

BUSINESS PAPER

Ordinary Council Meeting

To be held on

Thursday, 10 October 2024



Statement of Ethical Obligations

Councillors are reminded of their Oath or Affirmation of Office made under Section 233A of the *Local Government Act 1993* and their obligation under Council's Code of Conduct to disclose and appropriately manage Conflicts of Interest.

Conflicts of Interest

All Councillors must declare and manage any conflicts of interest they may have in matters being considered at Council meetings in accordance with the Council's Code of Conduct. All declarations of conflicts of interest and how the conflict was managed will be recorded in the minutes of the meeting at which the declaration was made.

Recording of Council Meetings

This Council meeting is being recorded and will be made publicly available on the Council's website and persons attending the meeting should refrain from making any defamatory statements.

Council meetings should be:

Transparent:	Decisions are made in a way that is open and accountable.
Informed:	Decisions are made based on relevant, quality information.
Inclusive:	Decisions respect the diverse needs and interests of the local community.
Principled:	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
Trusted:	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
Respectful:	Councillors, staff and meeting attendees treat each other with respect.
Effective:	Meetings are well organised, effectively run and skilfully chaired.
Orderly:	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.



Notice is herewith given of an

ORDINARY MEETING

That will be held at the Glen Innes Severn Learning Centre,
William Gardner Conference Room, Grey Street, Glen Innes on:
Thursday, 10 October 2024 at 9:00 AM

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Bernard Smith
General Manager

- 1 ACKNOWLEDGEMENT OF COUNTRY**
- 2 OPENING WITH PRAYER**
- 3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**
- 4 MINUTES OF PREVIOUS ORDINARY MEETING - 15 AUGUST 2024 TO BE CONFIRMED**
- 5 DISCLOSURE OF CONFLICT OF INTERESTS: PECUNIARY AND NON-PECUNIARY INTERESTS**
- 6 MAYORAL MINUTE(S)**

7 REPORTS TO COUNCIL

REPORT TITLE: 7.1 OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS

**REPORT FROM: Corporate and Community Services
General Manager's Office**

PURPOSE

The purpose of this report is to inform Councillors of the requirement under section 233A of the **Local Government Act 1993 (the Act)** which requires all Councillors to take an oath or affirmation of office.

REPORT

(a) Background

As a result of amendments to the Act in 2016, all Councillors (including the Mayor) are required to take an oath or affirmation of office.

Oaths or affirmations of office must be taken by each Councillor at or before the first meeting of the Council, after being elected. The oath or affirmation is required to be the first item of business on the business paper.

(b) Discussion

The Act provides the framework regarding an oath or affirmation of office for Councillors at section 233A.

The oath of office or affirmation of office must be taken/made at or before the first meeting of Council after the councillor is elected. It may be taken or made before the General Manager, an Australian legal practitioner or a justice of the peace in the prescribed form.

The Prescribed Form

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 the Glen Innes Severn Local Government Area and the Glen Innes Severn Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions invested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

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 interest of the people of the Glen Innes Severn Local Government Area and the Glen Innes Severn 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.

Councillors who would prefer to take the oath or affirmation in front of an Australian legal practitioner or a justice of the peace, are requested to let the General Manager know prior to the Ordinary Council Meeting, so that an arrangement can be made for a staff member to also be present at this ceremony - to ensure that an accurate record can be kept by Council and made publicly available.

A Councillor who fails without reasonable excuse to take the oath of office or make the affirmation of office in accordance with s 233A of the Act is not entitled to attend a meeting as a councillor until the councillor has taken the oath or made the affirmation of office. This does not apply to the first meeting of Council after the councillor is elected or the meeting at which the councillor takes the oath or makes the affirmation.

Any absence from an ordinary meeting of Council that the councillor is not entitled to attend due to an unreasonable failure to take the oath or make the affirmation is taken to be an absence without prior leave of Council.

Failure to take an oath or make an affirmation of office does not affect the validity of anything done by a councillor in the exercise of the councillor's functions.

Records

The General Manager must ensure a record is kept of the taking of an oath or making of an affirmation. This will be done by recording the taking of the oath or making of the affirmation by each councillor in the minutes of the Council meeting.

