an Extraordinary Meeting of Council will be held in the Shire Chamber, Coonamble on Wednesday, 15 September 2021 at 10.00 am.**

**Order Of Business**

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## **1 OPENING MEETING**

- The meeting is being livestreamed and/or recorded for on-demand viewing via Council's website and a person's image and/or voice may be broadcast;
- Attendance at the meeting is to be taken as consent by a person to their image and /or voice being webcast (time will be allowed by the Chairperson for people to leave the meeting before it starts);
- All speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent;
- Council accepts no liability for any damage that may result from defamatory comments made by persons attending the meetings – all liability will rest with the individual who made the comments;
- The recording will be available on Council's website for a minimum of 12 months and retained as a Council record;
- Individuals acting in a disorderly manner can be asked by the Chairperson to leave the meeting under the Council's Code of Meeting Practice;
- The meeting must not be recorded by others without the prior written consent of the Council in accordance with the Council's Code of Meeting Practice.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

We acknowledge the traditional custodians of this land on which we meet today, the Wailwan people and the Gamilaroi people and recognise their continuing connection to land, water and culture. We pay our respects to Elders past, present and emerging.

## **3 COMMUNITY CONSULTATION**

## **4 APOLOGIES/APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**

## **5 DEPUTATION/DELEGATIONS**

## **6 DISCLOSURES OF CONFLICTS OF INTEREST**

## 7 REPORTS TO COUNCIL

### 7.1 PROCEDURES FOR DEPUTY MAYORAL ELECTION

**File Number:** C13

**Author:** Marina Colwell, Executive Support Officer

**Authoriser:** Hein Basson, General Manager

**Annexures:**

1. Circular - Postponement of Local Government Elections
2. Mayoral Election - Fact Sheet - OLG

#### PURPOSE

The purpose of this report is to advise Council that there is no current need for a Mayoral election, as there had been a Mayor's election in September 2020 – with the Mayoral term being for a period of two (2) years. Therefore, there is only the need for Council to elect a Deputy Mayor (if it so decides), and this report addresses the procedures to be followed for the election of such position.

#### BACKGROUND

When a Mayor is elected by Councillors, the term is for two (2) years. However, Deputy Mayors may be elected for a period of the Mayoral term or a shorter term pursuant to the provisions of section 231(2) of the *Local Government Act 1993* (The Act). Council has decided to only select a Deputy Mayor for a term of one (1) year in the past.

The term of Mayor was due to expire on 4 September 2021 at the time of the general Local Government elections; however, due to the COVID-19 pandemic elections have been postponed and re-scheduled for 4 December 2021.

Section 225 of The Act stipulates the following:

*“An area **must** have a mayor who is elected in accordance with this Division”.*

The Office of Local Government has directed that Councils which elected Mayors in September 2019 must have Mayoral elections in September 2021 when the two (2) year term of the current Mayor expires. Mayors elected in September 2020 will hold office until the elections are held on 4 December 2021.

However, it is important to note that Section 231(1) of The Act stipulates the following:

*“The councillors **may** elect a person from among their numbers to be the deputy mayor”.*

Therefore, Council is under no obligation to elect a Deputy Mayor. In the past, Council has decided to take the option to elect a Deputy Mayor who acts in the absence of the Mayor, or when the Mayor has other commitments and cannot be available.

The election of the Deputy Mayor should be in accordance with Clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005* (The Regulation).

#### (a) Relevance to Integrated Planning and Reporting Framework

L1.4 Encourage and promote a high level of leadership in the community.

L1.4.4 Governance is open and transparent.

## **(b) Financial Considerations**

There are no financial considerations directly attached to this report. However, The Act makes provision for the Mayor to be paid an annual fee in addition to the fee paid to the Mayor as a Councillor. The parameters applicable to these fees are determined on an annual basis by the Local Government Remuneration Tribunal.

## **COMMENTARY**

The Office of Local Government (OLG), in Circular 21-24 / 13 August 2021 / A784280, advised that Mayoral and Deputy Mayor elections must be held in September 2021.

