



W A V E R L E Y
C O U N C I L

COUNCIL MEETING

(MAYORAL ELECTION)

A meeting of the COUNCIL will be held at Waverley Council Chambers,
Cnr Paul Street and Bondi Road, Bondi Junction at:

7.00 PM, THURSDAY 26 SEPTEMBER 2019

A handwritten signature in grey ink, appearing to read 'R. McLeod'.

Ross McLeod
General Manager

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Live Streaming of Meetings

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.

AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager will read the following Opening Prayer:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

The Mayor will read the following Acknowledgement of Indigenous Heritage:

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.

1. Apologies/Leaves of Absence

2. Declarations of Pecuniary and Non-Pecuniary Interests

3. Items

ME/3.1/19.09 Election of Mayor and Deputy Mayor by Councillors4

ME/3.2/19.09 Election of Mayor to be conducted by Returning Officer

Nominations called for and announced.

Election and Declaration.

The newly elected Mayor will assume the Chair.

ME/3.3/19.09 Election of Deputy Mayor to be conducted by Returning Officer

Nominations called for and announced.

Election and Declaration.

ME/3.4/19.09 Appointment of Councillors to Committees10

4. Meeting Closure

ITEM
ME/3.1/19.09**Subject:** Election of Mayor and Deputy Mayor by Councillors**TRIM No:** SF19/1092**Author:** Jane Worthy, Returning Officer**Director:** Ross McLeod, General Manager

RECOMMENDATION:

That Council:

1. Notes the term of office of the Mayor elected at this meeting is for approximately 12-months until midnight on 11 September 2020.
2. Agrees to elect a Deputy Mayor at this meeting for an approximately 12-month term until midnight on 11 September 2020.
3. Notes the procedure for the election of Mayor and Deputy Mayor by Councillors outlined in this report.
4. Determines the method of voting for the election of Mayor and Deputy Mayor to be the Open voting method.

1. Executive Summary

Councillors must elect a Mayor from among their number every two years unless they have a popularly elected Mayor, or the council term is less than four years as is the case for Waverley this term.

Councillors may also elect a person from their number to be Deputy Mayor. The Deputy Mayor may be elected for the mayoral term or a shorter term.

The procedure to elect a Mayor and Deputy Mayor is prescribed in Schedule 7 of the *Local Government (General) Regulation 2005*. The procedure is outlined in this report and Schedule 7 is attached for your reference.

2. Introduction/Background

The *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation) determine the requirements and procedures for the election of Mayor and Deputy Mayor by Councillors. I have outlined the key elements of the procedures below, and have attached Schedule 7 of the Regulation to this report at Attachment 1.

Before conducting an election, Council is required to determine the method of voting it wishes to use for the election. If more than one nomination is received, the method of voting can be either by open voting method, ordinary ballot method or preferential ballot method. I will explain each voting method in more detail below. This report recommends that the open voting method be used.

3. Relevant Council Resolutions

Not applicable.

4. Discussion

The Returning Officer for the election of Mayor and Deputy Mayor by Councillors is the General Manager. However, the General Manager can appoint another person to be Returning Officer. The General Manager has appointed Council's Internal Ombudsman, Ms Jane Worthy, to the role of Returning Officer for the election.

To assist you in understanding the various procedures for election and requirements for voting, I have summarised the key elements below.

The Mayor

A council must have a Mayor (s 225 of the Act).

A Mayor elected by the Councillors holds the office of Mayor for two years subject to the Act. The period of office commences on the day the Councillor is declared to be elected as Mayor. It becomes vacant when the Mayor ceases to hold office as a councillor (s 230 of the Act).

At this election, the term of office of the Mayor is approximately 12-months until midnight on 11 September 2020. This is when all councillors cease to hold office prior to the Local Government Election on 12 September 2020.

The Deputy Mayor

Councillors may elect a person from among their number to be Deputy Mayor. The term can be for the period of the mayoral term or a shorter term. The Deputy Mayor exercises functions of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising these functions (s 231 of the Act).