KEY CONSIDERATIONS

(a) Financial/Asset Management

Nil.

(b) Policy/Legislation

Section 233A of the Act.

(c) Risk

Nil.

(d) Consultation

Nil.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report has no relevance to the Integrated Planning and Reporting Framework.

CONCLUSION

All Councillors are required to take an oath of office or make affirmation of office at, or before, the first Council Meeting.

The oath or affirmation is required to be the first item of business on the business paper.

Council is also required to keep a record of the taking of the oath or affirmation.

ECM INDEXES

Subject Index:	GOVERNANCE: Councillors
Customer Index:	INTERNAL DEPT - Councillors
Property Index:	NIL

ATTACHMENTS

There are no annexures to this report.

REPORT TITLE: 7.2 ELECTION PROCEDURES FOR THE ELECTION OF THE MAYOR

REPORT FROM: Corporate and Community Services

PURPOSE

The *Local Government Act 1993* (the Act) provides that the election of the Mayor by the Councillors is to be held as follows:

"Section 290 When is an election of a mayor by the councillors to be held?

(1) The election of the mayor by the councillors is to be held:

- (a) if it is the first election after an ordinary election of councillors-within 3 weeks after the ordinary election, or*
- (b) if it is not that first election or an election to fill a casual vacancy-during the month of September, or*
- (c) if it is the first election after the constitution of an area-within 14 days after the appointment of a provisional council or the first election of the council if a provisional council is not appointed, or*
- (d) if the relevant council is a non-functioning council, or a council of which all civic offices have been declared vacant, and the election is the first to be held after the appointment or election of the councillors-within 14 days after the appointment or election of the councillors.*

(2) If the councillors fail to elect a mayor as required by this section, the Governor may appoint one of the councillors as the mayor.

(3) For the purposes of this section, an election of councillors does not conclude until the declaration of election of all the councillors of the council concerned."

RECOMMENDATION

THAT Council, if more than one Councillor is nominated for the position of mayor, determines the procedure for electing the mayor as per the following options, which are in accordance with Schedule 7 of the Local Government (General) Regulation 2021:

- open voting, or***
- ordinary ballot, or***
- preferential ballot.***

REPORT

(a) Background

Council last elected a mayor on Thursday, 21 September 2023, for the period from Thursday, 21 September 2023 until Saturday, 14 September 2024 (being the end of the Council term).

(b) Discussion

In accordance with the *Local Government (General) Regulations 2021 (the Regulations)*:

1. The General Manager (or a person nominated by the General Manager) is the returning officer.
2. If only one Councillor has been nominated for the position of mayor, then that nominee is duly elected to the position.
3. If more than one candidate is nominated, the Council must determine (by resolution) the method of voting for the position of mayor.

Mayor

Section 230 of the Act prescribes:

230 For what period is a mayor elected?

- (1) *A mayor elected by the councillors holds the office of mayor for 2 years, subject to this Act.*
- (2) *A mayor elected by the electors holds the office of mayor for 4 years, subject to this Act.*
- (3) *The office of mayor—*
 - (a) *commences on the day the person elected to the office is declared to be so elected, and*
 - (b) *becomes vacant when the person's successor is declared to be elected to the office, or on the occurrence of a casual vacancy in the office.*
- (4) *A person elected to fill a casual vacancy in the office of mayor holds the office for the balance of the predecessor's term.*

Method of election

It is necessary for Council to resolve the way in which an election for the office of mayor (should it be necessary) is to proceed.

Schedule 7 of the *Regulation* prescribes three methods of election of mayors:

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

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods. Ordinary and preferential ballots are secret ballots and Councillors will need to attend the meeting in person if the election is by way of an ordinary or preferential ballot.

Section 227, read in conjunction with section 282 of the Act stipulates that the mayor of a **Local Government Area (LGA)**, who is to be elected by the Councillors for the area, is to be elected by the Councillors from among their number. The election of the mayor by Councillors in an LGA is to be in accordance with the provisions of section 394 and Schedule 7 of the *Regulation*.

Schedule 7 of the *Regulation* is reproduced in full in the **Key Considerations** section of this report, under the sub-heading - *Policy/Legislation*. Part 1, section 2 states the following:

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.*

A nomination form for the position is attached as an Annexure to this report.

