



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

BUSINESS PAPER ORDINARY COUNCIL MEETING 9 OCTOBER 2024

Notice is hereby given in accordance with the provisions of the *Local Government Act 1993*, and pursuant to Clause 3.3 of Council's Code of Meeting Practice that an **Ordinary Council Meeting** will be held in the "Koreelah Room", Council Administration Building, 247 Rouse St, Tenterfield NSW, on **Wednesday 9 October 2024** commencing at **9:30 am**.

Hein Basson
General Manager

COMMUNITY CONSULTATION – PUBLIC ACCESS

Community Consultation (Public Access) relating to items on this Agenda can be made between 9.00 am and 9.30 am on the day of the Meeting. Requests for public access should be made to the General Manager no later than COB on the Monday before the Meeting.

Section 8 of the Business Paper allows a period of up to 30 minutes of Open Council Meetings for members of the Public to address the Council Meeting on matters INCLUDED in the Business Paper for the Meeting.

Members of the public will be permitted a maximum of five (5) minutes to address the Council Meeting. An extension of time may be granted if deemed necessary.

Members of the public seeking to represent or speak on behalf of a third party must satisfy the Council Meeting that he or she has the authority to represent or speak on behalf of the third party.

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone or in person prior to close of business on the Monday prior to the day of the Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

Council will only permit two (2) speakers in support and two (2) speakers in opposition to a recommendation contained in the Business Paper. If there are more than two (2) speakers, Council's Governance division will contact all registered speakers to determine who will address Council. In relation to a Development Application, the applicant will be reserved a position to speak.

Members of the public will not be permitted to raise matters or provide information which involves:

- Personnel matters concerning particular individuals (other than Councillors);
- Personal hardship of any resident or ratepayer;
- Information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
- Commercial information of a confidential nature that would, if disclosed:
 - Prejudice the commercial position of the person who supplied it, or
 - Confer a commercial advantage on a competitor of the Council; or
 - Reveal a trade secret;
- Information that would, if disclosed prejudice the maintenance of law;
- Matters affecting the security of the Council, Councillors, Council staff or Council property;
- Advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- Information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- Alleged contraventions of any Code of Conduct requirements applicable under Section 440; or
- On balance, be contrary to the public interest.

Members of the public will not be permitted to use Community Consultation to abuse, vilify, insult, threaten, intimidate or harass Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of order and may be expelled.

CONFLICT OF INTERESTS

What is a "Conflict of Interests" - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary - a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- Another person with whom the person is associated (see below).

Relatives, Partners

A person is taken to have a pecuniary interest in a matter if:

- The person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. "Relative", in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter

However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- 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.
- 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.

No Knowledge - A person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

Disclosures to be Recorded (s 453 Act)

A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee or Sub-Committee must be recorded in the minutes of the meeting.

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## ORDER OF BUSINESS

### Community Consultation (Public Access)

1. Opening & Welcome
2. Civic Prayer & Acknowledgement of Country
3. Apologies
4. Disclosure & Declarations of Interest
5. Confirmation of Previous Minutes
6. Tabling of Documents
7. Urgent, Late & Supplementary Items of Business
8. Mayoral Minute
9. Recommendations for Items to be Considered in Confidential Section
10. Open Council Reports
  - Our Community
  - Our Economy
  - Our Environment
  - Our Governance
11. Reports of Delegates & Committees
12. Notices of Motion
13. Resolution Register
14. Confidential Business
15. Meeting Close

# **AGENDA**

## **COMMUNITY CONSULTATION (PUBLIC ACCESS)**

### **WEBCASTING OF MEETING**

This meeting will be recorded for placement on Council's website and livestreamed on Council's YouTube Channel for the purposes of broadening knowledge and participation in Council issues and demonstrating Council's commitment to openness and accountability.

All speakers must ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms or mentioning any private information.

No other persons are permitted to record the meeting, unless specifically authorised by Council to do so.

### **1. OPENING & WELCOME**

### **2. (A) OPENING PRAYER**

*"We give thanks for the contribution by our pioneers, early settlers and those who fought in the various wars for the fabric of the Tenterfield Community we have today.*

*May the words of our mouths and the meditation of our hearts be acceptable in thy sight, O Lord."*

### **(B) ACKNOWLEDGEMENT OF COUNTRY**

*"Tenterfield Shire Council would like to acknowledge the Ngarabal people, the traditional custodians of this land that we are meeting on today, and also pay our respect to the Jukemba, Bundjalung, Kamilaroi, Githabul and Wahlubul people of our Shire, and extend our respect to all people."*

### **3. APOLOGIES**

### **4. DISCLOSURES & DECLARATIONS OF INTEREST**

### **5. CONFIRMATION OF PREVIOUS MINUTES**

### **6. TABLING OF DOCUMENTS**

### **7. URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS**

### **8. MAYORAL MINUTE**

**9. RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION**

**10. OPEN COUNCIL REPORTS**

**OUR COMMUNITY**

**OUR ECONOMY**

**OUR ENVIRONMENT**

**OUR GOVERNANCE**

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**11. REPORTS OF DELEGATES & COMMITTEES**

**12. NOTICES OF MOTION**

**13. RESOLUTION REGISTER**

**14. CONFIDENTIAL BUSINESS**

**15. MEETING CLOSED**

|                      |                                                      |
|----------------------|------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                 |
| <b>Submitted by:</b> | Hein Basson, General Manager                         |
| <b>Reference:</b>    | <b>ITEM GOV70/24</b>                                 |
| <b>Subject:</b>      | <b>OATH OR AFFIRMATION OF OFFICE FOR COUNCILLORS</b> |

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                  |                                                                                            |
|------------------|--------------------------------------------------------------------------------------------|
| <b>Goal:</b>     | Council achieves excellence in corporate governance                                        |
| <b>Strategy:</b> | Implement strategies, policies and practices to achieve excellence in corporate governance |
| <b>Action:</b>   | Undertake all legislative requirements of Local Government                                 |

#### **SUMMARY**

The purpose of this report is to inform Councillors of the requirements under section 233A of the NSW *Local Government Act 1993*, being that all Councillors must take an Oath of Office or make an Affirmation of Office at or before the first meeting of the Council after the Councillor is elected. Council is required to keep a record of the taking of the oath or affirmation, therefore at the 16 October 2024 Ordinary Council Meeting, Councillors are respectfully requested to sign a statement containing the Oath or Affirmation of Office for Council's records.

#### **OFFICER'S RECOMMENDATION:**

**1. That each Councillor takes an Oath or make an Affirmation of Office in the prescribed format commensurate with the provisions of Section 233A of the *Local Government Act 1993* (as amended) as the first item of business.**

**2. That each Councillor reads out loud the prescribed wording of the Oath or Affirmation of Office in front of the General Manager and signs a statement containing this Oath or Affirmation of Office for Council's records.**

#### **BACKGROUND**

Under the NSW *Local Government Act 1993*, Section 233A of the *Act* reads as follows (Tenterfield Shire Council references inserted):

##### **233A Oath and Affirmation for Councillors**

- (1) A Councillor must take an Oath of Office or make an Affirmation of Office at or before the first meeting of the Council after the Councillor is elected.
- (2) The oath or affirmation may be taken or made before the General Manager of the Council, an Australian legal practitioner or a Justice of the Peace and is to be in the following form:

##### **Oath**

I [name of councillor] swear that I will undertake the duties of the office of Councillor in the best interests of the people of the Tenterfield Shire area and the Tenterfield Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

##### **Affirmation**

Our Governance No. 70 Cont...