It is recommended that a Deputy Mayor be elected for the mayoral term, that is, for approximately 12-months until midnight on 11 September 2020.

Nomination forms

Under the Act, Councillors may be nominated without notice for election as Mayor or Deputy Mayor. The nomination must be in writing by two or more Councillors (one of whom may be the nominee) and is not valid unless the nominee has indicated consent to the nomination in writing. The nomination forms can be delivered to the Returning Officer any time up to and including the calling of nominations for each election.

Once the Returning Officer has finished the call for nominations for each election, the Returning Officer will announce the names of the nominees received. If there is one nomination, that Councillor is declared to be elected. If there is more than one nomination the Returning Officer will proceed to the election. A copy of the nomination form to be used for the election is attached to this report at Attachment 2 and will also be distributed to councillors separately with the agenda.

Method of voting

The Returning Officer will carry out the election in accordance with the method of voting determined by Council.

The open voting method means voting by a show of hands or similar means.

In the event that Council chooses the Ordinary Ballot or Preferential Ballot method, the Returning Officer has prepared a ballot paper which will be distributed at the meeting. The Returning Officer will give clear instructions to Councillors on their requirements for voting in the election and each ballot paper will include instructions on the face of the paper. The Returning Officer will conduct the election using a ballot box for the return of the ballot papers, and the appropriate documents for the recording of votes.

On counting of the ballot papers, the Returning Officer will use the relevant provisions of the Regulation to determine formality and informality of ballot papers. The Returning Officer will check each vote for formality, count the votes for the Councillors nominated, and declare the election, so long as there is no equal number of votes.

In the case of an equal number of votes, the Returning Officer will need to then proceed to choose the candidate by lot.

Choosing by lot

The names of the candidates who have equal number of votes will be written on a similar slip of paper by the Returning Officer then folded by the Returning Officer so as to prevent the names from being seen. The Returning Officer will then place the slips into identical containers. The containers will be placed into the ballot box and then mixed and one is drawn at random by the Returning Officer. The candidate whose name is on the slip within the drawn container is chosen.

Results

The result of the election, including the name of the candidate elected as Deputy Mayor, will be announced at the meeting by the Returning Officer and the next day notified to the Departmental Chief Executive and to the Chief Executive of Local Government New South Wales.

5. Financial impact statement/Timeframe/Consultation

There is no unbudgeted cost to Council to hold the Mayoral Election.

The term of the office of Mayor at this election is to midnight on 11 September 2020. This is when all councillors cease to hold office prior to the Local Government Election on 12 September 2020.

It is recommended that a Deputy Mayor be elected for an approximately 12-month term to midnight on 11 September 2020.

6. Conclusion

The election of the Mayor and Deputy Mayor will be undertaken by the voting method chosen by Council and in accordance with the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

7. Attachments

1. Schedule 7 - Local Government (General) Regulation 2005 [↓](#)
2. Nomination Form for election of Mayor and Deputy Mayor [↓](#) .

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.



NOMINATION FORM FOR ELECTION
OF MAYOR / DEPUTY MAYOR

We, the undersigned, nominate:

Councillor _____

For election to the position of Mayor / Deputy Mayor (*)

Councillor: _____ Signature: _____

Councillor: _____ Signature: _____

Date: _____

CONSENT OF NOMINEE

I agree to the nomination for the election of Mayor / Deputy Mayor (*)

Councillor: _____

Signature: _____

Date: _____

(*) Strike out whichever is not applicable.

ONCE COMPLETED PLEASE SUBMIT THIS FORM TO THE RETURNING OFFICER

ITEM
ME/3.4/19.09**Subject:** Appointment of Councillors to Committees**TRIM No:** SF19/1092**Author:** Jane Worthy, Returning Officer**Director:** Ross McLeod, General Manager

RECOMMENDATION:

That Council:

1. Appoints Councillors to the standing committees, advisory and community committees listed in section 4 of this report for an approximately 12-month term to midnight on 11 September 2020.
2. Appoints Delegates to the various organisations listed in section 4 of this report for a 12-month term to September 2020.