KEY CONSIDERATIONS

(a) Financial/Asset Management

Section 249 of the Act provides that a mayor will be paid an additional fee to that of a councillor.

(b) Policy/Legislation

The **Office of Local Government (OLG)** has prepared a fact sheet on the *Election of Mayor and Deputy Mayors by Councillors (Annexure A)*, to assist councils to comply with these requirements.

- **The Local Government Act 1993 (NSW)**
 - Relevant sections are 225 -231, 282
- **The Local Government (General) Regulation 2021 (NSW)**
 - s 394 - *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.*

○ **Schedule 7**

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 councilor 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 one councilor is nominated, that councilor is elected.*

(2) *If more than one councilor 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 2 candidates, the candidate with the higher number of votes is elected.*
 - (2) *If there are 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 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 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 clause, “**absolute majority**”, in relation to votes, means a number that is more than on-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 and 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 the 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 the Chief Executive Officer of Local Government NSW.*

(c) **Risk**

By following the provisions in the Act and the Regulation any risk, in relation to the election of a mayor, is mitigated.

(d) Consultation

- Manager of Governance,
- Executive Assistant (Mayor and General Manager),
- General Manager.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report links to Council’s Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.2.2: Formalise the Governance Framework and deliver compliance across all governance areas.

CONCLUSION

Council must decide which permissible voting method it will use to elect a mayor should an election be required.

ECM INDEXES

Subject Index: GOVERNANCE: Elections
Customer Index: NIL
Property Index: NIL

ATTACHMENTS

Annexure A OLG Fact Sheet - Mayoral Elections⇒
Annexure B Nomination Form - Mayor to September 2026⇒

REPORT TITLE: 7.3 ELECTION OF THE MAYOR

REPORT FROM: Corporate and Community Services

PURPOSE

Following the determination of the method of electing a mayor and if an election is necessary, being more than one nomination, an election for Mayor must ensue.

RECOMMENDATION

That the General Manager as Returning Officer calls for nominations for the position of Mayor.

REPORT

(a) Background

A councillor elected to the position of mayor by the councillors in New South Wales local government is elected for a maximum two-year term.

Council last elected Councillor Banham to the Office of Mayor on 21 September 2023 until Saturday, 14 September 2024 (being the end of the Council term).

(b) Discussion

Council is required to conduct the election of a mayor in accordance with Schedule 7 of the *Local Government (General) Regulation 2021* (the *Regulation*) and in accordance with the resolution to the previous report, *Election Procedures for the Election of the Mayor and Deputy Mayor*.

As the returning officer, the General Manager has invited written nominations for the Office of Mayor for the Glen Innes Severn Council from Thursday, 10 October 2024 until elections are held for the office of mayor at the Ordinary Council Meeting in September 2026.

A nomination form has been distributed to Councillors prior.

In accordance with the *Regulation*, two or more councillors may nominate a councillor (one of whom may be a nominee), without notice, for the position of mayor. Nominations must be received by the Returning Officer in writing and the nominee must consent to their nomination in writing.

KEY CONSIDERATIONS

(a) Financial/Asset Management

Section 249 of the *Local Government Act 1993* provides that a mayor will be paid an additional fee to the councillor fee.

(b) Policy/Legislation

- Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy.
- **Local Government Act 1993**
 - **s 226 – Role of the Mayor**
 - (a) *To be the leader of the Council and a leader in the local community,*
 - (b) *To advance community cohesion and promote civic awareness,*
 - (c) *To be the principal member and spokesperson of the governing body, including representing the views of the Council as to its local priorities,*
 - (d) *To exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council,*
 - (e) *To preside at meetings of the Council,*
 - (f) *To ensure that meetings of the Council are conducted efficiently, effectively and in accordance with this Act,*
 - (g) *To ensure the timely development and adoption of the strategic plans, programs and policies of the Council,*
 - (h) *To promote the effective and consistent implementation of the strategic plans, programs and policies of the Council,*
 - (i) *To promote partnerships between the Council and key stakeholders,*
 - (j) *To advise, consult and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of the Council,*
 - (k) *In conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the Council and the local community,*
 - (l) *To carry out the civic and ceremonial functions of the mayoral office,*
 - (m) *To represent the Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,*
 - (n) *In consultation with the Councillors, to lead performance appraisals of the General Manager,*
 - (o) *To exercise any other functions of the Council that the Council determines.*

- **s 227 – Who elects the mayor?**

The mayor of an area is the person elected to the office of mayor by –

- (a) **The Councillors from among their number**, unless there is a decision in force under this Division which provides for the election of the mayor by the electors.