I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of the Tenterfield Shire area and the Tenterfield Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

- (3) A Councillor who fails, without a reasonable excuse, to take the Oath of Office or make an Affirmation of Office in accordance with this section is not entitled to attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected to the office or a meeting at which the Councillor takes the Oath or makes the Affirmation) until the Councillor has taken the oath or made the affirmation.
- (4) Any absence of a Councillor from an ordinary meeting of the Council that the Councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the Council.
- (5) Failure to take an Oath of Office or make an Affirmation of Office does not affect the validity of anything done by a Councillor in the exercise of the Councillor's functions.
- (6) The General Manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation. Therefore, Councillors are requested to sign a statement containing the oath or affirmation at the 9 October 2024 Council Meeting for Council's records.

### **COUNCIL IMPLICATIONS:**

#### **1. Community Engagement / Communication (per engagement strategy)**

Councillors seen to be undertaking the Oath or Affirmation of Office should have a positive effect on the community's perception of "their" representatives committing themselves to do the "right thing" by acting in the best interest of all the people in the local government area, and being faithful and impartial in the carrying out of their roles.

#### **2. Policy and Regulation**

Section 233A of the *Local Government Act 1993* requires Councillors to take an Oath or Affirmation of Office at or before the first meeting of the Council after the Councillor is elected.

#### **3. Financial (Annual Budget & LTFP)**

Nil.

#### **4. Asset Management (AMS)**

Nil.

#### **5. Workforce (WMS)**

Nil.

#### **6. Legal and Risk Management**

Section 233A(3) of the *Local Government Act 1993* states the following:



Our Governance No. 70 Cont...

*A councillor who fails, without a reasonable excuse, to take the oath or make an affirmation of office, will not be entitled to attend council meetings until they do so and will be taken to be absent without leave.*

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Hein Basson**  
**General Manager**

Prepared by staff member: Lee Sisson, Governance Officer; Hein Basson, General Manager

Approved/Reviewed by Manager: Hein Basson, General Manager

Department: Office of the Chief Executive

Attachments: **1** Oaths and Affirmations 1 Page

## Oaths and affirmations

Under the *Local Government Act 1993* councillors (including mayors) are required to take an oath or make an affirmation of office.

The prescribed words of the oath and affirmation are provided below.

### **Oath**

“I [name of councillor] swear that I will undertake the duties of the office of councillor in the best interests of the people of Tenterfield Shire and the Tenterfield Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.”

### **Affirmation**

“I [name of councillor] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Tenterfield Shire and the Tenterfield Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of by ability and judgement.”

|                      |                                                                       |
|----------------------|-----------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                          |
| <b>Submitted by:</b> | Lee Sisson, Governance Officer; Hein Basson, General Manager          |
| <b>Reference:</b>    | <b>ITEM GOV71/24</b>                                                  |
| <b>Subject:</b>      | <b>ELECTION PROCEDURES FOR THE ELECTION OF MAYOR AND DEPUTY MAYOR</b> |

|                                                               |                                                                                                                                                                                                                         |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                                                                                         |
| <b>CSP Goal:</b>                                              | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.                                                                    |
| <b>CSP Strategy:</b>                                          | Ensure the performance of Council as an organisation complies with all statutory Guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making. |

## SUMMARY

The purpose of this report is for Council to determine whether it wants to elect a Deputy Mayor, and the method of election for the positions of Mayor and Deputy Mayor.

## OFFICER'S RECOMMENDATION:

### That Council:

- 1. Determines whether it wants to elect a Deputy Mayor, and if in the affirmative, the length of the term of the Deputy Mayor.**
- 2. Determines, if more than one candidate has been nominated, the method of election for the positions of Mayor and Deputy Mayor to be by Ordinary Ballot (secret ballot).**

## BACKGROUND

Section 225 of the *Local Government Act 1993* stipulates the following:

*An area **must** have a mayor who is elected in accordance with this Division.*

Further, Section 231 (1) of the *Local Government Act 1993* stipulates the following:

*The councillors **may** elect a person from among their number to be the deputy mayor.*

Councillors must elect a Mayor from among their number every two years. 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 Section 394 of the *Local Government Act 1993* and Schedule 7 of the *Local Government (General) Regulation 2021*.

## REPORT:

Our Governance No. 71 Cont...

The *Local Government Act 1993* and *Local Government (General) Regulations 2021* is prescriptive with regards to the election of both the positions of Mayor and Deputy Mayor. The relevant sections and clauses are discussed below.

Before the Council Meeting at which the election is to be conducted, the returning officer (the General Manager, or person appointed by the General Manager) will give notice of the election to the Councillors.

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.

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.
- Preferential Ballot – i.e. place 1,2,3 etc. against each candidate.

The voting procedures are discussed in more detail in **Attachment 1** to this report.

If only one Councillor has been nominated for the position of Mayor/Deputy Mayor, the nominee is elected.

It has been the practice of Council in the past to have an Ordinary Ballot – i.e. a secret ballot (except in one instance where a Councillor attended the Council Meeting on-line and the voting had been conducted by show of hands.)

The opinion is held that, consistent with Council's past practice, an Ordinary Ballot is the appropriate manner in which to deal with a Mayoral election and is recommended as such.

## **COUNCIL IMPLICATIONS:**

### **1. Community Engagement / Communication (per engagement strategy)**

Nil.

### **2. Policy and Regulation**

- *NSW Local Government Act 1993*
- *NSW Local Government (General) Regulation 2021*

### **3. Financial (Annual Budget & LTFP)**

There are no financial considerations associated with the method of election for the Mayor and Deputy Mayor positions. However, Section 249 of the *Local Government Act 1993* makes provision for the Mayor to be paid an annual fee in addition to the Councillor fee paid (as is determined by the Local Government Remuneration Tribunal).

### **4. Asset Management (AMS)**

Our Governance No. 71 Cont...

Nil.

## **5. Workforce (WMS)**

Nil.

## **6. Legal and Risk Management**

Clause 394 of the *Local Government (General) Regulation 2021* stipulates the following:

### **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 section –  
ballot has its normal meaning of secret ballot.  
open voting means voting by a show of hands or similar means.*

## **7. Performance Measures**

Nil.

## **8. Project Management**

Nil.

**Hein Basson**  
**General Manager**

Prepared by staff member: Lee Sisson; Governance Officer; Hein Basson,  
General Manager

Approved/Reviewed by  
Manager: Hein Basson, General Manager

Our Governance No. 71 Cont...

Department:

Office of the Chief Corporate Officer

Attachments:

**1** Schedule 7 - Election of Mayor (or Deputy Mayor) by Councillors 2 Pages

**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 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 section.
- (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 of Local Government NSW.



|                      |                                                             |
|----------------------|-------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                |
| <b>Submitted by:</b> | Lee Sisson, Governance Office; Hein Basson, General Manager |
| <b>Reference:</b>    | <b>ITEM GOV72/24</b>                                        |
| <b>Subject:</b>      | <b>ELECTION OF MAYOR FOR THE 2024-2026 MAYORAL TERM</b>     |

|                                                               |                                                                                                                                                                                                                         |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                                                                                         |
| <b>CSP Goal:</b>                                              | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.                                                                    |
| <b>CSP Strategy:</b>                                          | Ensure the performance of Council as an organisation complies with all statutory Guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making. |

**SUMMARY**

The purpose of this report is for Council to elect the Mayor for the October 2024 to September 2026 Mayoral Term.

**OFFICER’S RECOMMENDATION:**

- 1. That the General Manager, as Returning Officer, calls for nominations for the election of Mayor for the two (2) year Mayoral Term from October 2024 to September 2026.**
- 2. That, following the election, the Returning Officer declares Cr .....as being duly elected as Mayor of the Tenterfield Shire Council for the October 2024 to September 2026 Mayoral Term.**
- 3. That the General Manager advises the NSW Office of Local Government and Local Government NSW of the outcome of the Mayoral elections.**

**BACKGROUND**

Under Section 233(2) of the *Local Government Act 1993*, the civic offices of Mayors elected by Councillors expire on the day of the Council’s ordinary election. The local government elections have been held on Saturday, 14 September 2024.

