

# Business Paper

## EXTRAORDINARY COUNCIL MEETING

**COUNCIL CHAMBERS, GUNDAGAI**

**5:00pm, Tuesday 16th July, 2024**

**Administration Centres: 1300 459 689**

The Mayor & Councillors  
Cootamundra-Gundagai Regional Council  
PO Box 420  
Cootamundra NSW 2590

#### NOTICE OF MEETING

An Extraordinary Meeting of Council will be held in the Council Chambers, Gundagai on:

**Tuesday, 16th July, 2024 at 5:00pm**

The agenda for the meeting is enclosed.

Steve McGrath  
Interim General Manager

#### **Live Streaming of Meetings Statement**

**This meeting is streamed live via the internet and an audio-visual recording of the meeting will be publicly available on Council's website.**

**By attending this meeting, you consent to your image and, or, voice being live streamed and publicly available. Please refrain from making any defamatory statements.**

#### **Statement of Ethical Obligations**

**The Mayor and Councillors are bound by the Oath/Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of Cootamundra-Gundagai Regional Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.**

**It is also a requirement that the Mayor and Councillors disclose conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with Council's Code of Conduct and Code of Meeting Practice.**

# AGENDA

## Order Of Business

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**1 ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledges the Wiradjuri people, the Traditional Custodians of the Land at which the meeting is held and pays its respects to Elders, both past and present, of the Wiradjuri Nation and extends that respect to other Aboriginal people who are present.

**2 OPEN FORUM - NA****3 APOLOGIES****4 DISCLOSURES OF INTEREST**

## 5 GENERAL MANAGER'S REPORT

### 5.1 GENERAL MANAGER OFFICE

#### 5.1.1 ELECTION OF THE MAYOR - FILLING OF CASUAL VACANCY - JULY 2024 TO SEPTEMBER 2024

DOCUMENT NUMBER	416620
REPORTING OFFICER	Teresa Breslin, Executive Assistant to Mayor and General Manager
AUTHORISING OFFICER	Steve McGrath, Interim General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<b>4. Collaborative and progressive leadership</b> 4.2 Proactive, practical Council leaders who are aligned with community needs and values
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	In accordance with section 295 of the Local Government Act 1993.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	1. Schedule 7 Local Government (General) Regulation 2021 <a href="#">↓</a>

#### RECOMMENDATION

1. If more than one nomination for the position of Mayor is received, Council determine the method of electing the Mayor;
2. The election of the Mayor for the period 16 July 2024 to 14 September 2024 proceed; and
3. In the event that an election for the position of Deputy Mayor is required, Council determine to elect a Deputy Mayor and also determine the method of election.

#### Introduction

Councillor Sheahan provided formal notice on 27 June 2024 that he would be resigning from the position of Mayor effective 8 July 2024. As a result of the casual vacancy in the position of Mayor, Cootamundra-Gundagai Regional Council is required to conduct an election to fill the casual vacancy within 14 days of the vacancy under [section 295 of the Local Government Act 1993](#).

Council's Mayor elected on 16 July 2024 will hold the office of Mayor until council elections are held on 14 September 2024.

As nominations for the position of Mayor may come from any Councillor on CGRC, Council may also need to elect a deputy mayor if required. Should an election for the position of Deputy Mayor be required, the Councillor elected to the Deputy Mayor role will also hold office until council elections are held on 14 September 2024.

**Method:**

*If more than one candidate is nominated for the position of Mayor, 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.*

Cootamundra-Gundagai Regional Council has historically resolved to conduct elections via ordinary ballot, noting that in September 2023 the open voting method was utilised to accommodate a Councillor attending the meeting by TEAMS.

Discussion

In summary, the following requirements are to be followed to facilitate the election of Mayor to fill the casual vacancy:

1. In accordance with Clause 1 of Schedule 7 of the Local Government (General) Regulation 2021, the General Manager is the Returning Officer.
2. Nomination papers for the election of Mayor to fill the casual vacancy have been circulated to all Councillors.
3. Nominations will be accepted by the Returning Officer, until 4pm Tuesday 16<sup>th</sup> July 2024.
4. The Councillor elected to the position of Mayor on 16<sup>th</sup> July 2024 will hold office until 14<sup>th</sup> September 2024.

Financial

No financial implications arise as a result of this report.

OLG 23a Guideline consideration

Does not conflict with guidelines.



## NSW legislation

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# Local Government (General) Regulation 2021

Current version for 1 July 2024 to date (accessed 8 July 2024 at 9:54)

Schedule 7

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## Schedule 7 Election of mayor by councillors

(Section 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 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 the Chief Executive Officer of Local Government NSW.