The key points raised in this Circular are as follows:

- Mayoral elections must be held in September 2021 for Mayors elected in September 2019 when their two (2) year-terms expire (see sections 230(1) and 290(1)(b) of The Act).
- Mayors elected in September 2020 will continue to hold office until Council elections are held on 4 December 2021.
- The civic offices of all Mayors elected by Councillors will expire on election day on 4 December 2021.
- Deputy Mayors hold their office for the term specified by the Council's resolution. If a Deputy Mayor's term expires before election day on 4 December 2021, an election may need to be held for Deputy Mayor. As was mentioned before, it should be noted that Councils are not required to have a Deputy Mayor.

The Act and The Regulation are prescriptive about the election of the positions of Mayor and Deputy Mayor.

Schedule 7 of The Regulation prescribes three methods of election of Mayors/Deputy Mayors:

- Open ballot (e.g. a show of hands)
- Ordinary ballot; or
- Preferential ballot.

Open ballots can be undertaken remotely where a council is conducting its meetings by audio visual link. Ordinary and preferential ballots are secret ballots and Councillors will need to attend the meeting in person if the election is to be by either of these methods. Council has traditionally used the ordinary ballot method to elect these office holders.

## **(a) Governance/Policy Implications**

As mentioned above, a Council must elect a Mayor and may elect a Deputy Mayor. It has been the practice over many years for Council to have an Extra-Ordinary Meeting for the purposes of electing a Mayor and Deputy Mayor, and a resolution in this regard has also been adopted.

## **(b) Legal Implications**

If a Mayor or Deputy Mayor is to be elected by the Councillors of an area, the election of the Mayor and the Deputy Mayor should be in accordance with Clause 394 and Schedule 7 of The Regulation.

### Returning Officer:

The General Manager (or a person appointed by the General Manager) is the **Returning Officer (RO)**.

### Nomination:

1. A Councillor may be nominated without notice for election as Deputy Mayor.
2. The nomination is to be made in writing by two (2) or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
3. The nomination is to be delivered to the RO.
4. The RO is to announce the names of the nominees at the Council Meeting at which the election is to be held.

### Election:

1. If only one (1) Councillor is nominated, that Councillor is elected.
2. If more than (1) is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
3. The election is to be held at the Council Meeting at which the Council resolved on the method of voting.
4. In this clause:

**Ballot** has its normal meaning of secret ballot.

**Open voting** means voting by a show of hands or similar means.

It has been Council practice over the last number of years to use the ordinary ballot.

## **(c) Social Implications**

Every Council must have a Mayor and if Council decides not to elect a Deputy Mayor it may have a negative impact on the availability of a dignitary of Council to perform the many and varied ceremonial duties of the Mayor within the community in the instance of the Mayor not being available. It is therefore suggested that it might be beneficial for Council to continue the practice of electing a Deputy Mayor.

## **(d) Environmental Implications**

There are no environmental implications directly attached to this report.

## **(e) Environmental Implications**

There are no environmental implications associated with this report.

## **(f) Economic/Asset Management Implications**

There are no economic / asset management implications associated with this report.

### **(g) Risk Implications**

There are no risk implications associated with this report.

### **CONCLUSION**

When a Mayor is elected by Councillors, the term is for two (2) years. However, Deputy Mayors may be elected for a period of the Mayoral term or a shorter term pursuant to the provisions of section 231(2) of The Act. Council has decided to only select a Deputy Mayor for a term of one (1) year in the past.

The election of Deputy Mayor, if decided by Council to be pursued, will be for the remainder of the current term ending on 4 December 2021.

The Fact Sheet attached to this report provides more comprehensive information regarding the procedures and requirements regarding the election of these office bearers by the NSW Office of Local Government.

It has been the custom of Council over many years to conduct the election of Deputy Mayor by using the ordinary ballot method and there is no obvious reason to deviate from this established practice – if it is possible to still conduct Council Meetings with all Councillors being physically present at the time when the set Council Meeting is being held.

