



AGENDA

Extraordinary Council Meeting

Tuesday, 15 October 2024

I hereby give notice that an Extraordinary Council Meeting will be held on:

Date: Tuesday, 15 October 2024

Time: 5:00 PM

Location: Council Chambers, Estates Building Deniliquin

Gary Arnold
Interim Chief Executive Officer

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1. OPENING MEETING**2. LIVE STREAMING STATEMENT**

Edward River Council wishes to advise members of the public that Council Meetings will be recorded and will be available after each meeting on Council's website [Councils Website](#). All care will be taken to maintain the privacy of those in attendance, however as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery, it is assumed your consent is given in the event your image is broadcast. This includes any filming by television cameras if attendance is approved by the Chief Executive Officer or Mayor.

3. ACKNOWLEDGEMENT OF COUNTRY

The Edward River Council acknowledges and embraces the Traditional Owners of the Lands within the Edward River Council area - the Wamba Wamba/Perrepa Perrepa Peoples – and pay our respects to their elders, past, present, and emerging. The Edward River Council also recognises the diversity of different cultures within our community and their contribution.

4. STATEMENT OF PURPOSE

I have come here as a Councillor freely and without bias to:

1. Represent the views of the community in considering the matters before us today
2. To vote in a matter I consider to be in the best interest of the community
3. To observe the Code of Conduct and respect the rule of the chair and views of my fellow Councillors.

5. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**6. CONFIRMATION OF MINUTES**

No previous minutes.

7. DISCLOSURES OF INTERESTS**8. MAYORAL MINUTE(S)**

Nil

9. REPORTS OF COMMITTEES

10. REPORTS TO COUNCIL

10.1. OATH OR AFFIRMATION OF OFFICE

Author: Acting Director Corporate Services

Authoriser: Interim Chief Executive Officer

RECOMMENDATION

That:

1. That the Interim Chief Executive Officer administer the Oath of Office/Affirmation to be undertaken by each Councillor at the commencement of the first Council meeting in accordance with the Local Government Act section 233A.
2. The Interim Chief Executive Officer or delegate receives and maintains the signed Oaths or Affirmations in the corporate records system.
3. Council records in the minutes of the Council meeting the making of the Oath or Affirmation by each individual Councillor.

COMMUNITY STRATEGIC PLAN

5. Accountable leadership and responsive administration

5.1 Collaborative and Engaged

5.2 Financially sustainable

5.3 Professional Workplace culture

BACKGROUND

In accordance with the *Local Government Act 1993* section 233A a councillor must take an oath of office, or make an affirmation office at or before the first meeting of the council in the form of the following:

Oath

I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of Edward River and the Edward River Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

OR

Affirmation

I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Edward River and the Edward River Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

The oath or affirmation may be taken or made before the general manager (also known as the Chief Executive Officer) who must ensure that a record is kept of the taking of an oath or the making of an affirmation (whether in the minutes of the Council meeting or otherwise).

PROPOSAL/DISCUSSION

Councillors need to be physically present before the general manager, when taking their oath or making their affirmation of office. An oath of affirmation should be taken or made by each councillor as the first item of business for the first meeting.

RISK AND IMPLICATIONS**6.1 Legislative and Policy**

By each councillor taking their oath or making their affirmation of office ensures compliance with the *Local Government Act 1993* section 233A.

6.2 Financial

There is no financial implications associated with councillors taking their oath or making their affirmation of office.

6.3 Community Engagement/Consultation

Although the Oath or Affirmation do not require community engagement or consultation the notification of the Extraordinary Meeting at which this will be taken has been publicly advertised in accordance with Council's Code of Meeting Practice.

6.4 Work Health and Safety

Edward River Council has made every effort to ensure the wellbeing of those involved in this Council meeting.

OFFICER'S CONFLICT OF INTEREST DECLARATION

As the author of this report and in providing this advice to Council I have no interests to disclose in relation to this report.

ATTACHMENTS

1. Oath of Office template.
2. Affirmation of Office template.



OATH OF OFFICE

I, [Insert Councillor Name], swear that I will undertake the duties of the office of councillor in the best interests of the people of Edward River and the Edward River Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgement.