- **s 230 - For what period is a mayor elected?**

- (1) *A Mayor elected by the Councillors holds the office of mayor for 2 years, subject to this Act.*

- (2) *A Mayor elected by the electors holds the office of mayor for 4 years, subject to this Act.*

- (3) *The Office of Mayor:*

- (a) *Commences on the day the person elected to the office is declared to be so elected, and*

- (b) *Becomes vacant when the person's successor is declared to be elected to the office, or on the occurrence of a casual vacancy in the office.*

- (4) *A person elected to fill a casual vacancy in the office of mayor holds the office for the balance of the predecessor's term.*

Section 234 (5) of the Act states the following “*The office of a mayor elected by councillors becomes vacant if the mayor ceases to hold office as a councillor*”.

- **s 282 - Election of Mayor**

- (1) *The mayor of an area is to be elected by the electors is to be elected by an electorate comprising all the electors for the area, even if the area is divided into wards.*

- (2) **The mayor of an area who is to be elected by the councillors for the area is to be elected by the councillors from among their number** [emphasis added].

- (3) *A mayor elected for an area is one of the councillors of the council for the area.*

- **Local Government (General) Regulation 2021**

- **s 394**

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.

○ **Schedule 7 - 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 councilor 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 one councilor is nominated, that councilor is elected.*

(2) *If more than one councilor 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.*

(c) **Risk**

By following the provisions in the Act and the Regulation, risk in relation to the election of a mayor is mitigated.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report links to Council’s Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.2.2: Formalise the Governance Framework and deliver compliance across all governance areas.

CONCLUSION

Written nominations are invited by the Returning Officer for the Office of the Mayor at this Ordinary Council Meeting and, if more than one nomination is received, the mayor will be elected from amongst his/her number through the voting method resolved in the previous report, *Election Procedures for the Election of the Mayor and the Deputy Mayor*.

ECM INDEXES

Subject Index:	GOVERNANCE: Elections
Customer Index:	NIL
Property Index:	NIL

ATTACHMENTS

There are no annexures to this report.

REPORT TITLE: 7.4 ELECTION OF THE DEPUTY MAYOR

REPORT FROM: Corporate and Community Services

PURPOSE

The purpose of this report is for Council to decide whether to elect a deputy mayor, set the term of appointment, and, if there is more than one nominee, determine the form of voting.

RECOMMENDATION

THAT Council:

1. Determines:

- a. whether to elect a deputy mayor; and***
- b. the term of the appointment.***

2. If Council determines to have a Deputy Mayor and more than one Councillor is nominated, determines the procedure for electing the deputy mayor (if necessary) as per the following options, which are in accordance with Schedule 7 of the Local Government (General) Regulation 2021:

- open voting, or***
- ordinary ballot, or***
- preferential ballot.***

REPORT

(a) Background

Council may choose to have a deputy mayor, in accordance with section 231 of the Act. The councillors may elect a person from among their numbers to deputy mayor and that person may be elected for the mayoral term or a shorter term. Council needs to determine whether they wish to have a deputy mayor for the new term, and the term of the deputy mayor.

(b) Discussion

Section 231 of the Act applies:

231 Deputy mayor

- (1) The councillors may elect a person from among their number to be the deputy mayor.***
- (2) The person may be elected for the mayoral term or a shorter term.***

- (3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*
- (4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

Method of election

It is necessary for Council to resolve the way in which an election for the office of deputy mayor (should it be necessary) is to proceed.

Schedule 7 of the *Regulation* prescribes three methods of election of mayors and deputy mayors:

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

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods. Ordinary and preferential ballots are secret ballots and Councillors will need to attend the meeting in person if the election is by way of an ordinary or preferential ballot.