### **RECOMMENDATION**

- 1. That Council notes this report.**
- 2. That Council, based on established practice, resolves to elect a Deputy Mayor and that the ordinary ballot method be used for this purpose.**

<b>Circular Details</b>	21-24 / 13 August 2021 / A784280
<b>Previous Circular</b>	21-20 Postponement of the local government elections to 4 December 2021
<b>Who should read this</b>	Councillors / General Managers / Governance staff
<b>Contact</b>	Council Governance Team / 02 4428 4100/ <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Council to Implement

## September 2021 mayoral elections

### What's new or changing

- Mayoral elections must be held in September 2021 for mayors elected in September 2019 when their two year-terms expire (see sections 230(1) and 290(1)(b) of the *Local Government Act 1993*).
- Mayors elected in September 2020 will continue to hold office until council elections are held on 4 December 2021.
- The civic offices of all mayors elected by councillors will expire on election day on 4 December 2021.
- Deputy mayors hold their office for the term specified by the council's resolution. If a deputy mayor's term expires before election day on 4 December 2021, an election may need to be held for deputy mayor. It should be noted however, that councils are not required to have a deputy mayor.

### What this will mean for your council

- Mayoral elections must be conducted in accordance with Schedule 7 of the *Local Government (General) Regulation 2005*.
- Schedule 7 prescribes three methods of election of mayors:
  - open ballot (eg a show of hands)
  - ordinary ballot, or
  - preferential ballot.
- Open ballots can be undertaken remotely where a council is conducting its meetings by audio visual link.
- Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person if the election is to be held by way of an ordinary or preferential ballot.

### Key points

- In deciding which voting method to use for the mayoral election, councils should consider the personal circumstances of their councillors to ensure that all councillors can participate in the mayoral election.
- Councillors may attend council meetings in person under the *Public Health (COVID-19 Gathering Restrictions) Order (No 2) 2021* and the *Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021* (Public Health Orders) for the purposes of participating in a mayoral election and staff may attend for the purposes of conducting the election.

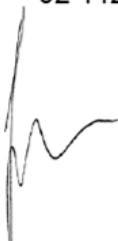
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- In areas subject to stay at home restrictions under the Public Health Orders a person may leave their home for the purpose of undertaking any legal obligations and a person engaged in local government elections is an “authorised worker” for the purpose of the Public Health Orders.
- Councils must comply with the Public Health Orders when holding a Mayoral election and should observe appropriate social distancing and take any other steps necessary to minimise the risk of infection by the COVID-19 virus and to ensure the health and safety of all attendees.

**Where to go for further information**

- The Office of Local Government has issued a fact sheet on conducting mayoral elections which is available [here](#).
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).



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## Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

## How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

## Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

## Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

## Procedures

### Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

*As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.*

*In accordance with the Local Government (General) Regulation 2005, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.*

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

### At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

*As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.*

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

**Note:** In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

### Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

*It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.*

*Each councillor is entitled to vote for only one candidate in each round of voting.*

*I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.*

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

*Would those councillors voting for [name of candidate] please raise your hand.*

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

#### Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

*[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the*

*names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

#### Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

*[Name of candidate], having the lowest number of votes, is excluded.*

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

*I declare that [name of candidate] is excluded.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

## Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

*It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.*

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

*[Name of candidate], having the lowest number of votes, is excluded.*

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

*I declare that [name of candidate] is excluded.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

*[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

*The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.*

*Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.



## Preferential ballot

The returning officer explains the process.

*It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.*

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

*[Name of candidate], having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.*

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

*[Name of candidate], having the lowest number of first preference votes, is excluded.*

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

*[Name of candidate], having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

*The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

## Schedule 7 - Election of Mayor by Councillors

### Part 1 Preliminary

#### 1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

#### 2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

#### 3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:  
*ballot* has its normal meaning of secret ballot.  
*open voting* means voting by a show of hands or similar means.

### Part 2 Ordinary ballot or open voting

#### 4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

#### 5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

#### 6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

#### 7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

## Part 3 Preferential ballot

### 8 Application of Part

This Part applies if the election proceeds by preferential ballot.