SIGNATURE



Attachment 2 - Affirmation of Office

Affirmation of Office.docx



AFFIRMATION OF OFFICE

I, [Insert Councillor Name], solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Edward River and the Edward River Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgement.

SIGNATURE



10.2. ELECTION OF MAYOR

Author: Acting Director Corporate Services

Authoriser: Interim Chief Executive Officer

RECOMMENDATION

That Council

1. Note the call for nominations for the Office of the Mayor for a term of two (2) years.
2. Resolve that the election of the Mayor, where there has been more than one nomination be undertaken by way of open voting pursuant to the provisions of item 3(2) of Part 1 of Schedule 7 of the Local Government (General) Regulation 2021.
3. Note that the General Manager (or a person appointed by the General Manager) is the Returning Officer for this election.

COMMUNITY STRATEGIC PLAN

5. Accountable leadership and responsive administration

5.1 Collaborative and Engaged

5.2 Financially sustainable

5.3 Professional Workplace culture

BACKGROUND

The *Local Government Act 1993* (The Act), section 225 and 227 provides that an area must have a Mayor who is elected by the Councillors of the area. Further, section 230 of The Act provides that an elected Mayor holds office for a period of two (2) years. Section 290 (1) (d) advises that if the relevant council is a non-functioning council the election for the Mayor be held within two (2) weeks after the declaration of the ordinary election of Councillors.

The Local Government (General) Regulation 2021 (The Regulation), Schedule 7, outlines the process for the election of a Mayor and the attached Office of Local Government (OLG) Fact Sheet provides the overview.

In accordance with the Regulations, the returning officer will be the General Manager (also known as the Chief Executive Officer (CEO)) or a person appointed by the General Manager (CEO).

PROPOSAL/DISCUSSION

A Nomination Form, as required by the regulations, has been previously distributed to Councillors via the CEO. Nomination forms should be completed and lodged with the Returning Officer up until close of nominations which is prior to the commencement of this meeting.

The Regulations provide three (3) methods of voting to determine the election for Mayor, the OLG Fact Sheets states that the method of "Open Voting" is the most transparent method of voting and the least bureaucratic method as it reflects normal Council voting methods. To enable any community members interested in observing this election it is therefore recommended to remain consistent with normal practice and provide an open and transparent process.

However, if there is only one nomination for Mayor received, the Returning Officer will declare that Councillor elected as Mayor and no vote will be required.

RISK AND IMPLICATIONS**6.1 Legislative and Policy**

The election of a Mayor is in accordance with the *Local Government Act 1993*, The *Local Government (General) Regulation 2021* and in consideration of OLG's Fact Sheets with all of these elements described within the report.

6.2 Financial

There is no budget implication in relation to the election process and budget allocation for the role of Mayor is provided for within the annual budget.

6.3 Community Engagement/Consultation

Level of Engagement	Stakeholder	Activity
Engage	Councillors	Email issued with Nomination Form

6.4 Work Health and Safety

In accordance with the Work Health and Safety Act 2011 and Safe Work NSW we all have a responsibility to ensure the wellbeing of ourselves and others.

OFFICER'S CONFLICT OF INTEREST DECLARATION

As the author of this report and in providing this advice to Council, I have no interests to disclose in relation to this report.

ATTACHMENTS

OLG Fact Sheet - Election of Mayor and Deputy Mayor by Councillors

Nomination for Mayor or Deputy

Attachment 1 - Mayoral-elections-Fact-Sheet-

Fact Sheet

ELECTION OF MAYOR AND DEPUTY
MAYOR BY COUNCILLORS

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 section 394 and Schedule 7 of the *Local Government (General) Regulation 2021* (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 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section:
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 section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (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 subsection (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Section 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 subsection (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 section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (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. The latter is elected.
- (4) In this section, "**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 the councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Secretary and to the Chief Executive of Local Government NSW.

Attachment 2 - Nomination for Mayor or Deputy

Nomination for Mayor or Deputy.docx



Edward River COUNCIL

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ABN 90 407 359 958
Address all correspondence to:
Chief Executive Officer, PO Box 270
Deniliquin NSW 2710

NOMINATION FOR THE ELECTION OF MAYOR OR DEPUTY MAYOR

Table with 2 columns: NOTE, Text. Content: Local Government (General) Regulation 2021, Section 394, Schedule 7. If a mayor or deputy mayor is to be elected by the councillors of an area, the election is to be in accordance with Schedule 7 of the above Regulation. The general manager (or a person appointed by the general manager) is the returning officer. Schedule 7 defines the requirements for Nomination and includes 'NOTE' information.

