

# ADDITIONAL ITEM

14 October 2015  
To the Ordinary Council Meeting

Director's Report  
Chief Executive Officer's Unit

## 6.5 Response from Minister for Local Government Regarding By-Election

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TRIM REFERENCE: F2014/00009 - D12110680

AUTHOR: Brian Glendenning; General Counsel

### SUMMARY

Council has received correspondence from the NSW Office of Local Government dated 12 October 2015, which advises that an order has been made under s. 294(2)(a) of the *Local Government Act 1993* ("LG Act") that the casual vacancy resulting from Cr Nayna's resignation from civic office is not to be filled by way of a by-election.

### RECOMMENDATION

- 1 ***That Council receive the letter from the NSW Office of Local Government dated 12 October 2015.***
- 2 ***That Council note that an order has been made pursuant to s. 294(2)(a) of the Local Government Act 1993 that the casual vacancy created by the resignation of Cr Nayna is not to be filled by way of a by-election.***

### BACKGROUND

On 11 September 2015 Cr Nayna resigned from his civic office, resulting in a casual vacancy of that civic office. On 23 September 2015 the Council resolved a number of matters in respect to or arising from that casual vacancy, including the following:

*"1025/15 That the Council apply to the Minister for Local Government for the issue of an order under s. 294(2)(a) of the Local Government Act 1993 that the casual vacancy in the civic office last held by Cr Nayna not be filled by a by-election.*

*1026/15 That the Council request the Acting Chief Executive Officer make that application to the Minister."*

On 24 September 2015 the Acting Chief Executive Officer wrote to the Minister for Local Government seeking the issue of an order under s. 294(2)(a) of the LG Act that the casual vacancy created by the resignation of Cr Nayna not be filled by a by-election.

On 13 October 2015 the Acting Chief Executive Officer received a letter from the NSW Office of Local Government dated 12 October 2015, a copy of which is attached to this report. That letter advises that the Minister's delegate has issued an order pursuant to s. 294(2)(a) of the LG Act that the casual vacancy created by the resignation of Cr Nayna not be filled by a by-election.

### ATTACHMENTS

- 1 Letter from Office of Local Government regarding determination of by-election D12110583



## Office of Local Government

5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A440319  
Your Reference: F2014100009  
Contact: Susan Hartley  
Phone: 02 4428 4214

Mr R Nobel  
Acting Chief Executive Officer  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

12 OCT 2015

Dear Mr Noble

Thank you for your letter of 24 September 2015 about the resignation of Councillor Luke Nayna, which I understand came into effect on 11 September 2015 creating a casual vacancy on Wyong Shire Council.

I understand Council at its meeting of 23 September 2015 resolved to seek an order from the Minister for Local Government, the Hon Paul Toole MP, that the casual vacancy in the office created by the resignation of Councillor Nayna not be filled.

I confirm that under delegation from the Minister for Local Government and pursuant to section 294(2)(a) of the *Local Government Act 1993*, I have determined to order that this casual vacancy in civic office on Wyong Shire Council not be filled.

This means Council can dispense with the need to conduct a by-election to fill this casual vacancy. I have advised the NSW Electoral Commissioner of my decision by email on today's date.

I trust my decision is of assistance to Council.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Hurst'.

**Tim Hurst**  
**Acting Chief Executive**  
**Office of Local Government**