### 9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

### 10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. That candidate is elected.
- (4) In this clause, "**absolute majority**", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

### 11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

## Part 4 General

### 12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

### 13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- a) to be declared to councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Departmental Chief Executive and to the Chief Executive of Local Government New South Wales.

## **7.2 ELECTION OF DEPUTY MAYOR**

**File Number:** E2-3

**Author:** Marina Colwell, Executive Support Officer

**Authoriser:** Hein Basson, General Manager

**Annexures:** 1. Nomination Form - Role of Deputy Mayor

### **PURPOSE**

The purpose of this report is to inform Council regarding the election of the Deputy Mayor for the remainder of this Council term i.e. until the general Local Government elections on 4 December 2021, and for Council to elect a Deputy Mayor for this period of time.

### **BACKGROUND**

Nominations must be in writing, signed by two (2) Councillors, in addition to written acceptance by the person being nominated. Attached to this report is a Nomination Form which should be completed, signed and returned to the General Manager prior to the meeting.

Council must resolve whether voting is to be by secret ballot or open voting. Council may need to resolve the method of voting (ordinary ballot or preferential ballot) should more than one candidate be nominated.

This requirement will be determined at the meeting in accordance with the earlier report on the procedures to be followed.

#### **(a) Relevance to Integrated Planning and Reporting Framework**

L1.4 Encourage and promote a high level of leadership in the community.

#### **(b) Financial Considerations**

The Mayor is paid an allowance, which is reviewed annually, in addition to the annual fee received for Councillor. The Mayor's current annual allowance is \$31,549 (\$10,888 plus \$20,661). This year Council resolved to increase fees by 2.0% following the report from the Local Government Remuneration Tribunal.

It is possible for Council to pay the Deputy Mayor (if there is one) a fee determined by the Council for such time as the Deputy Mayor acts in the office of the Mayor. The amount of the fee so paid must however be deducted from the Mayor's annual fee.

It is currently policy of Council not to pay a fee to the Deputy Mayor.

### **COMMENTARY**

It has been the practice over many years to conduct an Extra-Ordinary Meeting for the election of the Mayor, Deputy Mayor and various committee representatives. The Extra-Ordinary Meeting is convened ahead of the monthly meeting for the month of September.



**(a) Governance/Policy Implications**

It has been the custom for Council to elect a Deputy Mayor in the past and there is no obvious reason why Council should deviate from this practice, except that the newly elected Deputy Mayor will only hold the position for a couple of months or so – until the general local government elections that are scheduled to be held on 4 December later this year.

**(b) Legal Implications**

Council must adhere to the relevant provisions of the *Local Government Act 1993* and the *Local Government (General) Regulations 2005* when electing a Mayor and Deputy Mayor. These provisions have been highlighted in the previous item of this meeting's Business Paper.

**(c) Social Implications**

Nil.

**(d) Environmental Implications**

Nil.

**(e) Economic/Asset Management Implications**

Nil.

**(f) Risk Implications**

Nil.

**CONCLUSION**

Council must conduct an election for Deputy Mayor in September 2021, if Council elects to pursue and nomination form have been forwarded with the Business Paper to all Councillors for their convenience, noting that written nominations are required for the role of Deputy Mayor.

**RECOMMENDATION**

- 1. That Council notes the contents of the report.**
- 2. That Council appoints the General Manager as Returning Officer to oversee the election of the Deputy Mayor.**
- 3. That the Returning Officer conducts the election of the Deputy Mayor.**



**NOMINATION PAPER**

**FOR THE OFFICE**

**OF**

**DEPUTY MAYOR**

We, the undersigned, hereby propose for nomination for the Office of Deputy Mayor:

Name of Candidate .....

Mover: .....

Seconder: .....

I, the above-named Candidate hereby consent to the nomination.

(Signature of person proposed for nomination) .....

### 7.3 DELEGATES TO COMMITTEES

**File Number:** C13

**Author:** Marina Colwell, Executive Support Officer

**Authoriser:** Hein Basson, General Manager

**Annexures:** Nil

#### PURPOSE

The purpose of this report is for Council to update and / or amend its committee structure by delegating Council representatives to community committees for the period September 2021 to January 2022.