1. Executive Summary

In September each year, Council appoints councillors, and chairs where required, to its standing committees, advisory and community committees, as well as delegates to various organisations.

A list of committees and organisations requiring councillor appointments, and their most recent membership, is included in section 4 of this report.

It is recommended that Council appoints councillors to these positions for a 12-month term to September 2020.

2. Introduction/Background

In September each year, councillors are appointed to Council's standing committees, advisory and community committees for a period of 12 months. The appointments occur in September because it coincides with Local Government election and mayoral election held in September, every four years and two years respectively. The next Local Government election is held on 12 September 2020 so the term of these appointments ends at midnight on 11 September 2020.

Delegates to various organisations are also appointed each year in September as required by each of the organisations.

A list of committees and organisations requiring Councillor appointments, and their most recent membership is included in section 4 of this report.

3. Relevant Council Resolutions

Not applicable.

4. Discussion

The Mayor automatically chairs the committees established by Council under section 355 of the *Local Government Act* (Council's Standing Committees) unless she or he declines to do so. If the Mayor declines, Council should appoint the chair of the Standing Committee. If Council does not appoint the chair, the Standing Committee may appoint its own chair (see clause 20.11(a)-(c) of the OLG's *Model Code of Meeting Practice 2018*).

The requirements for the appointment of councillors to Council's advisory and community committees are set out in each committee's charter or terms of reference. Unless specified otherwise, the Mayor, or the Mayor's nominee, chairs Council's advisory and community committees.

Councillors will note that the Waverley Housing Advisory Committee and the Community Safety Advisory Committee have been removed from the list below and do not require councillor appointments. The Waverley Housing Advisory Committee has not met for several years, and a report will shortly be prepared for Council recommending the committee be disestablished. The planned 'Future Directions' workshop on affordable housing in Waverley may result in the need for a committee to be established in future, if or when the need arises. Similarly, the Community Safety Advisory Committee has not met for some time, and the General Manager, in consultation with senior staff, has decided that it may also be disestablished with a view to constituting a new committee if and when the need arises.

Councillors need also to be aware that the Sydney Coastal Council Group (SCCG) Constitution was amended in 2018, and Member Councils are now permitted to nominate 1 to 3 delegates to the Group, whether they be councillors and/or senior staff. All nominated delegates are now full delegates rather than alternates. The SCCG requests Member Councils to nominate at least two delegates so that there is always someone in attendance if one of the delegates is unable to attend.

The committees and organisations requiring Councillor appointments are as follows:

STANDING COMMITTEES

Committee name:	<u>Operations & Community Services Committee</u>
No. of Councillors to be appointed:	All Councillors are members of this committee.
Chair of Committee:	The Mayor unless s/he declines in which case Council will appoint the Chair.
Current membership:	Crs Copeland (Chair), Lewis (Deputy Chair) and all other Councillors.
Committee name:	<u>Strategic Planning & Development Committee</u>
No. of Councillors to be appointed:	All Councillors are members of this committee.
Chair of Committee:	The Mayor unless s/he declines in which case Council will appoint the Chair.
Current membership:	Crs Masselos (Chair), Keenan (Deputy Chair) and all other Councillors.

OTHER COMMITTEES

Committee name:	<u>Waverley Traffic Committee</u>
No. of Councillors to be appointed:	Council must appoint one voting representative to the Committee. Council's voting representative may be the Mayor, a Councillor or an employee of Council. Council must also appoint an alternate.
Chair of Committee:	The Chair of the Committee is Council's voting representative.
Current membership:	Cr Wakefield (Mayor) (Chair) (Alternate: Cr Kay).
Committee name:	<u>Environmental Sustainability Advisory Committee</u>
No. of Councillors to be appointed:	Mayor (or Mayor's nominee) and three Councillors.
Chair of Committee:	A Councillor appointed by Council.
Current membership:	Cr Wakefield (Mayor), Crs Keenan (Chair), Copeland (Deputy Chair) Nemesh and Goltsman.
Committee name:	<u>Waverley Surf Life Saving Club Committee</u>
No. of Councillors to be appointed:	Mayor (or Mayor's nominee) and two Councillors.
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
Current membership:	Crs O'Neill (Chair), Wy Kanak (Deputy Chair), Masselos and Nemesh.
Committee name:	<u>Waverley Access Committee</u>
No. of Councillors to be appointed:	All Councillors are members of this committee.
Chair of Committee:	The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.
Current membership:	Crs Keenan (Chair), Goltsman (Deputy Chair).

