



****CONFIDENTIAL COPY****

Business Papers 2023

MID-WESTERN REGIONAL COUNCIL

EXTRAORDINARY MEETING
WEDNESDAY 27 SEPTEMBER 2023

*A prosperous and progressive
community we proudly call home*





PO BOX 156
MUDGEES NSW 2850

86 Market Street MUDGEES
109 Herbert Street GULGONG
77 Louee Street RYLSTONE

Ph: 1300 765 002 or (02) 6378 2850
Fax: (02) 6378 2815
Email: council@midwestern.nsw.gov.au

20 September 2023

Dear Councillor,

MEETING NOTICE
Extraordinary Meeting
27 SEPTEMBER 2023
Public Forum at 5.30pm
Council Meeting commencing at conclusion of Public Forum

Notice is hereby given that the above meeting of Mid-Western Regional Council will be held in the Council Chambers, 86 Market Street, Mudgee at the time and date indicated above to deal with the business as listed on the Meeting Agenda.

The meeting will be live streamed on Council's website.

Members of the public may address Council at the Public forum, which is held at 5.30pm immediately preceding the Council meeting. Speakers who wish to address Council are invited to register by 4.00pm on the day prior to the Council Meeting by contacting the Executive Assistant to the Mayor and General Manager.

Yours faithfully

A handwritten signature in black ink, appearing to be "BRAD CAM", with a horizontal line extending to the right.

BRAD CAM
GENERAL MANAGER

AGENDA

Acknowledgement of Country	7
Item 1: Apologies.....	7
Item 2: Disclosure of Interest.....	7
Item 3: Confirmation of Minutes.....	7
Item 4: Office of the General Manager	8
4.1 Election of the Mayor	8
4.2 Election of Deputy Mayor	13
Item 5: Urgent Business Without Notice	15
Item 6: Urgent Confidential Business Without Notice	17
Item 7: Open Council.....	17

Acknowledgement of Country

I would like to acknowledge the traditional owners of the lands on which we meet, the Wiradjuri people and pay our respects to elders past, present and emerging.

Item 1: Apologies

Item 2: Disclosure of Interest

In accordance with Section 451 of the Local Government Act 1993, Councillors should declare an interest in any item on this Agenda. If an interest is declared, Councillors should leave the Chambers prior to the commencement of discussion of the item.

Item 3: Confirmation of Minutes

Nil

Item 4: Office of the General Manager

4.1 Election of the Mayor

REPORT BY THE MANAGER, CUSTOMER SERVICES & GOVERNANCE
TO 27 SEPTEMBER 2023 EXTRAORDINARY MEETING
GOV400066, GOV400054, GOV400098

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Customer Services & Governance on the Election of the Mayor;**
 2. **determine that the Ballot for the election of the Mayor be by Open Voting/ Ordinary Ballot/Preferential Ballot (delete two);**
 3. **designate the General Manager as Returning Officer for the election with the election to be conducted by the General Manager and the Manager Customer Services and Governance; and**
 4. **elect the Mayor for the term of 27 September 2023 to 14 September 2024.**
-

Executive summary

This report provides the direction to elect the Mayor for the period 27 September 2023 to 14 September 2024 with the next Council election scheduled to occur on Saturday 14 September 2024.

Disclosure of Interest

Nil

Detailed report

The Mayor is elected by the Councillors from among their number.

The Office of Local Government distributed a circular on 1 August 2023 advising Councils that elect their Mayors are required under section 290(1)(b) of the Local Government Act 1993 (the Act) to hold mid-term Mayoral elections in September 2023. Mayors elected in September 2023 will hold their office until Council elections are held on 14 September 2024.

Mayors elected by councillors normally hold their office for two years (unless a casual vacancy occurs), however with the postponement of the last ordinary Council elections to 4 December 2021, Mayors elected by Councillors during this term will have a shorter term than the usual two years.

The term of office of Mayors elected in September 2023 will automatically expire on 14 September 2024, when their term as a Councillor expires.

As provided by Clause 394 of the Local Government (General) Regulation 2021, the conduct of the election of the Mayor is governed by the provisions of Schedule 7 of that Regulation.

Local Government (General) Regulation 2021 Requirements

The Returning Officer for the election of the Mayor shall be the General Manager (or a person appointed by the General Manager). The General Manager has indicated that he will act as Returning Officer and that the Manager Customer Services and Governance will assist.

Nominations for the Mayor shall be in writing, but may be without notice, by two (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.

The nomination is to be delivered or sent to the Returning Officer who is to announce the names of the nominees at the Council Meeting at which the election is to be held.

If only one candidate is nominated, that Councillor is elected.

When more than one candidate is nominated, the Council may, by resolution, decide whether the election shall be carried out by:

- a) Ordinary Ballot - Involving the marking of Ballot Papers - subsequent exclusion of one candidate; further voting and exclusions; repeated until two candidates only remain, final vote between remaining two candidates.
- b) Open Voting - Procedure identical to Ordinary Ballot, however, the voting is by show of hands or similar means, not a Ballot Paper.
- c) Preferential Ballot - The complete numbering of Ballot Papers in consecutive order of preference for all candidates, commencing with "1" as first preference.

Drawing of Lots

If this becomes necessary, it shall be done by the Returning Officer.

In any case for the purpose of excluding a candidate, the candidate's name drawn shall be excluded. In any case for the purpose of electing a candidate, the candidate's name drawn shall be elected.