#### BACKGROUND

Council's existing list of committees and representatives, adopted on 9 September 2020, is as follows:

##### i) Councillor / Staff Committees of Council:

COMMITTEE	DELEGATE	STAFF
General Manager's Recruitment and Selection Committee (As required)	All Councillors invited	Shortlisted Applicants
General Manager's Performance Management Committee (Annually)	Mayor, Deputy Mayor, Cr Fisher, Councillor nominated by GM, facilitated by a representative of LGNSW	General Manager
Donations Committee (Twice per Year)	Mayor, Deputy Mayor	General Manager and/or Executive Leader Corporate & Sustainability
Saleyards Management Committee (Twice per Year)	Cr Wheelhouse / Cr Cullen (Councillors without a Conflict of Interest need to be appointed)	Executive Leader Environment, Strategic Planning & Community
Significant Development Proposals Committee (As required)	Mayor, Deputy Mayor, Cr Deans / Cr Fisher	General Manager, Executive Leader Infrastructure, Manager Economic Development & Growth
Floodplain Risk Management Committee (As required to meet with consultants)	Cr Deans / Cr Cullen	Executive Leader Infrastructure / Executive Leader Environment, Strategic Planning & Community
Caravan Park Redevelopment Committee (Sunset Committee – As Required)	Mayor / Cr Churchill	General Manager / Manager Economic Development & Growth
Roads Committee (Incorporating Quarry) (Quarterly)	Mayor / Deputy Mayor / Cr Fisher / Cr Thomas plus four (4) road user representatives from the NE, NW, SE, and SW parts of the LGA	General Manager / Executive Leader infrastructure / Manager Roads & Bridges / Quarry Supervisor (if and as required)
Youth Council	Mayor (Alternate Cr Wheelhouse)	Executive Leader Environment, Strategic Planning & Community
Local Traffic Committee (Quarterly)	Cr Deans (With Voting Rights) / Cr Thomas (Cr Wheelhouse as Alternate)	General Manager / Executive Leader Infrastructure
Closed Circuit Television Committee (As Required)	Mayor / Deputy Mayor	Executive Leader Corporate & Sustainability

<b>COMMITTEE</b>	<b>DELEGATE</b>	<b>STAFF</b>
Code of Conduct Review Panel (As Required)	External Investigator/s to be appointed by the General Manager in line with the new Model Code of Conduct 2020	Code of Conduct Complaint Coordinator

(1) Council adopted the frequency of Committee Meetings as shown in the first column.

(2) The staff member whose name is shown in red is the responsible person for the proper administration of Committee Meetings.

(3) The Code of Conduct Review Panel will become defunct by Council adopting the revised Code of Conduct 2020 (as part of the Ordinary Meeting).

#### **ii)Outside Community Committees**

<b>COMMITTEE</b>	<b>DELEGATE</b>	<b>STAFF</b>
Bush Fire Management	Mayor / Cr Thomas	Executive Leader Corporate & Sustainability and/or General Manager
Local Emergency Management	Cr Wheelhouse	Executive Leader Infrastructure
Outback Arts	Cr Deans (Alternate Cr Wheelhouse)	Manager Economic Development & Growth
Coonamble Together Partnership Group	Mayor / Cr Deans	Executive Leader Environment, Strategic Planning & Community
North-Western Library Cooperative	Cr Churchill	Executive Leader Environment, Strategic Planning & Community
Castlereagh Macquarie Weeds County Council	Cr Cullen / Cr Fisher	Nil
Chamber of Commerce	Cr Wheelhouse	General Manager and/or Manager Economic Development & Growth
Quambone Resources	Cr Thomas	Nil

#### **(a) Relevance to Integrated Planning and Reporting Framework**

It is important for Council's committee structure to support and facilitate the achievement of Council's goals and objectives within its strategic documents and plans.

#### **(b) Financial Considerations**

Those committees which are administered by Council do incur a cost for Council, as resources (staff, time and money) need to be allocated to the management and administration of these structures to ensure that agendas and minutes are generated, and action steps are implemented.