Councils must hold a Mayoral election at a Council meeting within three (3) weeks of declaration of the election. The Mayors elected by Councillors hold their office for two (2) years. Councils that elect their Mayors are required under Section 290(1)(b) of the *Local Government Act 1993*, 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 2026.

Section 226 of the *Local Government Act 1993*, states that the following:

*The role of the Mayor is as follows –*

*(a) to be the leader of the council and a leader in the local community,*

Our Governance No. 72 Cont...

- (b) to advance community cohesion and promote civic awareness,*
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,*
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,*
- (e) to preside at meetings of the council,*
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,*
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,*
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,*
- (i) to promote partnerships between the council and key stakeholders,*
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,*
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,*
- (l) to carry out the civic and ceremonial functions of the mayoral office,*
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,*
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,*
- (o) to exercise any other functions of the council that the council determines.*

**REPORT:**

In accordance with the *Local Government Act 1993* and Schedule 7 of the *Local Government (General) Regulation 2021*, the general manager (or person appointed by the general manager) is the returning officer.

Before the Council Meeting at which the election is to be conducted, the returning officer will give notice of the election to the Councillors. This item in the Business Paper gives effect to this requirement.

A Councillor may be nominated without notice for election as 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.

Our Governance No. 72 Cont...

Any nominations prepared prior to the meeting must be handed to the General Manager in his capacity as returning officer for the election. A nomination form is included as an **attachment** to this report.

The returning officer will check the nomination forms and write the nominees' names on a candidates' sheet.

If only one Councillor has been nominated for the position of Mayor, the nominee is elected.

If more than one candidate has been nominated, the Council must elect using one of the three (3) methods of election prescribed in Schedule 7 of the *Local Government (General) Regulation 2021*:

- Open Ballot – i.e by show of hands.
- Ordinary Ballot – i.e a secret ballot.
- Preferential Ballot – i.e place 1,2,3 etc. against each candidate.

As is discussed in the previous report dealing with the election methods, it has been the practice of Council in the past to have an Ordinary Ballot – i.e a secret ballot – for purposes of Mayoral elections.

#### **COUNCIL IMPLICATIONS:**

##### **1. Community Engagement / Communication (per engagement strategy)**

Nil.

##### **2. Policy and Regulation**

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*

##### **3. Financial (Annual Budget & LTFP)**

There are no financial considerations associated with the method of election for the Mayor and Deputy Mayor positions. However, Section 249 of the *Local Government Act 1993* makes provision for the Mayor to be paid an annual fee in addition to the Councillor fee paid (as is determined by the Local Government Remuneration Tribunal).

##### **4. Asset Management (AMS)**

Nil.

##### **5. Workforce (WMS)**

Nil.

##### **6. Legal and Risk Management**

Our Governance No. 72 Cont...

Please refer to the attachment: Schedule 7 – *Local Government (General) Regulation 2021* – Election of Mayor by Councillors in the previous report where the methods of election are discussed.

## 7. Performance Measures

Nil.

## 8. Project Management

Nil.

### Hein Basson General Manager

|                                  |                                                                                      |
|----------------------------------|--------------------------------------------------------------------------------------|
| Prepared by staff member:        | Lee Sisson; Governance Officer; Hein Basson,<br>General Manager                      |
| Approved/Reviewed by<br>Manager: | Hein Basson, General Manager                                                         |
| Department:                      | Office of the Chief Corporate Officer                                                |
| Attachments:                     | <b>1</b> Nomination Form Mayoral Election & Deputy Mayoral Election <b>1</b><br>Page |

**TENTERFIELD SHIRE COUNCIL**

**MAYORAL ELECTION – 9 OCTOBER 2024**

We hereby nominate Councillor .....

for the office of **MAYOR** for the period October 2024 to September 2026

1)..... 2).....

(Signature of Nominator)

(Signature of Nominator)

I hereby accept and consent to the above nomination.

.....

(Signature of Nominee)

**Note:**

This form should be returned to the returning officer, Mr Hein Basson, General Manager, Tenterfield Shire Council, 247 Rouse Street Tenterfield – either prior to, or at the commencement of the Ordinary Council Meeting on Wednesday 9 October 2024.

---

**TENTERFIELD SHIRE COUNCIL**

**DEPUTY MAYORAL ELECTION – 9 OCTOBER 2024**

We hereby nominate Councillor .....

for the office of **DEPUTY MAYOR** for the period October 2024 to September 2026

1)..... 2).....

(Signature of Nominator)

(Signature of Nominator)

I hereby accept and consent to the above nomination.

.....

(Signature of Nominee)

**Note:**

This form should be returned to the returning officer, Mr Hein Basson, General Manager, Tenterfield Shire Council, 247 Rouse Street Tenterfield – either prior to, or at the commencement of the Ordinary Council Meeting on Wednesday 9 October 2024.



|                      |                                              |
|----------------------|----------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b> |
| <b>Submitted by:</b> | Lee Sisson, Governance Officer               |
| <b>Reference:</b>    | <b>ITEM GOV73/24</b>                         |
| <b>Subject:</b>      | <b>ELECTION OF DEPUTY MAYOR</b>              |

|                                                               |                                                                                                                                                                                                                         |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                                                                                         |
| <b>CSP Goal:</b>                                              | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.                                                                    |
| <b>CSP Strategy:</b>                                          | Ensure the performance of Council as an organisation complies with all statutory Guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making. |

**SUMMARY**

The purpose of this report is for Council to elect the Deputy Mayor.

**OFFICER’S RECOMMENDATION:**

- 1. That the General Manager, as Returning Officer, call for nominations for the election of Deputy Mayor for the ..... year term October 2024 to .....**
- 2. That, following the election, the Returning Officer declare Cr..... as being duly elected as Deputy Mayor of the Tenterfield Shire Council for the period October 2024 to .....**

**BACKGROUND**

Section 231 (1) of the Local Government Act 1993 stipulates the following:

*The councillors **may** elect a person from among their number to be the deputy mayor (emphasis added).*

The Deputy Mayor may be elected for the Mayoral term or a shorter term.

The election of the Deputy Mayor must be conducted in accordance with Section 394 of the *Local Government Act 1993* and Schedule 7 of the *Local Government (General) Regulation 2021*.

**REPORT:**

In accordance with the *Local Government Act 1993* and Schedule 7 of the *Local Government (General) Regulation 2021*, the general manager (or person appointed by the general manager) is the returning officer.

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 inclusion of this item in the Business Paper fulfills this requirement.

Our Governance No. 73 Cont...

A Councillor may be nominated without notice for election as Deputy Mayor. The nomination is to be made in writing 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.

Any nominations prepared prior to the meeting must be handed to the General Manager, in his capacity as returning officer for the election. A nomination form is included as an **attachment** to this report.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

If only one Councillor has been nominated for the position of Deputy Mayor, the nominee is elected.

If more than one candidate has been nominated, the council must be elected using one of the three (3) methods of election prescribed in Schedule 7 of the *Local Government (General) Regulation 2021*.

- Open Ballot – i.e by show of hands.
- Ordinary Ballot – i.e a secret ballot.
- Preferential Ballot – i.e place 1,2,3 etc. against each candidate.

It has been the practice of Council in the past to have an Ordinary Ballot – i.e a secret ballot.

#### **COUNCIL IMPLICATIONS:**

##### **1. Community Engagement / Communication (per engagement strategy)**

Nil.

##### **2. Policy and Regulation**

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*

##### **3. Financial (Annual Budget & LTFP)**

Nil.

##### **4. Asset Management (AMS)**

Nil.

##### **5. Workforce (WMS)**

Nil.

