

## **MEETING NOTICE**

The **Extraordinary Meeting** of  
**Bayside Council**  
will be held in the Rockdale Town Hall  
448 Princes Highway, Rockdale  
**on Wednesday 27 September 2017 at 7.00 pm**

## **AGENDA**

**1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

**2 OPENING PRAYER**

**3 APOLOGIES**

**4 DISCLOSURES OF INTEREST**

**5 MAYORAL MINUTES**

Nil

**6 PUBLIC FORUM**

Members of the public, who have applied to speak at the meeting, will be invited to address the meeting.

**7 REPORTS**

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The meeting will be audio recorded for the purposes of minute taking and live streamed to the community via Council's Facebook page, in accordance with Council's Code of Meeting Practice.

Meredith Wallace  
**General Manager**

## Extraordinary Council Meeting

27/09/2017

Item No	7.1
Subject	<b>Oath / Affirmation of Office</b>
Report by	Warren Park, Coordinator Governance
File	SF17/2104

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### Summary

Under the Local Government Act councillors including mayors are now required to take an oath or affirmation of office (s233A). The Office of Local Government has forwarded to Council circular 17-22 providing guidance to Councils in this matter.

An oath or affirmation of office must be taken at or prior to the first meeting of Council after the councillor is elected.

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### Officer Recommendation

That in accordance with the requirements of the Local Government Act it be noted that all councillors present at the Extraordinary meeting of Council on 27 September 2017 undertook either the Oath / Affirmation of Office.

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### Background

Under s233A of the Local Government Act councillors including mayors are now required to take an oath or affirmation of office. The Office of Local Government (OLG) has forwarded a circular (17-22) to assist Councils in implementing this new requirement. The circular is attached.

S233A of the Local Government Act states:

#### *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 [name of council area] and the [name of 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 [name of council area] and the [name of 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 (whether in the minutes of the council meeting or otherwise).*

As indicated it is required that an Oath / Affirmation be taken at or prior to the first meeting of council. Unless an Oath / Affirmation is taken councillors must be excluded from meetings of council until they do so.

A record of each councillor undertaking the Oath / Affirmation must be recorded in the minutes of a council meeting.

It is noted arrangements have been made for each councillor to separately take the Oath / Affirmation as the first item of business following the Welcome, Acknowledgement and Prayer.

Once the Oath / Affirmation is signed by the Councillor and General Manager, the certificate will be framed and returned to the Councillor.

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## Financial Implications

Not applicable



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## Community Engagement

N/A

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## Attachments

OLG Circular 17-22 Oath / Affirmation of Office.pdf [↓](#)



Office of  
Local Government

## Circular to Councils

<b>Circular Details</b>	Circular No 17-22 / 25 July 2017 / A556241
<b>Previous Circular</b>	16-30 and 16-32
<b>Who should read this</b>	Councillors, General Managers and governance staff of councils with upcoming elections.
<b>Contact</b>	Council Governance   02 4428 4100   <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Oaths and affirmations of office to be taken at the first meeting

### Oath or affirmation of office by councillors

#### What's new or changing

- Under the *Local Government Act 1993*, councillors (including mayors) are now required to take an oath or affirmation of office. The prescribed words of the oath and affirmation are contained in the attachment to this Circular.
- Oaths or affirmations of office must be taken by each councillor at or before the first meeting of the council after being elected.

#### What this will mean for your council

- Each council will need to make arrangements for the oath or affirmation to be taken by each councillor at the first meeting of a newly-elected council, or at a newly-elected councillor's first meeting following a by-election.
- Councillors should be made aware of this requirement prior to the first meeting of a newly-elected council or the newly-elected councillor's first meeting following a by-election.
- An oath or affirmation should be taken by each councillor as the first item of business for the meeting.
- The general manager must ensure that a record is kept of the taking of the oath or affirmation. This can be done by way of a signed statement containing the oath or affirmation or by recording the taking of the oath or affirmation by each councillor in the minutes of the council meeting.
- If the councillor is unable to attend the first council meeting, he or she may take the oath or affirmation of office at another location in the presence of the general manager.
- The oath or affirmation of office may also be taken before an Australian legal practitioner or a Justice of the Peace.
- The taking of the oath or affirmation outside a council meeting must be publicly recorded by the council.
- Where an oath or affirmation is taken outside a council meeting, a council staff member should also be present to ensure that an accurate record can be kept by the council.

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**Key points**

- A councillor who fails, without a reasonable excuse, to take the oath or affirmation of office, will not be entitled to attend council meetings until they do so and will be taken to be absent without leave.
- If a councillor is absent without leave for three consecutive ordinary council meetings their office is automatically declared vacant and a by-election must be held.