Schedule 7 of the *Regulation* is reproduced in full in the **Key Considerations** section of this report, under the sub-heading - *Policy/Legislation*. Part 1, section 2 states the following:

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.*

A nomination form for the position of Deputy Mayor is attached as an **Annexure** to this report.

If a deputy mayor is to be elected, the returning officer invites written nominations for the Office of Deputy Mayor for the Glen Innes Severn Council.

A nomination form has been distributed to Councillors prior.

In accordance with the *Regulation*, two or more councillors may nominate a councillor (one of whom may be a nominee), without notice, for the position of deputy mayor. Nominations must be received by the Returning Officer in writing and the nominee must consent to their nomination in writing.

KEY CONSIDERATIONS

(a) Financial/Asset Management

Nil.

(b) Policy/Legislation

- Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy.
- **Local Government Act 1993**
 - **s 231 Deputy Mayor**
 - (1) *The councillors may elect a person from among their number to be the deputy mayor.*
 - (2) *The person may be elected for the mayoral term or a shorter term.*
 - (3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of the mayor.*
 - (4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*
- **The Local Government (General) Regulation 2021**
 - s 394

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.
 - **Schedule 7 - 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 councilor 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 one councilor is nominated, that councilor is elected.
- (2) If more than one councilor 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 2 candidates, the candidate with the higher number of votes is elected.*
 - (2) *If there are 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 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 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 clause, “**absolute majority**”, in relation to votes, means a number that is more than on-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 and 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 the 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 the Chief Executive Officer of Local Government NSW.*

(c) Risk

By following the provisions in the *Act* and the *Regulation* any risk, in relation to the election of a deputy mayor, is mitigated.

(d) Consultation

- Manager of Governance,
- Executive Assistant (Mayor and General Manager),
- General Manager.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report links to Council’s Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.2.2: Formalise the Governance Framework and deliver compliance across all governance areas.

CONCLUSION

Council has to decide if it will have a deputy mayor and if so, the length of term for the deputy mayor. Furthermore, if necessary, Council must decide which permissible voting method it will use to elect a deputy mayor.

If required, written nominations are invited by the Returning Officer for the position of Deputy Mayor at this Ordinary Council Meeting and, if more than one nomination is received, the Deputy Mayor will be elected from amongst his/her number through the voting method determined.

ECM INDEXES

Subject Index: GOVERNANCE: Elections
Customer Index: NIL
Property Index: NIL

ATTACHMENTS

Annexure A Nomination Form - Deputy Mayor to September 2026 [⇒](#)

REPORT TITLE: 7.5 FIXING OF THE DATES AND TIMES FOR ORDINARY COUNCIL MEETINGS

REPORT FROM: General Manager’s Office

PURPOSE

The purpose of this report is for Council to set the dates and times for the Ordinary Council Meetings which are proposed to be held from October 2024 until September 2025.

RECOMMENDATION

That Council sets the dates and times for the Ordinary Council Meetings which are to be held from October 2024 until September 2025 as follows:

Date	Location	Time
<i>Thursday, 24 October 2024</i>	<i>William Gardner Conference Room, Glen Innes Severn Learning Centre</i>	<i>9.00am</i>
<i>Thursday, 28 November 2024</i>	<i>William Gardner Conference Room, Glen Innes Severn Learning Centre</i>	<i>9.00am</i>
<i>Thursday, 19 December 2024</i>	<i>William Gardner Conference Room, Glen Innes Severn Learning Centre</i>	<i>9.00am</i>
<i>Thursday, 20 February 2025</i>	<i>William Gardner Conference Room, Glen Innes Severn Learning Centre</i>	<i>9.00am</i>
<i>Thursday, 27 March 2025</i>	<i>William Gardner Conference Room, Glen Innes Severn Learning Centre</i>	<i>9.00am</i>
<i>Thursday, 24 April 2025</i>	<i>William Gardner Conference Room, Glen Innes Severn Learning Centre</i>	<i>9.00am</i>
<i>Thursday, 22 May 2025</i>	<i>William Gardner Conference Room, Glen Innes Severn Learning Centre</i>	<i>9.00am</i>
<i>Thursday, 26 June 2025</i>	<i>William Gardner Conference Room, Glen Innes Severn Learning Centre</i>	<i>9.00am</i>
<i>Thursday, 24 July 2025</i>	<i>William Gardner Conference Room, Glen Innes Severn Learning Centre</i>	<i>9.00am</i>
<i>Thursday, 28 August 2025</i>	<i>William Gardner Conference Room, Glen Innes Severn Learning Centre</i>	<i>9.00am</i>
<i>Thursday, 25 September 2025</i>	<i>William Gardner Conference Room, Glen Innes Severn Learning Centre</i>	<i>9.00am</i>