##### **6. Legal and Risk Management**



Our Governance No. 73 Cont...

Please refer to Schedule 7 – *Local Government (General) Regulation 2021*  
Election of Mayor by Councillors – which document is attached to a previous  
report where the methods of election is discussed in more detail.

## **7. Performance Measures**

Nil.

## **8. Project Management**

Nil.

### **Hein Basson General Manager**

|                                  |                                                                                      |
|----------------------------------|--------------------------------------------------------------------------------------|
| Prepared by staff member:        | Lee Sisson, Governance Officer                                                       |
| Approved/Reviewed by<br>Manager: | Hein Basson, General Manager                                                         |
| Department:                      | Office of the Chief Corporate Officer                                                |
| Attachments:                     | <b>1</b> Nomination Form Mayoral Election & Deputy Mayoral Election <b>1</b><br>Page |

**TENTERFIELD SHIRE COUNCIL**

**MAYORAL ELECTION – 9 OCTOBER 2024**

We hereby nominate Councillor .....

for the office of **MAYOR** for the period October 2024 to September 2026

1)..... 2).....

(Signature of Nominator)

(Signature of Nominator)

I hereby accept and consent to the above nomination.

.....

(Signature of Nominee)

**Note:**

This form should be returned to the returning officer, Mr Hein Basson, General Manager, Tenterfield Shire Council, 247 Rouse Street Tenterfield – either prior to, or at the commencement of the Ordinary Council Meeting on Wednesday 9 October 2024.

---

**TENTERFIELD SHIRE COUNCIL**

**DEPUTY MAYORAL ELECTION – 9 OCTOBER 2024**

We hereby nominate Councillor .....

for the office of **DEPUTY MAYOR** for the period October 2024 to September 2026

1)..... 2).....

(Signature of Nominator)

(Signature of Nominator)

I hereby accept and consent to the above nomination.

.....

(Signature of Nominee)

**Note:**

This form should be returned to the returning officer, Mr Hein Basson, General Manager, Tenterfield Shire Council, 247 Rouse Street Tenterfield – either prior to, or at the commencement of the Ordinary Council Meeting on Wednesday 9 October 2024.



|                      |                                                          |
|----------------------|----------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>             |
| <b>Submitted by:</b> | Lee Sisson, Governance Officer                           |
| <b>Reference:</b>    | <b>ITEM GOV74/24</b>                                     |
| <b>Subject:</b>      | <b>USING COUNTBACK OF VOTES TO FILL CASUAL VACANCIES</b> |

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                      |                                                                                                                                                                                                                         |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.                                                                    |
| <b>CSP Strategy:</b> | Ensure the performance of Council as an organisation complies with all statutory Guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making. |

#### **SUMMARY**

The purpose of this report is for Council to consider adopting a resolution at its first meeting following the ordinary Local Government elections to use countback to fill casual vacancies occurring in the first 18 months following this ordinary election, or not.

Countback allows Council to fill a casual vacancy using a countback of the ballot papers from the last ordinary election instead of requiring a by-election.

A countback is regarded as being a quick, cost-effective way to fill a casual vacancy.

#### **OFFICER'S RECOMMENDATION:**

##### **That Council:**

- 1. That Council notes the contents of this report.**
- 2. That Council considers whether to exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the ordinary Local Government election, or not.**
- 3. That, if Council elects to exercise the option mentioned in paragraph two (2) above, the following resolution be adopted to comply with the requirements of the NSW Electoral Commission:**

**"Pursuant to section 291A(1)(b) of the *Local Government Act 1993* (the Act) Tenterfield Shire Council declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of the Council's decision within seven (7) days of the decision."**

#### **BACKGROUND**

Our Governance No. 74 Cont...

Councils have the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the offices of Councillors in the first 18 months after the election.

This will allow Councils to use a countback to fill vacancies at a lower cost than the cost of holding a by-election.

A countback election has no impact on sitting Councillors.

Potential candidates are those unelected from the ordinary election. The returning officer will contact all unelected candidates who may still be eligible to be elected.

Interested candidates must submit a formal application.

Any candidates who do not apply to participate in the countback election (non-participating) cannot be elected.

If there are no eligible candidates, an attendance by-election must be held.

If there is only one eligible candidate, that candidate is elected. If there are multiple eligible candidates, a countback election is conducted.

## **REPORT**

To exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the election, Councils must resolve, at their first meeting after the election, to use a countback to fill casual vacancies. If Councils do not resolve this at the first meeting after the election, they will be required to fill casual vacancies through a by-election.

Where a Council resolves to fill casual vacancies using a countback in the first 18 months of its term, the General Manager is required under the *Local Government (General) Regulation 2021* to notify the election manager of its ordinary election of its resolution within seven days of the resolution. The election manager is the NSW Electoral Commissioner.

Countbacks are not available to fill casual vacancies in the office of Councillor where:

- the Councillor who vacated office was elected at an election using the optional preferential voting system (i.e. elections where only one civic office is required to be filled such as the election of popularly elected mayors), or
- the Councillor was elected at an uncontested election.

A by-election must be used to fill these vacancies.

## **COUNCIL IMPLICATIONS:**

### **1. Community Engagement / Communication (per engagement strategy)**

Nil.

### **2. Policy and Regulation**

Our Governance No. 74 Cont...

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*

### **3. Financial (Annual Budget & LTFP)**

The cost of holding a by-election can be mitigated for casual vacancies by Council adopting the countback methodology. The NSW Electoral Commission approximates that a small by-election cost is > \$50,000 while a countback election cost is \$6,000 to \$10,000 – making a countback election cost-effective. Please see the NSW Electoral Commission, Countback Election Factsheet – as is **attached** to this report.

### **4. Asset Management (AMS)**

Nil.

### **5. Workforce (WMS)**

Workforce resources would not be required to support a by-election in the first 18 months of a new Council term, in the instance of a casual vacancy occurring.

### **6. Legal and Risk Management**

Section 291A(1)(b) *Local Government Act 1993*  
Section 393C(3) *Local Government (General) Regulation 2021*

In order to exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the election, Council must resolve at its first meeting after the election to use a countback to fill casual vacancies, in the following format:

“Pursuant to section 291A(1)(b) of the *Local Government Act 1993* (the Act) Tenterfield Shire Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of the Council’s decision within seven (7) days of the decision.”

If Council does not adopt such a resolution, a by-election will be required to fill casual vacancies during the first 18 months following the election.

### **7. Performance Measures**

Nil.

### **8. Project Management**

Nil.

**Hein Basson**  
**General Manager**

Our Governance No. 74 Cont...

|                                  |                                                                     |            |
|----------------------------------|---------------------------------------------------------------------|------------|
| Prepared by staff member:        | Lee Sisson, Governance Officer                                      |            |
| Approved/Reviewed by<br>Manager: | Hein Basson, General Manager                                        |            |
| Department:                      | Office of the Chief Corporate Officer                               |            |
| Attachments:                     | <b>1</b> NSW Electoral Commission -<br>Countback Election Factsheet | 3<br>Pages |



## Countback elections

### What is countback?

A quick, cost effective way to fill a casual vacancy.

Countback allows the council to fill a casual vacancy using a recount of the ballot papers from the last ordinary election instead of requiring an attendance by election.

Council must pass a resolution at its first meeting following the ordinary election to use countback to fill a casual vacancy.

### Model resolution

That Council, pursuant to section 291A(1)(b) of the *Local Government Act 1993*, declare that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024, are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the Electoral Commissioner for NSW of Council's decision within 7 days of this decision.