Nomination

We, Councillor (1st Nominator) _____ and
Councillor (2nd Nominator) _____ hereby nominate
Councillor (Nominee) _____ for the position of
[] Mayor [] Deputy Mayor*

of Edward River Council for a term of two (2) years.

*The period of Deputy Mayor may be determined by Council and may be for any period defined up to a maximum of two (2) years.

Signed by 1st Nominator _____

Signed by 2nd Nominator _____

Acceptance of Nomination

I, (please print) Councillor _____

hereby accept the nomination for [] Mayor [] Deputy Mayor

of Edward River Council for a term of two (2) years.

Signed by Nominee _____

All nominations must be returned to the returning officer by the required timeframe as a complete document to be eligible to be considered.

10.3. ELECTION OF DEPUTY MAYOR

Author: Acting Director Corporate Services

Authoriser: Interim Chief Executive Officer

RECOMMENDATION

That Council

1. Resolve to elect a Councillor to the position of Deputy Mayor
2. Resolve that the term of office for the position of Deputy Mayor is for the period corresponding to that of the Mayor (2 years).
3. Resolve that the election of the Deputy Mayor, where there has been more than one nomination be undertaken by way of open voting pursuant to the provisions of item 3(2) of Part 1 of Schedule 7 of the *Local Government (General) Regulation 2021*
4. Note that the General Manager (or a person appointed by the General Manager) is the Returning Officer for this election
5. Inform the NSW Office of Local Government of these decisions as soon as practicable after such election.

COMMUNITY STRATEGIC PLAN

5. Accountable leadership and responsive administration

5.1 Collaborative and Engaged

5.2 Financially sustainable

5.3 Professional Workplace culture

BACKGROUND

The *Local Government Act 1993* (The Act), section 231 provides that Councillors may elect a person from among their number to be Deputy Mayor and further enables Councillors to determine the term for which the Deputy may be elected (maximum 2 years but may be shorter term).

The *Local Government (General) Regulation 2021* (The Regulation), Schedule 7, outlines the process for the election of a Deputy Mayor and the attached Office of Local Government (OLG) Fact Sheet provides the overview.

In accordance with the Regulations, the returning officer will be the General Manager (also known as the Chief Executive Officer (CEO)) or a person appointed by the General Manager (CEO).

PROPOSAL/DISCUSSION

Whilst there is no legislative requirement that stipulates a Council must elect a Deputy Mayor, it would be recommended that Council appoint a Deputy so that in the case that the Mayor is unable to carry out their normal duties due to illness, matters of conflict or some unforeseen reason, the Deputy may step in. Unlike the Mayor, the Deputy Mayor does not receive any additional remuneration.

A Nomination Form, as required by the regulations, has been previously distributed to Councillors via the CEO and is also attached to this report. Nomination forms should be completed and lodged with the Returning Officer up until close of nominations which is prior to the commencement of this meeting.

The regulations provide three (3) methods of voting to determine the election for Deputy Mayor, the OLG Fact Sheet states that the method of "Open Voting" is the most transparent method of voting and the least bureaucratic method as it reflects normal Council voting methods. To enable any community members interested in observing this election it is therefore recommended to remain consistent with normal practice and provide an open and transparent process.

However, if there is only one nomination for Deputy Mayor received, the Returning Officer will declare that Councillor elected as Deputy Mayor and no vote will be required.

RISK AND IMPLICATIONS

6.1 Legislative and Policy

The election of a Deputy Mayor is in accordance with the *Local Government Act 1993*, The *Local Government (General) Regulation 2021* and in consideration of OLG's Fact Sheet with all of these elements described elsewhere within the report.

6.2 Financial

There is no budget implication associated to the election process and there is not additional remuneration for the role of Deputy Mayor above the provisions for Councillors which is within the annual budget.

