



Central Coast Council
Business Paper
Ordinary Council Meeting
23 September 2019





COMMUNITY STRATEGIC PLAN 2018-2028

ONE – CENTRAL COAST IS THE COMMUNITY STRATEGIC PLAN (CSP) FOR THE CENTRAL COAST LOCAL GOVERNMENT AREA

ONE – CENTRAL COAST DEFINES THE COMMUNITY'S VISION AND IS OUR ROADMAP FOR THE FUTURE

ONE – CENTRAL COAST BRINGS TOGETHER EXTENSIVE COMMUNITY FEEDBACK TO SET KEY DIRECTIONS AND PRIORITIES

One - Central Coast will shape and inform Council's business activities, future plans, services and expenditure. Where actions are the responsibility of other organisations, sectors and groups to deliver, Council will work with key partners to advocate on behalf of our community.

Ultimately, every one of us who live on the Central Coast has an opportunity and responsibility to create a sustainable future from which we can all benefit. Working together we can make a difference.

RESPONSIBLE

WE'RE A RESPONSIBLE COUNCIL AND COMMUNITY, COMMITTED TO BUILDING STRONG RELATIONSHIPS AND DELIVERING A GREAT CUSTOMER EXPERIENCE IN ALL OUR INTERACTIONS.

We value transparent and meaningful communication and use community feedback to drive strategic decision making and expenditure, particularly around the delivery of essential infrastructure projects that increase the safety, liveability and sustainability of our region. We're taking a strategic approach to ensure our planning and development processes are sustainable and accessible and are designed to preserve the unique character of the coast.

 **Good governance and great partnerships**

G2 Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect

There are 5 themes, 12 focus areas and 48 objectives



All council reports contained within the Business Paper are now aligned to the Community Strategic Plan. Each report will contain a cross reference to a Theme, Focus Area and Objective within the framework of the Plan.

The infographic details the following structure:

- THEME: BELONGING**
 - Focus Area: OUR COMMUNITY (Objectives: A1, A2, A3, A4)
 - Focus Area: COMMUNITY CONNECTION AND LOCAL IDENTITY (Objectives: B1, B2, B3, B4)
- THEME: SMART**
 - Focus Area: A GROWING AND COMPETITIVE REGION (Objectives: C1, C2, C3, C4)
 - Focus Area: A PLACE OF OPPORTUNITY FOR PEOPLE (Objectives: D1, D2, D3, D4)
- THEME: GREEN**
 - Focus Area: ENVIRONMENTAL RESOURCES FOR THE FUTURE (Objectives: E1, E2, E3, E4)
 - Focus Area: INCREASED AND PROTECTED NATURAL BEAUTY (Objectives: F1, F2)
- THEME: RESPONSIBLE**
 - Focus Area: GOOD GOVERNANCE AND GREAT PARTNERSHIPS (Objectives: G1, G2, G3, G4)
 - Focus Area: BELIEVING ESSENTIAL INFRASTRUCTURE (Objectives: H1, H2, H3, H4)
 - Focus Area: BALANCED AND SUSTAINABLE DEVELOPMENT (Objectives: I1, I2, I3, I4)
- THEME: LIVEABLE**
 - Focus Area: BELIEVING PUBLIC TRANSPORT AND ECONOMIC VIBES (Objectives: J1, J2, J3, J4)
 - Focus Area: SAFE AND SOUND FOR ALL (Objectives: K1, K2, K3, K4)
 - Focus Area: BELIEVING LIFE IS ALL ABOUT A GROWING COMMUNITY (Objectives: L1, L2, L3, L4)



Meeting Notice

**The Ordinary Council Meeting
of Central Coast Council
Will be held in the Council Chamber
2 Hely Street, Wyong on
Monday, 23 September 2019 at 6.30pm**
For The Transaction Of The Business Listed Below:

1 Procedural Items

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Gary Murphy
Chief Executive Officer



Item No: 1.1
Title: Disclosures of Interest
Department: Governance

23 September 2019 Ordinary Council Meeting

Trim Reference: F2019/00041-02 - D13657683

Chapter 14 of the *Local Government Act 1993* ("LG Act") regulates the way in which the councillors and relevant staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public functions.

Section 451 of the LG Act states:

- "(1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.*
- (2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:*
- (a) at any time during which the matter is being considered or discussed by the council or committee, or*
- (b) at any time during which the council or committee is voting on any question in relation to the matter.*
- (3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.*
- (4) Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:*
- (a) the matter is a proposal relating to:*
- (i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or*
- (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*
- (a1) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person*

1.1 Disclosures of Interest (contd)

(whose interests are relevant under section 443) in that person's principal place of residence, and

- (b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.*

- (5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:*
 - (a) be in the form prescribed by the regulations, and*
 - (b) contain the information required by the regulations."*

Further, the Code of Conduct adopted by Council applies to all councillors and staff. The Code relevantly provides that if a councillor or staff have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed as well as providing for a number of ways in which a non-pecuniary conflicts of interests might be managed.