### Why would a Council choose to use countback?

#### Pros

- Time efficient:
  - Casual vacancy filled within 49 days or less, whereas a by-election can take up to 3 months
- Cost effective:
  - **Small by-election** >\$50,000
  - **Metro by-election** >\$500,000
  - **Countback election** \$6,000 - \$10,000
- Electorate not required to vote again
- No penalties for electors not voting
- No impact on sitting councillors
- Minimal effort from Council.

### Cons

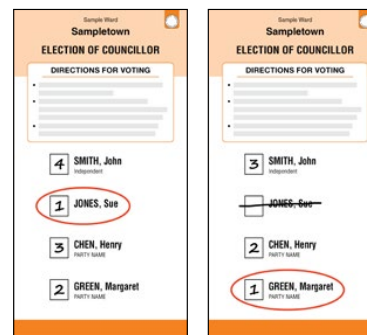
- No new candidates are able to be considered. Only unelected candidates from the previous ordinary election are able to apply
- Unelected candidates from the previous ordinary election cannot campaign to improve their vote.

### How does a countback election work?

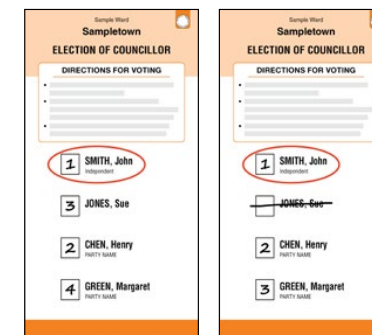
The count is conducted using the same ballot papers from the previous ordinary election which are stored as a data file in our computer count system.

Each ballot paper where the vacating councillor has a preference will be redistributed to the candidate with the next highest preference on that ballot paper by the count system. More examples, including ballot papers with groups, are available on our [website](#).