REPORT

(a) Background

Council resolved on 21 September 2023 to set the dates and times for the Ordinary Council Meetings until September 2024.

It has been past practice to hold the meetings on the fourth Thursday of the month, with the December meeting being held on the third Thursday of the month to avoid the Christmas period.

The proposed date for the February meeting is slightly earlier noting the time elapsed since the December meeting.

Additionally, Council resolved in December 2005, not to hold Ordinary Council Meetings during the month of January each year.

(b) Discussion

It is recommended that Council continues its current practice, with the dates and times being proposed for the Ordinary Council Meetings from October 2024 to September 2025 listed in the Recommendation.

Councillors may wish to amend the day and/or commencement time of the Ordinary Council Meetings.

KEY CONSIDERATIONS

(a) Financial/Asset Management

Nil.

(b) Policy/Legislation

Clause 3.1 of Council's Code of Meeting Practice states: "The Council shall, by annual resolution in September, set the frequency, time, date and place of its Ordinary Meetings."

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."

The proposed recommendation allows for 11 Ordinary Council Meetings to be held between October 2024 and September 2025.

(c) Risk

Nil.

(d) Consultation

The Management Executive Team (MANEX).

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report has no relevance to the Integrated Planning and Reporting Framework.

CONCLUSION

Council is required to set the frequency, time, date, and place of its Ordinary Meetings. It is recommended that Council continues its current practice, with the dates and times being proposed for the Ordinary Council Meetings from October 2024 to September 2025 listed in the Recommendation.

ECM INDEXES

Subject Index: GOVERNANCE: Ordinary Meetings of Council
Customer Index: NIL
Property Index: NIL

ATTACHMENTS

There are no annexures to this report.

REPORT TITLE: 7.6 CASUAL VACANCIES OF COUNCILLORS

REPORT FROM: General Manager's Office

PURPOSE

The purpose of this report is for Council to declare that any casual vacancies of Councillors within 18 months of the election are to be filled by a countback of the votes cast at the Local Government election held on Saturday, 14 September 2024.

RECOMMENDATION

That pursuant to section 291A(1) (b) of the Local Government Act 1993 (the Act), Glen Innes Severn 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 Saturday, 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.

REPORT

(a) Background

Section 291A of the *Local Government Act 1993* requires councils to declare, by resolution, that casual vacancies occurring in the office of a Councillor within 18 months of the election are to be filled by a countback of votes cast at the election if councils want to fill vacancies by these means.

(b) Discussion

Councils that do not resolve to fill vacancies using a countback at their first meeting after the election will be required to fill vacancies using a by-election.

KEY CONSIDERATIONS

(a) Financial/Asset Management

There would be significant cost to Council if it needs to hold a by-election to fill a casual vacancy instead of filling the casual vacancy by a countback of votes.

(b) Policy/Legislation

Section 291A of the *Local Government Act 1993* states the following:

Countback to be held instead of by-election in certain circumstances

(1) This section applies to a casual vacancy in the office of Councillor if –

- (a) The casual vacancy occurs within 18 months after the date of the last ordinary election of the Councillors for the area, and*

(b) *The Council has at its first meeting following that ordinary election of Councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.*

(c) Risk

There is a risk that Council would need to hold a by-election if it does not resolve at the first Council Meeting that all casual vacancies are to be filled by a countback of the votes cast at the Saturday, 14 September 2024 elections.

(d) Consultation

Manager of Governance.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report has no relevance to the Integrated Planning and Reporting Framework.

CONCLUSION

It is recommended for Council to resolve that any casual vacancies occurring in the office of a councillor within 18 months of the Saturday, 14 September 2024 elections are to be filled by a countback of the votes cast at that election, otherwise Council will be required to hold a by-election to fill the casual vacancy.