**Where to go for further information**

- For further information contact the Office of Local Government's Council Governance Team on 02 4428 4100.



**Tim Hurst**  
**Acting Chief Executive**

## **Extraordinary Council Meeting**

**27/09/2017**

Item No	7.2
Subject	<b>Method of Voting - Election of the Mayor</b>
Report by	Fausto Sut, Manager Governance and Risk
File	SF17/2104

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### **Summary**

Councillors must elect a Mayor from their numbers within 14 days after the first election of the Council. The election process is governed by the Local Government Act and its Regulation. Prior to the election taking place, Council must determine whether the method of voting for electing the Mayor is to be by way of open voting, ordinary ballot or preferential ballot.

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### **Officer Recommendation**

That the Council resolves whether the election of the Mayor is to be conducted by the open voting, ordinary ballot, or preferential ballot method.

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### **Background**

Section 225 and 227 of the Local Government Act 1993 (LGA) provide that an area must have a Mayor who is elected by the Councillors of the area.

The process for electing the Mayor must be in accordance with the legislative requirements being the process contained within both the LGA and Schedule 7, Local Government (General) Regulation 2005.

The Regulation requires for cases where there is more than one (1) Councillor nominating for the position of the Mayor, that the Council resolve as to the method of voting for the election of the Mayor.

The Regulation provides three options in relation to the method of voting and they are:

- Open voting (which is by a show of hands)
- Ordinary ballot (which is a secret ballot and a formal vote requires an "X" to be placed against the candidate of the voters choice);
- Preferential ballot (which is a secret ballot but a formal vote requires the voter to place a number starting from 1 (and then 2, 3 etc.) against each candidate in the order of voter preference;

The publication titled "The Mayoral Election Procedures" issued recently by the Office of Local Government advocates for the Open Voting method as being the most transparent method of voting at Council meetings. It allows the community to see and understand the voting that has occurred. It is also the least bureaucratic method and reflects normal Council voting methods.

Council will need to determine a method of voting for the election of the Mayor from the three options available to it.

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### **Financial Implications**

Not applicable	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

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### **Community Engagement**

Not applicable

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### **Attachments**

Nil

## Extraordinary Council Meeting

27/09/2017

Item No	7.3
Subject	<b>Election of Mayor</b>
Report by	Fausto Sut, Manager Governance and Risk Warren Park, Coordinator Governance
File	SF17/2104

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### Summary

Section 227 of the Local Government Act 1993 requires Council to elect from among their number a person to the Office of Mayor until September 2019. The process for election of Mayor by Councillors is set out in Clause 394 and Schedule 7 of the Local Government (General) Regulation 2005.

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### Officer Recommendation

That the Council elects the Mayor for a period of 2 years in accordance with the Local Government Act 1993 and Schedule 7, Local Government (General) Regulation 2005 and by the voting method as previously determined by the Council at this meeting.

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### Background

Section 225 and 227 of the Local Government Act 1993 (LGA) provide that an area must have a Mayor who is elected by the Councillors of the area. In accordance with Section 230 of the LGA, the Mayor so elected holds the position for a period of two (2) years. The Local Government Act has recently been amended to provide for this extended period of election.

*s230 For what period is a mayor elected?*

*(1) A mayor elected by the councillors holds the office of mayor for 2 years, subject to this Act.*

Schedule 7 of the Local Government (General) Regulation 2005 (a copy is attached to this report) outlines the process for the election including the nomination of candidates, election of Councillors and method of voting amongst other procedural requirements.

It should be specifically noted that:

- The General Manager (or nominee) is the Returning Officer.
- Nominations have to be in writing by two (2) or more Councillors and the nominee has to indicate consent to the nomination in writing. (Nomination form attached)
- Tied votes are decided by choosing by lot.

A previous report to the Council meeting recommended that the Council resolve as to whether the election is to be conducted by preferential ballot, by ordinary ballot (ie secret ballot) or by open voting (that is, show of hands).



It is proposed that Council follows the process for electing the Mayor in accordance with the legislative requirements being the process contained within both the LGA and Schedule 7, Local Government (General) Regulation 2005 and the previous decision of Council at this meeting on the method of voting.

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### **Financial Implications**

Not applicable



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### **Community Engagement**

Not applicable

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### **Attachments**

- 1 Schedule 7 of the Local Government (General) Regulation 2005)
- 2 Nomination form - Mayor 2017 [↓](#)[↓](#)

**LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - SCHEDULE 7****SCHEDULE 7 – Election of mayor by councillors**

(Clause 394)

**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. The latter 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 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 Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales.