#### Example 1: Councillor Sue Jones resigns



#### Example 2: Councillor Sue Jones resigns

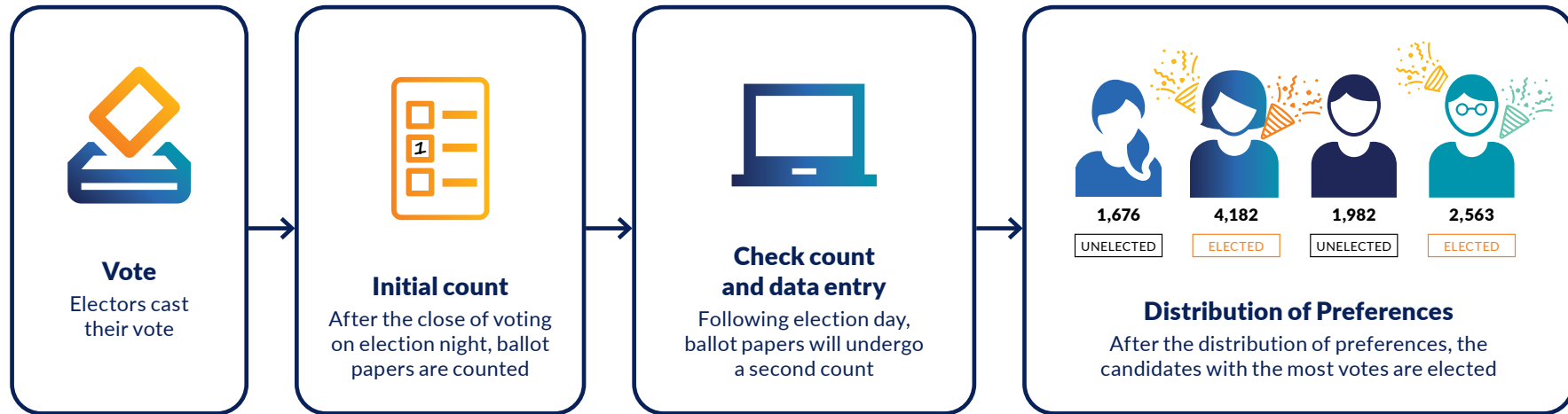


Left: Original ballot paper. Right: Countback preferences

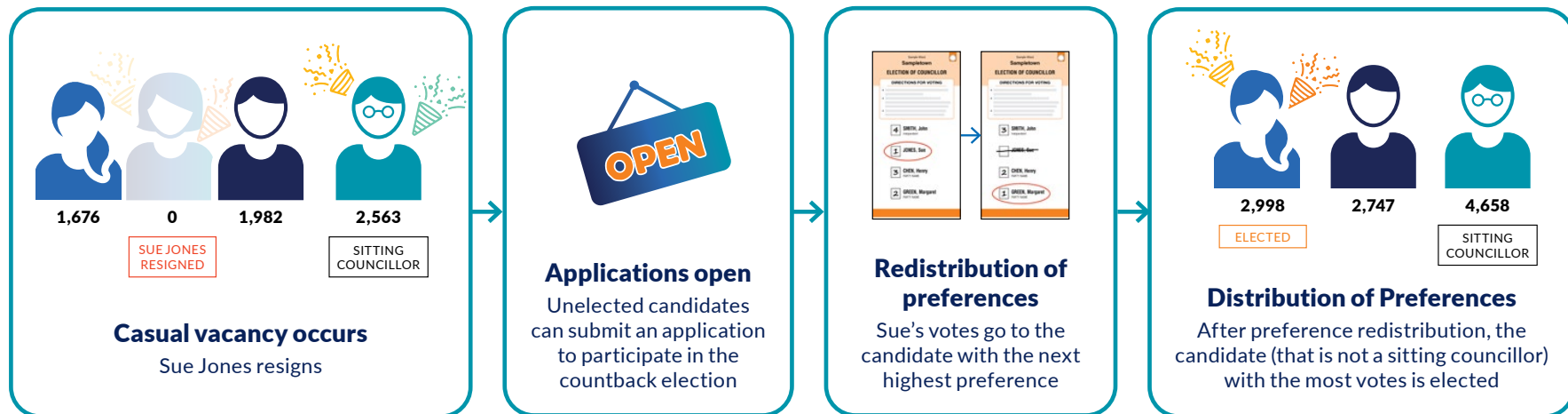


**How countback works in detail**

**Local Government election process**



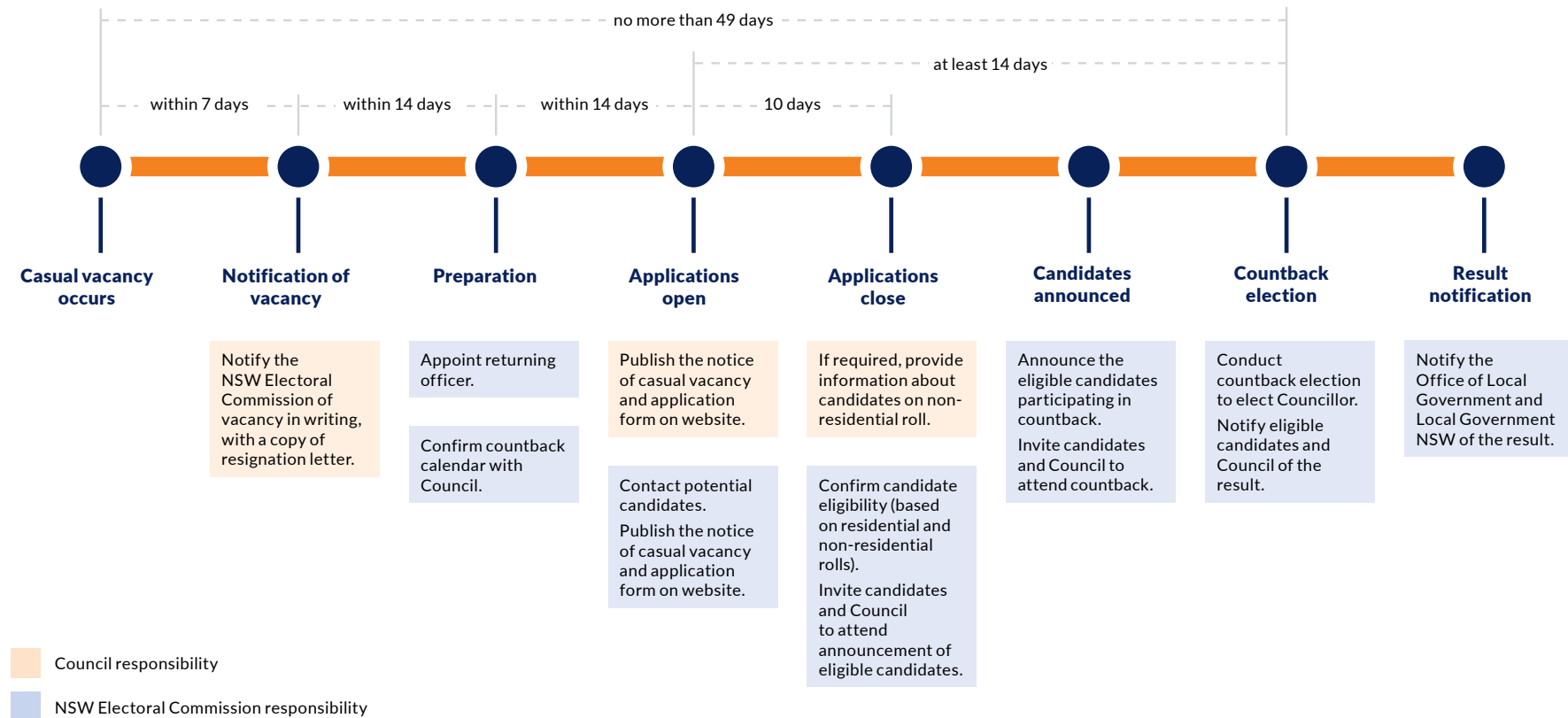
**Countback election process**



**What is the timeline for a countback election?**

Countback elections can only be used for 18 months after the Local Government ordinary elections. In the case of the 2024 local government elections, countback can only be used to fill casual vacancies until 14 March 2026.

The following summarises the steps involved in a countback election.



For more information about countback elections visit  
[elections.nsw.gov.au/elections/how-counting-works/countback-elections](https://elections.nsw.gov.au/elections/how-counting-works/countback-elections)

|                      |                                                                                             |
|----------------------|---------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                                                |
| <b>Submitted by:</b> | Lee Sisson, Governance Officer; Hein Basson, General Manager                                |
| <b>Reference:</b>    | <b>ITEM GOV75/24</b>                                                                        |
| <b>Subject:</b>      | <b>FIXING OF COUNCIL MEETING DATES AND VENUES FROM 23 OCTOBER 2024 TO 24 SEPTEMBER 2025</b> |

|                                                               |                                                                                                                                                                                                                         |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                                                                                         |
| <b>CSP Goal:</b>                                              | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.                                                                    |
| <b>CSP Strategy:</b>                                          | Ensure the performance of Council as an organisation complies with all statutory Guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making. |

### SUMMARY

The purpose of this report is to fix dates and venues for Ordinary Council Meetings from 23 October 2024 to 24 September 2025 inclusive. In accordance with section 365 of the *NSW Local Government Act 1993*, Council is required to meet at least 10 times per year, each time in a separate month.

### OFFICER'S RECOMMENDATION:

#### That Council:

1. That Council resolves to hold the Ordinary Council Meetings from 23 October 2024 to 24 September 2025 inclusive, in the "Koreelah Room", Council Administration Building, 247 Rouse Street, Tenterfield.
2. That Council fixes the dates and times of Ordinary Council Meetings from 23 October 2024 to 24 September 2025 inclusive, as follows:

| Date              | Venue            | Time              |
|-------------------|------------------|-------------------|
| 23 October 2024   | Council Chambers | 9.00am for 9.30am |
| 27 November 2024  | Council Chambers | 9.00am for 9.30am |
| 18 December 2024  | Council Chambers | 9.00am for 9.30am |
| 26 February 2025  | Council Chambers | 9.00am for 9.30am |
| 26 March 2025     | Council Chambers | 9.00am for 9.30am |
| 23 April 2025     | Council Chambers | 9.00am for 9.30am |
| 28 May 2025       | Council Chambers | 9.00am for 9.30am |
| 25 June 2025      | Council Chambers | 9.00am for 9.30am |
| 23 July 2025      | Council Chambers | 9.00am for 9.30am |
| 27 August 2025    | Council Chambers | 9.00am for 9.30am |
| 24 September 2025 | Council Chambers | 9.00am for 9.30am |

3. That the General Manager communicates the time, dates and venue of Council Meetings for the period 23 October 2024 to 24 September 2025 inclusive to staff and arranges for times, dates and venue of future meetings, as listed in the table above, to be advertised on Council's website, Facebook page and in Your Local News.

Our Governance No. 75 Cont...

## BACKGROUND

In accordance with Section 365 of the *NSW Local Government Act 1993* (the Act), Council is required to meet at least 10 times per year, each time in a separate month.

## REPORT:

Council has traditionally held each of its Council meetings on the 4<sup>th</sup> Wednesday of each month, starting at 9.30am in the "Koreelah Room", Council Administration Building, 247 Rouse Street, Tenterfield. The December meeting has been held in the past on the 3<sup>rd</sup> Wednesday of the month, with no meeting occurring in January.

In the past, not counting the years of the Covid-pandemic, Council has also endeavored to hold two (2) Ordinary Council Meetings at various villages throughout the Shire area.

Council considered in September 2023, due to the reduction of staff numbers and financial resources, to defer going to the villages and to continue to hold its Council meetings at the Council Administration Building (Resolution # 164/23).

The report to Council at the time highlighted that:

"As part of Council's Fiscal Repair Strategy staff have been asked to reduce expenditure. The attendance of staff and Councillors to villages outside of the Tenterfield base is an expensive exercise.

As staff numbers and resources have reduced, away from base Council meetings pull staff away from core duties and customer service."

With further cost reductions and fewer administrative staff resources, the above arguments are still valid. A further complicating factor is the live streaming of Council Meetings, which has additional workforce and technical implications. Stable and adequate internet connections are not necessarily available in village areas to facilitate this live-streaming requirement.

Council will have the opportunity to visit the Shire villages soon with the upcoming community engagement for updating the Community Strategic Plan – due to commence at the beginning of December 2024.

If Council is comfortable to continue the arrangements as discussed above, it is suggested for the following dates, times, and venue to be approved.

| Date             | Venue            | Time              |
|------------------|------------------|-------------------|
| 23 October 2024  | Council Chambers | 9.00am for 9.30am |
| 27 November 2024 | Council Chambers | 9.00am for 9.30am |
| 18 December 2024 | Council Chambers | 9.00am for 9.30am |
| 26 February 2025 | Council Chambers | 9.00am for 9.30am |
| 26 March 2025    | Council Chambers | 9.00am for 9.30am |
| 23 April 2025    | Council Chambers | 9.00am for 9.30am |
| 28 May 2025      | Council Chambers | 9.00am for 9.30am |
| 25 June 2025     | Council Chambers | 9.00am for 9.30am |
| 23 July 2025     | Council Chambers | 9.00am for 9.30am |
| 27 August 2025   | Council Chambers | 9.00am for 9.30am |

Our Governance No. 75 Cont...

|                   |                  |                   |
|-------------------|------------------|-------------------|
| 24 September 2025 | Council Chambers | 9.00am for 9.30am |
|-------------------|------------------|-------------------|

## COUNCIL IMPLICATIONS:

### 1. Community Engagement / Communication (per engagement strategy)

Nil.