ECM INDEXES

Subject Index:	GOVERNANCE: Councillors
Customer Index:	INTERNAL DEPT - Councillors
Property Index:	NIL

ATTACHMENTS

There are no annexures to this report.

REPORT TITLE: 7.7 DELEGATES ON COMMITTEES

REPORT FROM: Corporate and Community Services

PURPOSE

The purpose of this report is for Council to resolve which Councillors are to be the Council delegates to sit on Council Committees, Community Committees of Council, Regional Committees, and Non-Council Community Committees for the period from Thursday, 10 October 2024 until the September 2025 Ordinary Meeting of Council.

RECOMMENDATION

THAT:

- Council nominates the following Councillors as Council's delegates to sit on the following committees from Thursday, 10 October 2024 until the September 2024 Ordinary Meeting of Council - as detailed in the list below:**

NAME OF COMMITTEE	DELEGATES
Council Committees	
<i>Annual Donations Review Committee</i>	<i>Councillor, Councillor and Councillor..... Meets in August each year</i>
<i>Audit, Risk and Improvement Committee</i>	<i>Councillor</i>
<i>General Manager's Appraisal Committee</i>	<i>Mayor, Deputy Mayor, Councillor, and a Councillor nominated by the General Manager</i>
<i>Glen Innes Severn Learning Centre Management Committee</i>	<i>Mayor</i>
Community Committees of Council (Exercising Functions under s.355)	
<i>Australia Day Committee</i>	<i>Councillor and Councillor.....</i>
<i>Australian Standing Stones Management Board</i>	<i>Mayor and Councillor</i>
<i>Emmaville Mining Museum Committee</i>	<i>Councillor</i>
<i>Emmaville War Memorial Hall Committee</i>	<i>Councillor</i>
<i>Glencoe Hall Committee</i>	<i>Councillor</i>
<i>Glen Elgin Federation Sports Committee</i>	<i>Councillor</i>
<i>Pinkett Recreation Reserve Management Committee</i>	<i>Councillor</i>
<i>Stonehenge Reserve Trust</i>	<i>Councillor</i>

Community Committees of Council (Advisory)	
Aboriginal Consultative Committee	Councillor and Councillor.....
Community Access Committee	Councillor
Glen Innes Saleyards Advisory Committee	Mayor and Councillor
Recreation and Open Spaces Advisory Committee	Mayor and Councillor
Library Committee (Managed under Section 11 of the Libraries Act)	Mayor
Public Arts Advisory Group	Mayor and Councillor
Roads Consultative Committee	Mayor, Councillor and Councillor
Delegate of the Council	
Joint Regional Planning Panel	Councillor, Councillor, (two Council nominees as community representatives)
Community Committees NOT Committees of Council	
Arts North West Inc	Councillor.....
Community Safety Precinct Committee	Mayor
Community Services Interagency Committee	Councillor
Deepwater Progress Association	Councillor
Glen Innes and District Community Centre Inc.	Councillor
Glen Innes Correctional Centre Community Committee	Mayor
GLENRAC	Councillor
Local Traffic Committee	Mayor (with voting rights)
Rural Fire District Liaison Committee	Councillor and Councillor
Sapphire Wind Farm Community Consultative Committee	Councillor
White Rock Wind Farm Community Consultative Committee	Councillor
White Rock Wind Farm Community Fund Committee	Councillor

- Council confirms the importance of its Community Committee structure to facilitate the necessary flow of communication and information from its committees back to Council and vice versa.**

3. *All Councillors be required to provide the Executive Assistant to the Mayor and General Manager with all relevant information relating to their attendances at all Committee Meetings during the previous month, in a timely, professional and accurate manner, and that these records of attendance continue to be published for all Councillors under Section 10 “Reports from Delegates” in the following month’s Business Paper.*
4. *All Councillors ensure that matters of significance from the various Committees are brought back to Council for information and/or further discussion.*

REPORT

(a) Background

Council last resolved the Council delegates to committees at the Ordinary Council Meeting held on 21 September 2023, from Thursday, 28 September 2023 until Saturday, 14 September 2024 (being the end of the Council term). (14.09/23 Resolution).