## COMMENTARY

The committee structure adopted by Council in September 2020 facilitates the broad spectrum of functions for which Council is responsible and facilitates Council's needs and objectives. It is suggested that the current structure, with a few minor changes to the staffing allocations, be retained.

With the challenges faced due to the COVID-19 pandemic, the frequency of some meetings has not been met, but as soon as the current restrictions and situation change, this matter will be addressed and should revert back to "normal" over time.

### (a) Governance/Policy Implications

Section 355 Committees and other community committees ideally need a governance framework in which to work.

In October 2020 Council adopted a Manual for Community Committees of Council as its policy framework for the future functioning of its approved Section 355 Committees.

Council confirmed the establishment of the Quambone Resources Committee as a Section 355 Committee of Council and delegated the function of the care, management and control of the Quambone Community Hall to the Quambone Resources Committee, conditional upon the Committee fulfilling its role and responsibilities in this regard in a dutiful and diligent manner.

### (b) Legal Implications

Some committees will function pursuant to the provisions of Section 355 of the *Local Government Act 1993* and others like the Local Traffic Committee in accordance with the provisions of the *Traffic Act 1909*.

### (c) Social Implications

Social implications would include the provision of a conduit between community and Council when Council delegates participate on community committees.

### (d) Environmental Implications

There are no direct environmental implications associated with this report, although it is recognised that the Castlereagh-Macquarie Weeds County Council is solely focused on an environmental function.

### (e) Economic/Asset Management Implications

Nil.

### (f) Risk Implications

Nil.

## CONCLUSION

Council should identify its priority strategic goals and objectives and the development of an adequate committee structure should be viewed as being an incremental process – with room for future development and refinement. All committees need to facilitate and support Council's objectives and goals.

## RECOMMENDATION

1. That Council notes this report.
2. That Council nominates Councillors and staff as delegates to various committees for the remainder of this Council term i.e. until January 2022:

### i) Councillor / Staff Committees of Council:

COMMITTEE	DELEGATE	STAFF
General Manager's Recruitment and Selection Committee (As required)	All Councillors invited	Shortlisted Applicants
General Manager's Performance Management Committee (Annually)	Mayor, Deputy Mayor, Cr ....., Councillor nominated by GM, facilitated by a representative of LGNSW	General Manager
Donations Committee (Twice per Year)	Mayor, Deputy Mayor	Executive Leader Corporate & Sustainability and/or General Manager
Saleyards Management Committee (Twice per Year)	Cr ..... / Cr ..... (Councillors without a Conflict of Interest need to be appointed)	Executive Leader Environment, Strategic Planning & Community
Significant Development Proposals Committee (As required)	Mayor, Deputy Mayor, Cr ..... / Cr .....	General Manager, Executive Leader Infrastructure, Manager Economic Development & Growth
Floodplain Risk Management Committee (As required to meet with consultants)	Cr ..... / Cr .....	Executive Leader Infrastructure / Executive Leader Environment, Strategic Planning & Community
Caravan Park Redevelopment Committee (Sunset Committee – As Required)	Mayor / Cr .....	General Manager/ Manager Economic Development & Growth
Roads Committee (Incorporating Quarry) (Quarterly)	Mayor / Deputy Mayor / Cr ..... / Cr ..... plus four (4) road user representatives from the NE, NW, SE, and SW parts of the LGA	General Manager / Executive Leader infrastructure / Manager Roads & Bridges / Quarry Supervisor (if and when required)
Youth Council	Mayor (Alternate Cr .....) )	Executive Leader Environment, Strategic Planning & Community
Local Traffic Committee (Quarterly)	Cr ..... (With Voting Rights) / Cr ..... (Cr .....as Alternate)	General Manager / Executive Leader Infrastructure
Closed Circuit Television Committee (As Required)	Mayor/Deputy Mayor	Executive Leader Corporate & Sustainability
Code of Conduct Review Panel (As Required)	External Investigator/s to be appointed by the General Manager in line with the new Model Code of Conduct 2020	Code of Conduct Complaint Coordinator
(1) Council adopted the frequency of Committee Meetings as shown in the first column.  (2) The staff member whose name is shown in red is the responsible person for the proper administration of		