### 2. Policy and Regulation

- *Local Government Act 1993*
- TSC Engagement Strategy

### 3. Financial (Annual Budget & LTFP)

Councils Fiscal Repair Strategy has sought savings across the organisation, which has impacted Council's past practice of some Council Meetings being held in villages.

### 4. Asset Management (AMS)

Nil.

### 5. Workforce (WMS)

Nil.

### 6. Legal and Risk Management

Section 365 of the Act states the following:

*The Council is required to meet at least 10 times a year; each time in a different month.*

Section 9 of the Act further states the following:

*Public notice of meetings:*

- (1) *A council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are councillors.*
- (2) *A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.*
- (2A) *In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:*
  - (a) *the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and*

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- (b) *the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.*
- (3) *The copies are to be available to the public as nearly as possible to the time they are available to councillors.*
- (4) *The copies are to be available free of charge.*
- (5) *A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.*

## **7. Performance Measures**

Nil.

## **8. Project Management**

Nil.

### **Hein Basson General Manager**

Prepared by staff member: Lee Sisson; Governance Officer; Hein Basson, General Manager

Approved/Reviewed by Manager: Hein Basson, General Manager

Department: Office of the Chief Corporate Officer

Attachments: There are no attachments for this report.

|                      |                                                                              |
|----------------------|------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                                         |
| <b>Submitted by:</b> | Hein Basson, General Manager                                                 |
| <b>Reference:</b>    | <b>ITEM GOV76/24</b>                                                         |
| <b>Subject:</b>      | <b>COUNCILLOR INDUCTION, REFRESHER AND PROFESSIONAL DEVELOPMENT TRAINING</b> |

### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                      |                                                                                                                                                                                                                         |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>     | <b>Leadership</b> - Council is a transparent, financially-sustainable and high-performing organisation, delivering valued services to the Community.                                                                    |
| <b>CSP Strategy:</b> | Ensure the performance of Council as an organisation complies with all statutory Guidelines, supported by effective corporate management, sound integrated planning and open, transparent and informed decision making. |

### **SUMMARY**

The purpose of this report is for Council to note the opportunities for induction, refresher and professional development training that have been arranged for by the General Manager and the NSW Office of Local Government – for Councillors to acquire and maintain the skills necessary to perform their roles of Councillors after the Local Government elections held on 14 September 2024.

### **OFFICER'S RECOMMENDATION:**

#### **That Council:**

1. Notes and accepts the responsibility enshrined within Section 232 of the *Local Government Act 1993* for all Councillors "to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of councillors".
2. Notes that it is a requirement for Council to include within its Annual Report "the names of any mayors or councillors who completed any induction training course, induction refresher course or supplementary induction course under this Part during the year", who participated in any ongoing professional development program, and the number of seminars, circulars and other activities delivered as part of the ongoing professional development program during the year.
3. Notes that the following opportunities for induction, refresher, and professional development training are available in the short to medium term:
  - a. **Initial Induction Session (Presented by the Executive Leadership Team):** Wednesday, 9 October 2024 at around 10.30am (directly after the First Council Meeting) in the Koreelah Room at the Council Offices. This initial session will go for approximately 3-4 hours (finishing at no later than 3.00pm).
  - b. **Human Behaviour from a Systems Perspective for Local Government Leaders (Briefing session presented by the General Manager):** Wednesday, 23 October 2024 at around 12.00noon (after the Council Meeting has finished) in the Koreelah Room at the Council Offices. This opportunity will be of an approximate 3-hour duration (finishing at around 3.00pm).
  - c. **Induction and Refresher Training Session for Re-elected and Newly Elected Councillors (Presented by Emma Broomfield – an External, Professional Trainer):** Wednesday, 30 October 2024 - starting at 8.00am and finishing at 3.00pm. This important event will also be held in the Koreelah Room at the Council Offices.

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- d. **"Hit the Ground Running" Series of On-Line Webinars for Re-elected and Newly Elected Councillors** (Presented by the NSW Office of Local Government):
- i. **Roles and Responsibilities:** Thursday, 17 October 2024 at 4.00pm.
  - ii. **Making the Most of Meetings:** Thursday, 24 October 2024 at 4.00pm.
  - iii. **Integrated Planning and Reporting:** Thursday, 31 October 2024 at 4.00pm.
  - iv. **The Governing Body and Financial Management:** Thursday, 7 November 2024 at 4.30pm.
  - v. **Risk Management and Internal Audit:** Thursday, 14 November 2024 at 4.00pm.
  - vi. **Appropriate Conduct and Ethical Decision-Making:** Thursday, 21 November 2024 at 4.00pm.
  - vii. **Corruption Risk and Prevention:** Thursday, 28 November 2024 at 4.00pm.
  - viii. **Working Together:** Thursday, 5 December 2024 at 4.00pm.
  - ix. **Work Health and Safety:** Thursday, 12 December 2024 at 4.00pm.
  - x. **Local and Regional Strategic Planning:** Thursday, 6 February 2025 at 4.00pm.
  - xi. **Crown Land Native Title, and Aboriginal Land Rights:** Thursday, 13 February 2025 at 4.00pm.
  - xii. **Town Water Services – A Councillor’s Responsibilities:** Thursday, 20 February 2025 at 4.00pm.
  - xiii. **Ongoing Professional Development:** Thursday, 27 February 2025 at 4.00pm.

## BACKGROUND

Section 323 of the *Local Government Act 1993* (the Act) states the following:

**(1) The role of a councillor is as follows-**

- (a) to be an active and contributing member of the governing body,
- (b) to make considered and well informed decisions as a member of the governing body,
- (c) to participate in the development of the integrated planning and reporting framework,
- (d) to represent the collective interests of residents, ratepayers and the local community,
- (e) to facilitate communication between the local community and the governing body,
- (f) to uphold and represent accurately the policies and decisions of the governing body,
- (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor. (emphasis added)**

For the purpose of this report, Section 323(1)(g) is particularly important.

The induction program aims to equip Mayors and Councillors with the information they need to perform their role effectively and has a particular focus on building positive, collaborative relationships between Councillors and with staff.



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The Office of Local Government (OLG) has prepared guidelines to assist Councils to develop and deliver induction and ongoing professional development activities for their Mayor and Councillors. These Guidelines have been issued under section 23A of the Act.

The Induction and Refresher Session that will be held after this Council Meeting has been prepared in accordance with these above-mentioned guidelines. An extensive, hard-copy manual will be provided to Councillors.

It is also important for Councillors to be aware of the provisions of Regulation 186 of the *Local Government (General) Regulation 2021*, which states the following:

***186 Information about induction training and ongoing professional development to be included in annual report***

*For the purposes of section 428(4)(b) of the Act, an annual report of a council must include the following information--*

- (a) the names of any mayors or councillors who completed any induction training course, induction refresher course or supplementary induction course under this Part during the year,*
- (b) the names of any mayors or councillors who participated in any ongoing professional development program under this Part during the year,*
- (c) the number of seminars, circulars and other activities delivered as part of the ongoing professional development program in accordance with this Part during the year.*

**REPORT:**

The following opportunities for induction, refresher, and professional development training are available in the short to medium term:

1. Initial Induction Session (Presented by the Executive Leadership Team): Wednesday, 9 October 2024 at around 10.30am (directly after the First Council Meeting) in the Koreelah Room at the Council Offices. This initial session will go for approximately 3-4 hours (finishing at no later than 3.00pm).
2. Human Behaviour from a Systems Perspective for Local Government Leaders (Briefing session presented by the General Manager): Wednesday, 23 October 2024 at around 12.00noon (after the Council Meeting has finished) in the Koreelah Room at the Council Offices. This opportunity will be of an approximate 3-hour duration (finishing at around 3.00pm).
3. Induction and Refresher Training Session for Re-elected and Newly Elected Councillors (Presented by Emma Broomfield – an External, Professional Trainer): Wednesday, 30 October 2024 - starting at 8.00am and finishing at 3.00pm. This important event will also be held in the Koreelah Room at the Council Offices.
4. "Hit the Ground Running" Series of On-Line Webinars for Re-elected and Newly Elected Councillors (Presented by the OLG):
  - i. Roles and Responsibilities: Thursday, 17 October 2024 at 4.00pm.