6.3 Community Engagement/Consultation

Level of Engagement	Stakeholder	Activity
Engage	Councillors	Email issued with Nomination Form

6.4 Work Health and Safety

In accordance with the Work Health and Safety Act 2011 and Safe Work NSW we all have a responsibility to ensure the wellbeing of ourselves and others.

OFFICER'S CONFLICT OF INTEREST DECLARATION

As the author of this report and in providing this advice to Council, I have no interests to disclose in relation to this report.

ATTACHMENTS

OLG Fact Sheet - Election of Mayor and Deputy Mayor by Councillors

Nomination for Mayor or Deputy

Attachment 1 - Mayoral-elections-Fact-Sheet-

Fact Sheet

ELECTION OF MAYOR AND DEPUTY
MAYOR BY COUNCILLORS

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 section 394 and Schedule 7 of the *Local Government (General) Regulation 2021* (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 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section:
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 section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (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 subsection (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Section 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 subsection (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 section 345 of this Regulation as if it were a ballot-paper referred to in that section.
- (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. The latter is elected.
- (4) In this section, "**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 the councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Secretary and to the Chief Executive of Local Government NSW.

Attachment 2 - Nomination for Mayor or Deputy

Nomination for Mayor or Deputy.docx



Edward River
COUNCIL

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Chief Executive Officer, PO Box 270
Deniliquin NSW 2710

NOMINATION FOR THE ELECTION OF MAYOR OR DEPUTY MAYOR

Local Government (General) Regulation 2021, Section 394, Schedule 7	
If a mayor or deputy mayor is to be elected by the councillors of an area, the election is to be in accordance with Schedule 7 of the above Regulation The general manager (or a person appointed by the general manager) is the returning officer. Schedule 7 defines the requirements for Nomination and includes 'NOTE' information	
NOTE	The nomination is to be made in writing by two (2) or more persons (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

Nomination

We, Councillor (1st Nominator) _____ and
Councillor (2nd Nominator) _____ hereby nominate
Councillor (Nominee) _____ for the position of
 Mayor Deputy Mayor*

of Edward River Council for a term of two (2) years.

*The period of Deputy Mayor may be determined by Council and may be for any period defined up to a maximum of two (2) years.

Signed by 1st Nominator _____
Signed by 2nd Nominator _____

Acceptance of Nomination

I, (please print) Councillor _____
hereby accept the nomination for Mayor Deputy Mayor

of Edward River Council for a term of two (2) years.

Signed by Nominee _____

All nominations must be returned to the returning officer by the required timeframe as a complete document to be eligible to be considered.

10.4. ELECTION COUNTBACK

Author: Acting Director Corporate Services

Authoriser: Interim Chief Executive Officer

RECOMMENDATION

That Council

1. Pursuant to section 291A(1)(b) of the *Local Government Act 1993* (the Act) Edward River Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager (also known as the Chief Executive Officer) to notify the NSW Electoral Commissioner of Council's decision within 7 days of the decision.

COMMUNITY STRATEGIC PLAN

5. Accountable leadership and responsive administration

5.1 Collaborative and Engaged

5.2 Financially sustainable

5.3 Professional Workplace culture

BACKGROUND

The Act section 291A enables Council where they pass a resolution at their first meeting after the election to have the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the offices of councillors in the first 18 months after the election.

If council does not resolve this at the first meeting after the election, they will be required to fill casual vacancies through a by-election process which would be at a higher cost than that of a count back process.

PROPOSAL/DISCUSSION

That council pass the recommendation within this report taking into account that Council had a strong candidate field through the 2024 election with a number of candidates only narrowly missing out being elected within the actual election votes.

RISK AND IMPLICATIONS

6.1 Legislative and Policy

The recommendation contained within this report considers the *Local Government Act 1993*, whilst ensuring the least financial impost to council should we have a casual vacancy within the first 18 months of its term.

Further, the in accordance with the *Local Government (General) Regulation 2021* the General Manager (also known as the CEO) will notify the NSW Electoral Commission of its resolution within 7 days of the resolution.

6.2 Financial

Is this currently budgeted? No

The least financial impost to Council is achieved by passing this resolution in the event that we experience a casual vacancy during the first 18 months of its term.

6.3 Community Engagement/Consultation

N/A

6.4 Work Health and Safety

There are no identified Work Health and Safety implications identified through this report.

