



AGENDA FOR THE EXTRAORDINARY MEETING

11 May 2023

EXTRAORDINARY MEETING OF COUNCIL

The following items are submitted for consideration -

1	GOVERNANCE AND ADMINISTRATION MATTERS	3
1.1	Mayoral Election - May 2023 to September 2023	5

1 GOVERNANCE AND ADMINISTRATION MATTERS

The following item is submitted for consideration -

- 1.1 Mayoral Election - May 2023 to September 2023 5

Governance and Administration Matters - 11 May 2023

ITEM 1.1 **Mayoral Election - May 2023 to September 2023**

AUTHOR **Chief Executive Officer**

Pursuant to the Local Government Act 1993 and Council's Code of Meeting Practice, this meeting has been scheduled for the Councillors to elect Council's Mayor for the balance of the Mayoral term following the resignation from the Mayoral Office by Mayor Asfour.

Councillors should note that:

- Mayors elected by councillors normally hold their office for two years (section 230(1) of the Local Government Act 1993), unless a casual vacancy occurs.
- The next Mayoral election is due in September 2023. However, following the resignation of Mayor Asfour, a casual vacancy exists in the Office of Mayor and Council is required under the Act to hold a mayoral election in the month of May 2023 (section 295(1) of the Act).
- This means that the term of office for the Mayor elected at this meeting will be for the period May 2023 to September 2023.
- Council's Chief Executive Officer, as the Returning Officer, is required to conduct the election in accordance with Schedule 7 of the Local Government (General) Regulation 2021 (Attachment A); and
- In accordance with Schedule 7, Council will be required to resolve the method of voting to determine the Mayor, in the event that more than one (1) Councillor is nominated.

In determining the matter, Council will need to resolve the method of voting, should there be more than one nomination.

RECOMMENDATION That -

1. In accordance with Schedule 7 of the Local Government (General) Regulation 2021 the General Manager, as the Returning Officer, conduct the Election of the Mayor.
2. In the event that there be more than one (1) nomination, Council determine the method of voting.

ATTACHMENTS

- A. Procedure for Mayoral Election
- B. Nomination Form

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

Schedule 7 Election of Mayor by councillors

(Section 394)

Part 1 Preliminary**1 Returning officer**

The chief executive officer (or a person appointed by the chief executive officer) 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 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 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 to the Chief Executive Officer of the Local Government NSW.

CANTERBURY-BANKSTOWN COUNCIL

ELECTION OF MAYOR

FOR MAYORAL TERM – MAY 2023 – SEPTEMBER 2023

TERM OF OFFICE

11 MAY 2023

NOMINATION FORM

I nominate Cllr _____ for the Office of Mayor for the Mayoral Term May 2023 – September 2023

SIGNED _____

I second the Nomination

SIGNED _____

I consent to the Nomination

SIGNED _____