Recommendation

That Council and staff now disclose any conflicts of interest in matters under consideration by Council at this meeting.



Item No: 2.1
Title: Election of the Mayor
Department: Governance

23 September 2019 Ordinary Council Meeting

Trim Reference: F2004/06511 - D13610774

Author: Kathy Bragg, Senior Governance Officer

Manager: Shane Sullivan, Unit Manager, Governance and Business Services

Executive: Dr Liz Develin, Director Governance

Report Purpose

To determine the method of election for the position of Mayor and for the conduct of that election.

Recommendation

- 1 That Council determine, for the purpose of section 290(1)(b) of the Local Government Act 1993, to conduct an election of the Mayor by the councillors as required during the month of September.**
- 2 That Council determine, for the purposes of clause 3(2) of Schedule 7 to the Local Government (General) Regulation 2005, that if more than one candidate is nominated for election as Mayor, the method of voting as being Open voting.**
- 3 That Council note, that, as the 2020 Local Government Elections are scheduled for 12 September 2020, that the elected Mayor will hold office for one year.**

Context

Section 290(1)(b) of the [NSW Local Government Act](#) (the Act) states that the election of the Mayor by the Councillors is to be held during the month of September.

Clause 394 of the [Local Government \(General\) Regulation 2005](#) (the Regulation) provides that the election of a Mayor by Councillors must be conducted in accordance with Schedule 7 of that Regulation. Attached to this report is a 'Mayoral Election Fact Sheet' published by the NSW Office of Local Government which explains in detail the requirements of the Mayoral election. Those requirements are further summarised below:

- Two or more Councillors are required to nominate a Councillor for election to the position of Mayor. One of those Councillors may be the nominee.

The nomination will not be valid unless the nominee consents to the nomination in writing to the Returning Officer.

2.1 Election of the Mayor (contd)

- If there is more than one candidate then the Council must then resolve to carry out the election by one of the following methods:
 - Preferential ballot (secret ballot);
 - Ordinary ballot (secret ballots); or
 - Open voting (by show of hands).

The method of election is recommended to be open voting. It is noted that the 2017 Mayoral Election was conducted using the open voting method.

Once a method has been determined by resolution of the Council, the Chief Executive Officer (or a person nominated by them as Returning Officer), must conduct the election of Mayor in accordance with that method, in accordance with Schedule 7 of the Regulation. A copy of that Schedule 7 is attached. The Returning Officer is required to declare the result of the election to the Council.

Section 230 (1) the Act states that a Mayor elected by the councillors holds the office of Mayor for two years. However, in accordance with the Office of Local Government's [18-23 Mayoral Elections](#) Circular, as the 2020 Local Government Elections are scheduled for 12 September 2020, the Mayor will hold office for a period of one year only.

It is noted that for the conduct of the election, the Chief Executive Officer has nominated the Director, Governance as Returning Officer.

Options

The following alternate recommendations are provided should Council determine to proceed with an alternate method of voting:

Ordinary Ballot:

- 1 *That Council determine, for the purpose of section 290(1)(b) of the Local Government Act 1993, to conduct an election of the Mayor by the councillors as required during the month of September.*
- 2 *That Council determine, for the purposes of clause 3(2) of Schedule 7 to the Local Government (General) Regulation 2005, that if more than one candidate is nominated for election as Mayor, the method of voting as being Ordinary Ballot*
- 3 *That Council note, that, as the 2020 Local Government Elections are scheduled for 12 September 2020, that the elected Mayor will hold office for one year.*

2.1 Election of the Mayor (contd)

Preferential Ballot:

- 1 *That Council determine, for the purpose of section 290(1)(b) of the Local Government Act 1993, to conduct an election of the Mayor by the councillors as required during the month of September.*
- 2 *That Council determine, for the purposes of clause 3(2) of Schedule 7 to the Local Government (General) Regulation 2005, that if more than one candidate is nominated for election as Mayor, the method of voting as being Preferential Ballot*
- 3 *That Council note, that, as the 2020 Local Government Elections are scheduled for 12 September 2020, that the elected Mayor will hold office for one year.*

Financial Impact

The recommendation does not impact on Council's financial position.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G2: Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

Critical Dates or Timeframes

Section 290(1)(b) of the Act states:

The election of the Mayor by the Councillors is to be held if it is not the first election or an election to fill a casual vacancy – during the month of September.

Further, section 290(2) states:

If the Councillors fail to elect a Mayor as required by this section, the Governor may appoint one of the Councillors as the Mayor.