OFFICER'S CONFLICT OF INTEREST DECLARATION

As the author of this report and in providing this advice to Council, I have no interests to disclose in relation to this report.

ATTACHMENTS

There are no attachments to this report

10.5. SUGGESTED 2024 SCHEDULE OF ORDINARY MEETINGS**Author: Acting Director Corporate Services****Authoriser: Interim Chief Executive Officer****RECOMMENDATION**

That Council adopt the proposed 2024 schedule of Ordinary Council Meetings:

- Tuesday 29 October 2024
- Tuesday 26 November 2024
- Tuesday 17 December 2024

COMMUNITY STRATEGIC PLAN

5. Accountable leadership and responsive administration

5.1 Collaborative and Engaged

5.2 Financially sustainable

5.3 Professional Workplace culture

BACKGROUND

The Local Government Act 1993 requires council to meet at least ten (10) times each calendar year, each time in a different month.

Further, Council's Code of Meeting Practice provides that "Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings".

Over coming months, Councillors will have the opportunity to determine the timing of Ordinary Meetings beyond the current calendar year and a further report and recommendation will be adopted.

PROPOSAL/DISCUSSION

That the remaining calendar year schedule of Ordinary Meetings of Council be adopted in accordance with the dates outlined within the recommendation of this report.

RISK AND IMPLICATIONS**6.1 Legislative and Policy**

This report ensures compliance with the Legislative and Model Codes of Council

6.2 Financial

There is no financial implications associated with this report or scheduling of meetings.

6.3 Community Engagement/Consultation

Scheduled meetings will be placed on Council's website for community information.

Level of Engagement	Stakeholder	Activity	Date, Location, etc
Inform	Community	Notice of scheduled Ordinary Meetings of Council	<ul style="list-style-type: none"> • Tuesday 29 October 2024

Level of Engagement	Stakeholder	Activity	Date, Location, etc
			<ul style="list-style-type: none">• Tuesday 26 November 2024• Tuesday 17 December 2024

6.4 Work Health and Safety

All Ordinary Meetings of Council will be held in accordance with Council's Code of Conduct and Code of Meeting Practice.

OFFICER'S CONFLICT OF INTEREST DECLARATION

As the author of this report and in providing this advice to Council, I have no interests to disclose in relation to this report.

ATTACHMENTS

Nil

10.6. COUNCILLOR SUPERANNUATION

Author: Acting Director Corporate Services

Authoriser: Interim Chief Executive Officer

RECOMMENDATION

That Council adopt the payment of superannuation to elected representatives.

COMMUNITY STRATEGIC PLAN

5. Accountable leadership and responsive administration

5.1 Collaborative and Engaged

5.2 Financially sustainable

5.3 Professional Workplace culture

BACKGROUND

As a result of the *Local Government Amendment Act 2021* the *Local Government Act 1993* section 254B enabled provisions for Council to resolve to make contributions to a superannuation account for each Councillor from 1 July 2022 at the prescribed rate, in accordance with the commonwealth superannuation legislation. Council's previous resolution to pay superannuation was only for the term of that Council and therefore this report is recommending a broader adoption of the contribution for elected councillors.

PROPOSAL/DISCUSSION

That taking into consideration the provisions of the legislative frameworks which enable councillors to be paid superannuation and that Council has previously made this contribution to Councillors in recognition of their contribution to the broader community that Council adopt the recommendation contained within this report.

RISK AND IMPLICATIONS**6.1 Legislative and Policy**

On the premise that this matter is being considered at an open Council meeting and Council are making a resolution to adopt the recommendation, superannuation payments will be made in accordance with legislative provisions.

6.2 Financial

Is this currently budgeted? Yes

As a result of previous resolution of council to contribute to councillor superannuation, this item has been budgeted for within the current budget.

6.3 Community Engagement/Consultation

N/A

6.4 Work Health and Safety

There are no identified Work Health and Safety implications identified through this report.

OFFICER'S CONFLICT OF INTEREST DECLARATION

As the author of this report and in providing this advice to Council, I have no interests to disclose in relation to this report.

ATTACHMENTS

Nil

11. NOTICES OF MOTIONS

12. QUESTIONS WITH NOTICE

13. CONFIDENTIAL MATTERS

14. CLOSE OF MEETING