Nomination Form

# Mayor



We, Councillor \_\_\_\_\_

Signed \_\_\_\_\_

and

Councillor \_\_\_\_\_

Signed \_\_\_\_\_

*hereby nominate:*

Councillor \_\_\_\_\_

*to the Office of: **Mayor***

**I accept the nomination:**

Councillor \_\_\_\_\_

Signed \_\_\_\_\_

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## Extraordinary Council Meeting

27/09/2017

Item No	7.4
Subject	<b>Term and Voting Method - Election of the Deputy Mayor</b>
Report by	Fausto Sut, Manager Governance and Risk
File	SF17/2104

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### Summary

The Council may elect a Councillor to be the Deputy Mayor. If so, it is required to determine whether the term of office is similar to that of the Mayoral term being two years or a shorter term. The election process is governed by the Local Government Regulations but Council will need to determine whether the election is to be conducted by the open voting method, ordinary ballot, or preferential ballot.

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### Officer Recommendation

- 1 That the Council determines whether it wishes to elect a Councillor to the position of Deputy Mayor and if so, whether the term of the appointment will be for the Mayoral term or a shorter term.
  - 2 That the Council resolves (if necessary) whether the election is to be conducted by the open voting, ordinary ballot, or preferential ballot method.
- 

### Background

Section 231 of the Local Government Act 1993 (LGA) provides:

- 1 The Councillors may elect a person from among their number to be the Deputy Mayor.
- 2 The person may be elected for the Mayoral term or shorter term.
- 3 The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if there is a casual vacancy in the office of the Mayor.
- 4 The Councillors may elect a person among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.

Accordingly, should it determine that there be a Deputy Mayor, then it will need to determine the term for that position up to a maximum of two years being the term of the Mayor.

The process of electing the Deputy Mayor is similar to that for the election of Mayor, described in Schedule 7 of the Local Government (General) Regulation 2005.

In accordance with the Regulation, Council will need to determine the method of voting to elect the Deputy Mayor in case there is more than one candidate.

There are three options in relation to the method of voting and they are:

- Open voting (which is by a show of hands)
- Ordinary ballot (which is a secret ballot and a formal vote requires an “X” to be placed against the candidate of the voters choice);
- Preferential ballot (which is a secret ballot but a formal vote requires the voter to place a number starting from 1 (and then 2, 3 etc) against each candidate in the order of voter preference;

The publication titled “The Mayoral Election Procedures” issued recently by the Office of Local Government advocates for the Open Voting method as being the most transparent method of voting at Council meetings. It allows the community to see and understand the voting that has occurred. It is also the least bureaucratic method and reflects normal Council voting methods.

It is proposed that Council follows the process for electing the Deputy Mayor in accordance with the legislative requirements being the process contained within both the LGA and Schedule 7, Local Government (General) Regulation 2005

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### **Financial Implications**

Not applicable	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

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### **Community Engagement**

Not applicable

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### **Attachments**

Nil

## **Extraordinary Council Meeting**

**27/09/2017**

Item No	7.5
Subject	<b>Election of Deputy Mayor</b>
Report by	Fausto Sut, Manager Governance and Risk Warren Park, Coordinator Governance
File	SF17/2104

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### **Summary**

Section 231 of the Local Government Act 1993 empowers the Council to elect a Deputy Mayor if it so desires. The process for election of Deputy Mayor by Councillors is set out in Schedule 7 of the Local Government (General) Regulation 2005. Council would need to determine the method of voting to elect the Deputy Mayor, if it has not already done so by a previous report.

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### **Officer Recommendation**

That any election of the Deputy Mayor be conducted in accordance with the Local Government Act 1993 and Schedule 7, Local Government (General) Regulation 2005 and by the method of voting as determined by the Council.

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### **Background**

The process of electing the Deputy Mayor is similar to that for the election of Mayor, described in Schedule 7 of the Local Government (General) Regulation 2005.

Should there be an election process, Council would have to decide the method of voting for the position of Deputy Mayor. Accordingly it is proposed that Council follows the process for electing the Deputy Mayor in accordance with the legislative requirements being the process contained within both the LGA and Schedule 7, Local Government (General) Regulation 2005 and the previous decision on the method of voting.

A nomination form is attached.

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### **Financial Implications**

Not applicable ☒

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### **Community Engagement**

Not applicable

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## **Attachments**

- 1 Schedule 7 of the Local Government (General) Regulation 2005)
- 2 Nomination form - Deputy Mayor 2017 [↓](#)[↓](#)

**LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - SCHEDULE 7****SCHEDULE 7 – Election of mayor by councillors**

(Clause 394)

**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. The latter 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 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 Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales.