Attachments

- 1 Office of Local Government - Mayoral Elections Fact Sheet D13610812

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 clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005* (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 2005, 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 clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, 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 clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, 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 clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, 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 clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, 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 clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, 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 clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, 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 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. That candidate 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 councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Departmental Chief Executive and to the Chief Executive of Local Government New South Wales.



Item No: 2.2
Title: Election of a Deputy Mayor
Department: Governance

23 September 2019 Ordinary Council Meeting

Trim Reference: F2004/06511 - D13611002

Author: Kathy Bragg, Senior Governance Officer

Manager: Shane Sullivan, Unit Manager, Governance and Business Services

Executive: Dr Liz Develin, Director Governance

Report Purpose

To determine the following:

- a. whether to elect a Deputy Mayor;
- b. the term for which any duly elected Deputy Mayor holds office; and
- c. the method of voting for any such election.

The purpose of this report is also to provide for the conduct of the election of a Deputy Mayor should Council so resolve.

Recommendation

- 1 That Council resolve, for the purposes of sections 231(1) and 231(2) of the Local Government Act 1993, to elect a Deputy Mayor for a period of approximately one year from the date of this meeting and until offices are declared vacant prior to the conduct of the 2020 Local Government Election.**
- 2 That Council resolves, for the purposes of clause 3(2) of Schedule 7 to the Local Government (General) Regulation 2005 the method of voting as being Open voting.**

Context

Section 231 of the [Local Government Act 1993](#) (the Act) states:

- 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.*

2.2 Election of a Deputy Mayor (contd)

It is noted that the Act provides that Councillors 'may' elect. Council has discretion whether or not to elect a Deputy Mayor, and if it resolves to elect a Deputy Mayor, determine the term the elected Deputy Mayor holds that office.

It is recommended that Council determine to elect a Deputy Mayor. Central Coast Council is one of the largest Councils in NSW and, in the interests of effective community representation, it is appropriate that Council resolve to elect a Deputy Mayor.

The provisions relating to the election of Mayor, as set out in the ***Election of the Mayor*** report to Council also apply to the election of Deputy Mayor and will not be repeated here.

The method of election is recommended to be open voting. It is noted that the 2017 Deputy Mayoral Election was conducted using the open voting method.

Options

1 *Election of a Deputy Mayor*

If Council resolves to elect a Deputy Mayor, Council will also need to determine the term of that appointment as section 231(2) of the Act provides that a Deputy Mayor may be elected for a shorter term.

It is recommended that a Deputy Mayor be elected for a one year term, which is same as the 2019/20 Mayoral term. The Deputy Mayor would serve as the Chairperson of Council Meetings in the Mayor's absence. Further, it is appropriate there be a structured and formal mechanism for the Mayor to request that the Deputy Mayor act should the Mayor be prevented by illness, absence or otherwise from exercising the function of the office of Mayor.

The following alternate recommendations are provided should Council determine to proceed with an alternate method of voting:

Ordinary Ballot:

- 1 *That Council resolve, for the purposes of sections 231(1) and 231(2) of the Local Government Act 1993, to elect a Deputy Mayor for a period of approximately one year from the date of this meeting and until offices are declared vacant prior to the conduct of the 2020 Local Government Election.*
- 2 *That Council resolves, for the purposes of clause 3(2) of Schedule 7 to the Local Government (General) Regulation 2005 the method of voting as being Ordinary Ballot.*

Preferential Ballot:

- 1 *That Council resolve, for the purposes of sections 231(1) and 231(2) of the Local Government Act 1993, to elect a Deputy Mayor for a period of approximately one year*

2.2 Election of a Deputy Mayor (contd)

from the date of this meeting and until offices are declared vacant prior to the conduct of the 2020 Local Government Election.

2 *That Council resolves, for the purposes of clause 3(2) of Schedule 7 to the Local Government (General) Regulation 2005 the method of voting as being Preferential Ballot.*

3 *No election of Deputy Mayor*

Council may resolve that it will not elect a Deputy Mayor.

The result of a resolution in this way would be that if the Mayor is not present at any Council meeting the Council will need to elect a chairperson as the first item of business at that meeting, in accordance with clause 236 of the [Local Government \(General\) Regulation 2005](#). There may also be a need for resolution of Council to delegate functions to another Councillor should the elected Mayor be unable, for any reason, to exercise a function of the office of the Mayor.

The following recommendation is provided should Council determine not to elect a Deputy Mayor:

1 *That Council resolve not to a Deputy Mayor as provided by section 231 of the Local Government Act 1993.*

2 *That Council resolves to allocate the allowance payable to the Mayor in full noting there is no requirement for allocation to a Deputy Mayor.*

Financial Impact

The recommendation does not impact on Council's financial position.

At its meeting held on 27 May 2019, Council resolved to set the annual fee payable to the Deputy Mayor at 10% of the Mayor's annual fee.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G2: Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

Attachments

Nil.