Committee Meetings.  (3) The Code of Conduct Review Panel will become defunct by Council adopting the revised Code of Conduct 2020 (as part of the Ordinary Meeting).		
<b>ii)Outside Community Committees</b>		
<b>COMMITTEE</b>	<b>DELEGATE</b>	<b>STAFF</b>
Bush Fire Management	Mayor / Cr .....	Executive Leader Corporate & Sustainability and/or General Manager
Local Emergency Management	Cr .....	Executive Leader Infrastructure
Outback Arts	Cr ..... (Alternate Cr .....)	Manager Economic Development & Growth
Coonamble Together Partnership Group	Mayor / Cr .....	Executive Leader Environment, Strategic Planning & Community
North-Western Library Cooperative	Cr .....	Executive Leader Environment, Strategic Planning & Community
Castlereagh Macquarie Weeds County Council	Cr ..... / Cr .....	Nil
Chamber of Commerce	Cr .....	General Manager and/or Manager Economic Development & Growth
Quambone Resources	Cr .....	Nil

## **7.4 FIXING OF DATES FOR COUNCIL MEETINGS FOR THE EXTENDED MAYORAL TERM**

**File Number:** C13

**Author:** Marina Colwell, Executive Support Officer

**Authoriser:** Hein Basson, General Manager

**Annexures:** Nil

### **PURPOSE**

The purpose of this report is for Council to fix dates for Ordinary and Extraordinary Council Meetings from October 2021 to January 2022 resulting from the Local Government Elections being re-scheduled from Saturday, 4 September to Saturday, 4 December 2021 – stemming from the Covid-19 pandemic and more specifically the effects of the Delta strain of this virus which has caused large-scale lockdowns of local government areas (LGAs) within the state of NSW.

### **BACKGROUND**

At the Extra-Ordinary Meeting of Council held on 9 September 2020, Council fixed the dates, location, and times of its meetings for the period October 2020 to September 2021.

On 25 July 2021 the Minister for Local Government announced a new date for the Local Government Elections, after advice from the NSW Electoral Commission and NSW Health in response to the COVID-19 situation, to implement a comprehensive plan to allow voters to cast their ballot safely in person, by post or online.

Therefore, Council is now required to approve dates to lead up to the new date set for general Local Government Elections on 4 December.

Council's current meeting date is the second Wednesday of each month, with a commencement time of 10.00 am. It is suggested that this practice continue until the new Council is elected in December 2021.

In keeping with many years' practice, the Ordinary Meeting in October is held at Quambone. With the pandemic currently causing large-scale lockdowns and concerns around the containment of the Covid-virus, it is suggested for Council assess the risk in having a meeting where travelling to another village community is required. It is suggested that it might be prudent for Council not to pursue this established practice in the short term, and to reinstate it when things have settled down into more of a "normal" rhythm again.

#### **(a) Relevance to Integrated Planning and Reporting Framework**

L1.4 Encourage and promote a high level of leadership in the community.

#### **(b) Financial Considerations**

There are no financial considerations associated with this report.

### **COMMENTARY**

Current Councillors will continue to hold their civic offices, Mayors elected in September 2020 will continue to hold office until Council elections are held on 4 December 2021. Councils will not be required to hold by-elections to fill vacancies or



to apply to the NSW Minister of Local Government to dispense with the requirement to hold a by-election before ordinary Council elections are held on 4 December 2021.

Council's current meeting dates are set for the second Wednesday of each month, with a commencement time of 10.00 a.m. Council has previously resolved not to hold an Ordinary Meeting during the month of January, however, due to the Local Government Elections being postponed the new timeframes will not allow Council to have January as a recess month. In this regard, it is important to note that the NSW Electoral Commission will only be able to confirm election results during the week leading up to Christmas. It will then be expected of Council to have an Extra-ordinary Meeting within three (3) weeks for purposes of electing a Mayor (and Deputy Mayor).