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- ii. Making the Most of Meetings: Thursday, 24 October 2024 at 4.00pm.
- iii. Integrated Planning and Reporting: Thursday, 31 October 2024 at 4.00pm.
- iv. The Governing Body and Financial Management: Thursday, 7 November 2024 at **4.30pm**.
- v. Risk Management and Internal Audit: Thursday, 14 November 2024 at 4.00pm.
- vi. Appropriate Conduct and Ethical Decision-Making: Thursday, 21 November 2024 at 4.00pm.
- vii. Corruption Risk and Prevention: Thursday, 28 November 2024 at 4.00pm.
- viii. Working Together: Thursday, 5 December 2024 at 4.00pm.
- ix. Work Health and Safety: Thursday, 12 December 2024 at 4.00pm.
- x. Local and Regional Strategic Planning: Thursday, 6 February 2025 at 4.00pm.
- xi. Crown Land Native Title, and Aboriginal Land Rights: Thursday, 13 February 2025 at 4.00pm.
- xii. Town Water Services – A Councillor’s Responsibilities: Thursday, 20 February 2025 at 4.00pm.
- xiii. Ongoing Professional Development: Thursday, 27 February 2025 at 4.00pm.

Councillors will have to register with the OLG once they have received their official Council email addresses to access the on-line “Hit the Ground Running” series of webinars mentioned in point four above. The OLG will then provide individual Councillors access to this portal.

The following link is applicable: [Hit the Ground Running - Office of Local Government NSW](#)

### **COUNCIL IMPLICATIONS:**

#### **1. Community Engagement / Communication (per engagement strategy)**

Nil.

#### **2. Policy and Regulation**

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- Council Circular 18-46 / 18 December 2018 / A621298C from the NSW Office of Local Government
- Councillor Induction and Professional Development Guidelines

#### **3. Financial (Annual Budget & LTFP)**

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Council has made provision for an amount of \$30,000 in the 2024/25-Budget and Operational Plan for purposes of Councillors' Training and Professional Development. The cost for the delivery of the induction and refresher training session for re-elected and newly elected Councillors on 30 October 2024 is approximately \$5,000.00. The cost of the delivery of the pre-election information session on 27 July 2024 was also around this \$5,000 mark, excluding travelling and accommodation costs.

#### **4. Asset Management (AMS)**

Nil.

#### **5. Workforce (WMS)**

Nil.

#### **6. Legal and Risk Management**

It is important for Councillors to understand their role as defined in Section 323 of the *Local Government Act 1993*, as well as to understand the system of Local Government as it is practiced in the State of NSW.

#### **7. Performance Measures**

As is mentioned above, there is a requirement for Council to report in its Annual report on Councillors' attendance and participation in induction and professional development activities.

#### **8. Project Management**

Nil.

### **Hein Basson General Manager**

|                               |                                           |
|-------------------------------|-------------------------------------------|
| Prepared by staff member:     | Hein Basson, General Manager              |
| Approved/Reviewed by Manager: | Hein Basson, General Manager              |
| Department:                   | Office of the Chief Executive             |
| Attachments:                  | There are no attachments for this report. |

|                      |                                                                             |
|----------------------|-----------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                                        |
| <b>Submitted by:</b> | Mitchell Baade, Acting Executive Assistant & Media                          |
| <b>Reference:</b>    | <b>ITEM GOV77/24</b>                                                        |
| <b>Subject:</b>      | <b>LOCAL GOVERNMENT NSW 2024 ANNUAL CONFERENCE - 17 TO 19 NOVEMBER 2024</b> |

|                                                               |                                                                                                                                                             |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                             |
| <b>CSP Goal:</b>                                              | <b>Leadership</b> - Resources and advocacy of Council are aligned to support the delivery of the community vision outlined in the Community Strategic Plan. |
| <b>CSP Strategy:</b>                                          | Services to our community are provided in an equitable, safe, professional, friendly and timely manner consistent with our corporate values.                |

## SUMMARY

The purpose of this report is for Council to nominate delegates to attend the Local Government NSW Annual Conference scheduled for 17 to 19 November 2024 at the Tamworth Regional Entertainment and Conference Centre.

## OFFICER'S RECOMMENDATION:

### That Council:

Nominates the Mayor, Deputy Mayor, and General Manager as Council's delegates to attend the Local Government NSW's Annual Conference from 17 to 19 November 2024 in Tamworth.

## BACKGROUND

The Local Government NSW Annual Conference is the supreme policy-making body of LGNSW and an opportunity for Councillors to come together to share ideas and debate issues that shape the way LGNSW is governed and advocate on behalf of the local government sector.

## REPORT:

The conference is an opportunity for Mayors, Councillors and General Managers from across NSW to learn from and support each other and consider methods to deliver to their representative communities. It will be beneficial for the newly elected Mayor and Deputy Mayor to attend this event to meet and learn from other Councillors. The newly appointed General Manager will also benefit in attending this conference.

The standard registration for the event opens on 26 September 2024.

Two (2) of the topics that will be discussed at the Conference are as follows:

Local Government Finance: Challenges and Opportunities

SPEAKER: Andy Johnston – Local Government Information Unit (LGIU)

LGIU Australia will deliver a presentation on Local Government finance – focusing on lessons and experiences from other jurisdictions and how these lessons apply to the

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NSW context. It will include an outline of the UK experience, including the impact of austerity and how UK councils have had to change and adapt. It will also include an overview of LGIU's international finance comparisons work by summarising what can be learned from places such as Germany, Italy and Japan. The session will finish with LGIU's five recommendations of the conditions that underpin strong and resilient Local Government financial systems.

#### Countering cyber threats – Protecting Your Council and Community

SPEAKERS: Arjun Ramacandran and Jonathan Topham, from elevenM

In this session, General Managers and elected members from NSW Councils will gain insights into the cyber threats (current and emerging) targeting Councils and the impact these threats can have on Councils and their communities. The session will also explore the practical steps Councils can take to protect themselves, and how to overcome the common challenges faced in implementing those measures.

### **COUNCIL IMPLICATIONS:**

#### **1. Community Engagement / Communication (per engagement strategy)**

Nil.

#### **2. Policy and Regulation**

Nil.

#### **3. Financial (Annual Budget & LTFP)**

As of the time of this report, the following balances are available in Council's budget:

- Councillor's Training and Professional Development: \$24,372.55
- General Manager Conferences / Seminars: \$2,500.00

Costs per person will be as follows:

- Conference Registration/Attendance - \$1,485.
- Accommodation - \$500 approximately (maximum \$720 as per TSC Policy).
- Food - \$400 approximately (maximum \$625 as per TSC Policy).

It is anticipated one (1) Council vehicle will be required, with fuel budgeted at \$120 approximately.

The estimated cost of attending the conference per attendee is \$2,385 (max \$2,830) plus \$120 travel expenses. There is adequate provision in Council's budget to cover these expenses.

#### **4. Asset Management (AMS)**

#### **5. Workforce (WMS)**

Nil.

#### **6. Legal and Risk Management**

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Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Hein Basson**  
**General Manager**

|                               |                                                    |
|-------------------------------|----------------------------------------------------|
| Prepared by staff member:     | Mitchell Baade, Acting Executive Assistant & Media |
| Approved/Reviewed by Manager: | Hein Basson, General Manager                       |
| Department:                   | Office of the Chief Executive                      |
| Attachments:                  | There are no attachments for this report.          |