Committee name: **Multicultural Advisory Committee**

No. of Councillors to be appointed: One – the Mayor or the Mayor’s nominee.

Chair of Committee: The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

Current membership: Crs Masselos (Chair), Wy Kanak (Deputy Chair).

Committee name: **Waverley Public Art Committee**

No. of Councillors to be appointed: Maximum of three.

Chair of Committee: The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

Current membership: Crs Masselos (Chair), Keenan (Deputy Chair) and Burrill.

Committee name: **Audit, Risk and Improvement Committee**

No. of Councillors to be appointed: One and an alternate. The Mayor cannot be a member of this Committee.

Chair of Committee: An Independent Member (non-Councillor).

Current membership: This is a new committee. Councillor member of the old Audit Committee was Cr Copeland (Alternate: Cr Lewis).

Committee name: **Waverley Cycling Advisory Committee**

No. of Councillors to be appointed: Mayor (or Mayor’s nominee) and two Councillors.

Chair of Committee: The Mayor, or if the Mayor declines the position, the Mayor shall nominate a Councillor to chair the Committee.

Current membership: Councillor Lewis (Mayor’s delegate), Crs Copeland and Goltsman.

Committee name: **Waverley Business Forum**

No. of Councillors to be appointed: The Mayor, and an alternate, the Deputy Mayor.

Co-Chair of Forum: The Mayor, or in the absence of the Mayor, the Deputy Mayor, is co-chair of the Forum.

Current membership: Cr Wakefield (Mayor) Alternate: Cr Wy Kanak (Deputy Mayor).

**APPOINTMENT OF COUNCILLORS AS DELEGATES
TO VARIOUS ORGANISATIONS**

Name: **Board of Southern Sydney Regional Organisation of Councils**

No. of Councillors to be appointed: A maximum of two delegates and two alternates (one delegate to be the Mayor).

Current membership: Cr Wakefield (Mayor) and Cr Wy Kanak (Alternates: Crs Copeland and O'Neill).

Name: **Southern Sydney Regional Organisation of Councils – Program Delivery Committee**

Description: Deals with asset management, public works, procurement, waste management and SSROC financial reports.

No. of Councillors to be appointed: One.

Current membership: Cr Wakefield (Mayor) (Alternate: Cr Wy Kanak).

Name: **Southern Sydney Regional Organisation of Councils – Sustainability Program Committee**

Description: Deals with regional planning, environmental management, transport planning and management, and community development.

No. of Councillors to be appointed: One.

Current membership: Cr Keenan (Alternate: Cr O'Neill).

Name: **Sydney Coastal Council Group**

No. of Councillors to be appointed: Two or three delegates, whether they be councillors or senior staff.

Current membership: Crs Copeland and Masselos (Alternate: Cr Wy Kanak).

Name: **NSW Public Libraries Association**

No. of Councillors to be appointed: One.

Current membership: Cr Lewis.

5. Financial impact statement/Time frame/Consultation

Financial Impact statement

There is no unbudgeted cost to Council in appointing Councillors to the committees and various organisations.

Timeframe

Councillors will be considered members of their respective committees for the term specified by Council as soon as the decision is declared. Appointment to the various organisations is for a 12-month term as set by each organisation.

Consultation

The various organisations have been consulted to confirm membership requirements.

6. Conclusion

It is recommended that Council appoints Councillors, and chairs where required, to its standing committees, advisory and community committees, and delegates to various organisations as listed in section 4 of this report for a 12-month term to September 2020.

7. Attachments

Nil.