Council delegates are usually assigned annually at the September Ordinary Council Meeting.

(b) Discussion

Council delegates are now requested to sit on Council Committees, Community Committees of Council, Regional Committees / Panels, and Community Committees that are not Committees of Council from Thursday, 10 October 2023 until the September 2025 Ordinary meeting of Council.

Council currently has the following number of committees, groups and industry structures on which it is represented by either staff and/or Councillors:

- Council Committees – 4,
- Community Committees of Council – 15,
- Delegates of Council – 1, and
- Community Committees (Not Committees of Council) - 12.

The General Manager (or his delegate) may appoint Council staff to a committee in accordance with the operational needs of Council. Where Community Committees outside of Council have requested a specific staff member to attend their meetings, Council will endeavour to meet that request if it assists in achieving the goals of the Community Strategic Plan.

Councillors are required to provide information to the Executive Assistant (Mayor and General Manager) regarding their attendance at all Council and Committee meetings. A record of these attendances is recorded as part of the Reports from Delegates, section 10 report. This information is provided to Council monthly. The report provides valuable information to the community on what meetings all Councillors are attending each month.

It is at the discretion of community committees (not committees of council) if they are to accept a council representative on their committee and whether that representative will have voting rights.

KEY CONSIDERATIONS

(a) Financial/Asset Management

Council has, in most cases, made provision in its Operational Plan and Budget for the 2024/2025 Financial Year for expenses associated with the operation of the committees/groups listed in this report.

(b) Policy/Legislation

Local Government (General) Regulation 2021

Section 216C Composition of Audit, Risk and Improvement Committee—the Act, Sch 6, cl 19B

- (2) One councillor, who must not be the mayor, of the council may also be appointed to the Audit, Risk and Improvement Committee for a council.*
- (3) The appointment of a member to the Audit, Risk and Improvement Committee must be made by resolution of the council.*
- (4) A councillor appointed to the Audit, Risk and Improvement Committee must not vote on a matter being considered by the committee.*

Community Committees of Council Manual

Section 23 Attendance at Committee Meetings

- (3) Committee members are required to attend a minimum of three meetings in each financial year.*

Council's Code of Conduct for Councillors

Applicable to Councillors in the exercise of all their functions as Councillors including as delegates on committees of Council.

Section 355 of the *Local Government Act 1993* states the following:

How a council may exercise functions

A function of a council may, subject to this Chapter be exercised:

- (a) by the council by means of the councillors or the employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or*
- (b) by a committee of the council, or*
- (c) partly or jointly by the council and another person or persons, or*

- (d) jointly by the council and another council or councils (including by means of a joint organisation or a Voluntary Regional Organisation of Councils of which the councils concerned are members), or*
- (e) by a delegate of the council (which may, for example, be a joint organisation or a Voluntary Regional Organisation of Councils of which the council is a member).*

Community Committees of Council are delegated authority to exercise functions under s 377 or s 378 of the Act.

The General Manager has delegated authority (s 377) to establish Council Committees and Community Committees of Council and endorse the membership of their committee members (s 378).

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report links to Council’s Delivery Program Community Service Principal Activity CS 1.5.2: Support Volunteer Week and proactively encourage volunteering within the community.

This report links to Council’s Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.9.1: Engage with local representatives, government ministers and agencies, private and not for profit sector partners, who are critical to the successful implementation of the Community Strategic Plan; to understand their views and seek their commitment.

CONCLUSION

It is recommended that Council nominates Councillors to sit as Council delegates on the committees detailed in this report from Thursday, 10 October 2024 until the September 2025 Ordinary Meeting of Council.

ECM INDEXES

Subject Index: GOVERNANCE: Committees of Council
Customer Index: INTERNAL DEPT - Councillors
Property Index: NIL

ATTACHMENTS

There are no annexures to this report.

8 NOTICE OF MOTIONS/RESCISSION/QUESTIONS WITH NOTICE

9 CORRESPONDENCE, MINUTES, PRESS RELEASES

Nil reports.

10 REPORTS FROM DELEGATES

Nil reports.

11 MATTERS OF AN URGENT NATURE

12 CONFIDENTIAL MATTERS

Nil reports.