Community Plan implications

Theme	Good Government
Goal	Strong civic leadership
Strategy	Provide accountable and transparent decision-making for the community

Financial implications

Not applicable

RICHARD CUSHWAY
MANAGER, CUSTOMER SERVICES &
GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

12 September 2023

Attachments: 1. Office Local Government Circular 1 August 2023.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Circular Details	23-09 / 01 August 2023 / A869189
Previous Circular	21-24 September 2021 Mayoral elections
Who should read this	Councillors / General Managers / Governance staff
Contact	Council Governance Team / 02 4428 4100/ olg@olg.nsw.gov.au
Action required	Council to Implement

September 2023 mayoral elections

What's new or changing

- Councils that elect their mayors are required under section 290(1)(b) of the *Local Government Act 1993* (the Act) to hold mid-term mayoral elections in September 2023.
- Mayors elected in September 2023 will hold their office until council elections are held on 14 September 2024.
- Deputy mayors hold their office for the term specified by the council's resolution. An election for deputy mayor should be held when the deputy mayor's term expires.

What this will mean for your council

- Mayoral elections must be conducted in accordance with Schedule 7 of the *Local Government (General) Regulation 2021*.
- Schedule 7 prescribes three methods of election of mayors:
 - open ballot (eg a show of hands)
 - ordinary ballot, or
 - preferential ballot.
- Councillors can participate in mayoral elections using an open ballot by audio visual link but not where the other two methods of election are used.
- Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person to vote if the mayoral election is held using either of these methods.

Key points

- Mayors elected by councillors normally hold their office for two years (unless a casual vacancy occurs). Because of the postponement of the last ordinary council elections to 4 December 2021, mayors elected by councillors during this term will have a shorter term than the usual two years.
- Councils that elect their mayors are required under the Act to hold mid-term mayoral elections in the month of September. This means that the mid-term mayoral elections will need to be held in September 2023.
- The term of office of mayors elected in September 2023 will automatically expire on 14 September 2024, when their term as a councillor expires.

Where to go for further information

- The Office of Local Government has issued a fact sheet on conducting mayoral elections, which is available [here](#).
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au



Brett Whitworth
Deputy Secretary, Local Government

4.2 Election of Deputy Mayor

REPORT BY THE MANAGER, CUSTOMER SERVICES & GOVERNANCE
TO 27 SEPTEMBER 2023 EXTRAORDINARY MEETING
GOV400066, GOV400054, GOV400098

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Customer Services & Governance on the Election of Deputy Mayor;**
2. **determine that the Ballot for the election of the Deputy Mayor be by Open Voting/ Ordinary Ballot/Preferential Ballot (delete two);**
3. **designate the General Manager as the Returning Officer for the election with the election to be conducted by the General Manager and the Manager Customer Services and Governance; and**
4. **elect the Deputy Mayor for the term of 27 September 2023 to 14 September 2024.**

Executive summary

This report provides the direction to elect the Deputy Mayor for the period 27 September 2023 to 14 September 2024 with the next Council election scheduled to occur on Saturday 14 September 2024.

Disclosure of Interest

Nil

Detailed report

The Deputy Mayor is elected by the Councillors from among their number.

The Local Government Act 1993 provides that where the Deputy Mayor is elected by the Councillors from among their number, the Deputy Mayor shall hold office for the Mayoral term or a shorter period (Section 231). Deputy Mayors hold their office for the term specified by the Council's resolution.

The term of office of Deputy Mayors elected in September 2023 will automatically expire on 14 September 2024, when their term as a Councillor expires.

As provided by Clause 394 of the Local Government (General) Regulation 2021, the conduct of the election of the Deputy Mayor is governed by the provisions of Schedule 7 of that Regulation.

Local Government (General) Regulation 2021 Requirements

The Returning Officer for the election of the Deputy Mayor shall be the General Manager (or a person appointed by the General Manager). The General Manager has indicated that he will act as Returning Officer and that the Manager Customer Services and Governance will assist.

Nominations for the Deputy Mayor shall be in writing, but may be without notice, by two (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.

The nomination is to be delivered or sent to the Returning Officer who is to announce the names of the nominees at the Council Meeting at which the election is to be held.

If only one candidate is nominated, that Councillor is elected.

When more than one candidate is nominated, the Council may, by resolution, decide whether the election shall be carried out by:

- a) Ordinary Ballot - Involving the marking of Ballot Papers - subsequent exclusion of one candidate; further voting and exclusions; repeated until two candidates only remain, final vote between remaining two candidates.
- b) Open Voting - Procedure identical to Ordinary Ballot, however, the voting is by show of hands or similar means, not a Ballot Paper.
- c) Preferential Ballot - The complete numbering of Ballot Papers in consecutive order of preference for all candidates, commencing with "1" as first preference.

Drawing of Lots

If this becomes necessary, it shall be done by the Returning Officer.

In any case for the purpose of excluding a candidate, the candidate's name drawn shall be excluded. In any case for the purpose of electing a candidate, the candidate's name drawn shall be elected.

Community Plan implications

Theme	Good Government
Goal	Strong civic leadership
Strategy	Provide strong representation for the community at Regional, State and Federal levels

Financial implications

Not applicable

RICHARD CUSHWAY
MANAGER, CUSTOMER SERVICES & GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

12 September 2023

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 5: Urgent Business Without Notice

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

CONFIDENTIAL
SESSION

Item 6: Urgent Confidential Business Without Notice

Item 7: Open Council