ARMIDALE
Regional Council

BUSINESS PAPER

EXTRAORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 11 September 2019
3pm

at

Armidale Council Chambers

Members
Councillor Simon Murray (Mayor)
Councillor Dorothy Robinson (Deputy Mayor)
Councillor Peter Bailey
Councillor Jon Galletly
Councillor Diane Gray
Councillor Libby Martin
Councillor Andrew Murat
Councillor Debra O'Brien
Councillor Margaret O'Connor
Councillor Ian Tiley
Councillor Bradley Widders

AGENDA

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Item:	6.1	**Ref:** AINT/2019/19074
Title:	FOR DECISION: Election of Mayor for September 2019 - September 2020	
		Container: ARC19/3414
Author:	Nathalie Heaton, Service Leader Governance, Risk and Corporate Planning	
Attachments:	Nil	

RECOMMENDATION:

(a) **That the Chief Executive Officer, as Returning Officer, call for nominations for the election of Mayor for a one year term of office, from September 2019 to September 2020; and**

(b) **That the method of voting be by ordinary ballot.**

Context
The report deals with the election of the Mayor. In accordance with amendments to the NSW Local Government Act, the term of office for a Mayor, elected by Councillors has been increased to two years, however due to the Local Government Elections taking place in September 2020, the term of office in this instance is for one year.

Purpose
In all new Councils, the mayor is elected by the councillors.

Proposal, Research and Analysis
Not applicable.

Impact
Not applicable.

Summary
In accordance with the NSW Local Government Act and Regulations, nominations for Mayor must be in writing, signed by two (2) Councillors and the nominee must consent in writing. The nomination and acceptance can be made prior to the meeting.

There are no financial implications as a result of this report.

The Office of Local Government has developed Mayoral Election Procedures (May 2017) to be used when electing a Mayor. The method of election of a Mayor by Councillors is to be conducted in accordance with Schedule 7 of the Regulation.

Local Government (General) Regulation 2005 – Schedule 7
Schedule 7 – Election Of Mayor By Councillors (Clause 394)

Part 1 – Preliminary

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

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

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

Part 2 - Ordinary ballot or open voting

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

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

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

7 Count – 3 or more candidates
  (1)   If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
  (2)   If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.

(3)   If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.

(4)   A further vote is to be taken of the 2 remaining candidates.

(5)   Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.

(6)   If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 - Preferential Ballot

8 Application of Part
This Part applies if the election proceeds by preferential ballot.

9 Ballot – Papers and voting
(1)   The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.

(2)   The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.

(3)   An informal ballot-paper must be rejected at the count.

10 Count
(1)   If a candidate has an absolute majority of first preference votes, that candidate is elected.

(2)   If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

(3)   A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.

(4)   In this clause, **"absolute majority"**, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

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

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

Part 4 – General

12 Choosing by lot

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

13 Result

The result of the election (including the name of the candidate elected as Mayor or Deputy Mayor) is:

(a) To be declared to 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 Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales.

Item:	6.2	**Ref:** AINT/2019/19085
Title:	FOR DECISION: Election of Deputy Mayor for September 2019 - September 2020	**Container:** ARC19/3414
Author:	Nathalie Heaton, Service Leader Governance, Risk and Corporate Planning	
Attachments:	Nil	

RECOMMENDATION:

(a)   That the Chief Executive Officer, as Returning Officer, call for nominations for the election of Deputy Mayor for the one year term of office, from September 2019 to September 2020.

(b)   That the method of voting be by ordinary ballot.

Context

The report deals with the election of the Deputy Mayor. In accordance with amendments to the NSW Local Government Act, the term of office for a Deputy Mayor, elected by Councillors can be for a term of one year or two years. There is however no legal obligation for Council to elect a Deputy Mayor, however Council in 2017 resolved to create the position of Deputy Mayor. The resolution reflected the former Councils' traditional practices.

Purpose

Council has determined to create the position of Deputy Mayor, for a period coinciding with the Mayoral term. The Deputy Mayor position is largely ceremonial with the Deputy Mayor able to fill in for the Mayor at functions where the Mayor is not available.

Section 231 of the Local Government Act 1993 ("the Act"), provides the following:

(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 functions 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.

Proposal, Research and Analysis

Not applicable.

Impact

The Deputy Mayor can be paid an allowance for such time as the Deputy Mayor acts in the office of the Mayor. The Office of Local Government has advised that such an allowance cannot be established on an annual basis and paid as an annual figure. Rather it must reflect actual time acting as the Mayor. Therefore the Deputy Mayor will only receive an allowance if the Mayor is on a period of extended leave and Council has resolved to pay such an allowance.

Summary
In accordance with the NSW Local Government Act and Regulations, nominations for Deputy Mayor must be in writing, signed by two (2) Councillors and the nominee must consent in writing. The nomination and acceptance can be made prior to the meeting.

The Local Government Act 1993 and Local Government (General) Regulation 2005 – Schedule 7 provide for the election of a Deputy Mayor.

The Office of Local Government has developed Mayoral Election Procedures (May 2017) to be used when electing a Mayor. The method of election of a Deputy Mayor will be conducted in the same fashion as the Mayor, in accordance with Schedule 7 of the Regulation.

The Deputy Mayor will assume the role of Mayor on occasions when the Mayor is absent.