The suggested dates, times and venues are set out in the table below.

Date	Location	Time
13 October 2021	Ordinary Meeting Council Chamber – Council Admin Building (The venue of Quambone – Memorial Hall to be resumed after the Covid-19 pandemic situation has normalised)	10.00 a.m.
10 November 2021	Ordinary Meeting (Council in care-taker mode) Council Chamber – Council Admin Building	10.00 a.m.
11 January 2022	Extra-Ordinary Meeting – Election of Mayor, Deputy Mayor, Committee of Council representatives, setting dates for the newly elected Councillors' induction/orientation sessions and identification of other professional development needs, and the Ordinary and Extraordinary Council Meeting dates from February to September 2022. Council Chamber – Council Admin Building	10.00 a.m.

**(a) Governance/Policy Implications**

Council Meetings are an important part of Council's functions; they are the mechanism through which it "speaks". Now that the meetings are recorded it is a strong connection with and to the community. Council will hold an Extraordinary Council Meeting in September to conduct Deputy Mayor Elections.

**(b) Legal Implications**

Section 365 of the *Local Government Act 1993* states the following:

*The Council is required to meet at least 10 times a year; each time in a different month.*

Section 9 of the Act states the following:

*Public notice of meetings:*

*(1) A council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are councillors.*

*(2) A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.*

*(2A) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:*

*(a) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and*

*(b) the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.*

*(3) The copies are to be available to the public as nearly as possible to the time they are available to councillors.*

*(4) The copies are to be available free of charge.*

*(5) A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.*

**(c) Social Implications**

Holding a meeting at Quambone provides residents with the opportunity to attend the meeting as observers or be involved in the Community Consultation Session (approval required) without the need to travel to Coonamble. However, given the current Covid-19 situation, it is suggested that it will be prudent for Council not to pursue this established practice in the short term, and to reinstate it when measures have been implemented by the State Government to deal with and live with the SARS-CoV-2 as part of daily community life.

**(d) Environmental Implications**

Nil.

**(e) Economic/Asset Management Implications**

Nil.

**(f) Risk Implications**

Nil.

**CONCLUSION**

It is recommended for Council to adopt the suggested dates leading up to the December Local Government Elections; including the January 2022 date (which is the second Tuesday of the month to comply with the regulated time-period), for the Extraordinary Meeting to hold Elections of Mayor, Deputy Mayor, Committee of Council representatives, setting dates for the newly elected Councillors' induction/orientation sessions and identification of other professional development needs, and the Ordinary and Extraordinary Council Meeting dates from February to

September 2022. It is proposed for Council not to change the practice around meeting on the second Wednesday of the month for the months of October and November 2021.

## RECOMMENDATION

1. That Council fixes the dates and times for the October 2021, November 2021 and January 2022 Ordinary Meetings and Extra-Ordinary Meeting as follows:

Date	Location	Time
13 October 2021	<b>Ordinary Meeting</b> <b>Council Chamber – Council Admin Building</b> (The venue of Quambone – Memorial Hall to be resumed after the Covid-19 pandemic situation has normalised)	10.00 a.m.
10 November 2021	<b>Ordinary Meeting (Council in caretaker mode)</b> <b>Council Chamber – Council Admin Building</b>	10.00 a.m.
11 January 2022	<b>Extra-Ordinary Meeting – Election of Mayor, Deputy Mayor, Committee of Council representatives, setting dates for the newly elected Councillors’ induction/orientation sessions and identification of other professional development needs, and the Ordinary and Extraordinary Council Meeting dates from February to September 2022.</b> <b>Council Chamber – Council Admin Building</b>	10.00 a.m.

2. That the General Manager communicates the dates and venues of Council Meetings for the October 2021 to January 2022 period to staff and arranges for the times, dates and venues of future meetings, as listed in paragraph one (1) above, to be advertised on Council’s social media, website and in Council’s column in the Coonamble Times.

**8 CONCLUSION OF THE MEETING**