Nomination Form

# Deputy Mayor



*We,*

Councillor \_\_\_\_\_ Signed \_\_\_\_\_

*and*

Councillor \_\_\_\_\_ Signed \_\_\_\_\_

*hereby nominate:*

Councillor \_\_\_\_\_

*to the Office of:* **Deputy Mayor**

\_\_\_\_\_

**I accept the nomination:**

Councillor \_\_\_\_\_ Signed \_\_\_\_\_

## Extraordinary Council Meeting

27/09/2017

Item No	7.6
Subject	<b>Statutory, Council and External Appointments</b>
Report by	Warren Park, Coordinator Governance
File	SF17/2104

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### Summary

Council is involved in a number of statutory Committees and Boards where Councillor delegates are appointed to represent Bayside Council. The Administrator, in this end of term report, has recommended a thorough review of the external bodies membership and this work has already commenced. It is expected that on completion of the review, a discussion paper will be presented to a Councillor Information session and then the Council for consideration.

Accordingly, this report seeks Council to appoint delegates only to statutory type committees and Boards and other significant external and community based bodies.

The term of the appointment of Council delegates is generally for the term of the Mayor ie two years, and reviews and reappointments are made following the Mayoral election, apart from the three organisations of the CivicRisk Insurance Group which has asked for a Councillor to be appointed for the remaining 3 year term to all three Boards.

It is proposed that any Councillor appointed to the Sydney Central Planning Panel will be remunerated in accordance with an advising from the former Minister for Planning, being \$600 per meeting attended.

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### Officer Recommendation

- 1 That Council nominate two (2) councillors and two (2) alternates as its representatives on the Sydney Central Planning Panel to September 2019.
  - 2 That Council representatives on the Sydney Central Planning Panel be paid a fee of \$600 per attended meeting.
  - 3 That Council nominate one (1) representative to the Stronger Communities Fund Assessment Panel to September 2019.
  - 4 That Council nominates two (2) Councillors as members and two (2) councillors as alternates to the Audit & Risk Committee to September 2019.
  - 5 That Council nominate three (3) Councillors as its representatives on the Bayside Floodplain Risk Management Committee.
  - 6 That Council nominate one (1) Councillor as its representative and one (1) Councillor as its alternate on the Bayside Traffic Committee to September 2019.
  - 7 That Council nominate the Mayor and Deputy Mayor as it representatives to SSROC
-

- and two (2) councillors as alternates.
- 8 That Council nominate two (2) councillors and one (1) alternate to the SSROC Program Delivery Committee to September 2019.
  - 9 That Council nominate two (2) councillors and one (1) alternate to the SSROC Sustainability Program Committee to September 2019.
  - 10 That Council nominate one (1) Councillor as its representative on all three insurance related companies being CivicRisk Mutual, CivicRisk Metro and Mutual Management Services for the term of the Council.
  - 11 That Council nominate one (1) Councillor and one (1) Councillor as alternate to each Strategic Reference Groups and nominates the Chair of each Group to September 2019.
  - 12 That Council nominate one (1) Councillor as its representative to the Lydham Hall Management Committee to September 2019
  - 13 That Council nominate up to two (2) Councillors as representatives to the Botany Historical Trust to September 2019.
  - 14 That Council nominate one (1) Councillor as representative to the Rockdale Community Nursery to September 2019.
  - 15 That a report be submitted to Council following a Councillor briefing on the review of the external bodies membership as recommended by the Administrator.

## Background

Council is represented on a number of statutory committees, boards, Council committees and community focused and miscellaneous organisations with which Council is associated. Traditionally the appointment of Councillor representatives to these internal and external bodies occurs at the commencement of the new term of Council and then annually at each Mayoral election during the term of office.

This report outlines the various bodies categorised into three broad areas being statutory type bodies, significant internal and external bodies and community focused bodies.

### 1. Statutory Type Bodies

A summary of each of the statutory type bodies is detailed below with the number of delegates and frequency of meetings summarised in Table 1 below.

**TABLE 1 – Summary of delegate numbers and frequency of meetings**

Name	Number of Delegates	Frequency of meetings
Sydney Central Planning Panel	2 (plus 2 as alternatives)	As required
Stronger Communities Fund Assessment Panel	1	As required
Audit & Risk Committee	2 (plus 2 as	Quarterly

	alternatives)	
Bayside Floodplain Risk Management Committee	3	As required
Bayside Traffic Committee	1 (plus 1 alternate)	Monthly

### **Sydney Central Planning Panel**

The Department of Planning made changes to the former Sydney East and Sydney West Joint Regional Planning Panels effective on 21 November 2016. Bayside Council is now placed in the Sydney Central Planning Panel and is entitled to nominate two (2) representatives and two (2) alternatives.

Council representatives are paid a fee as determined by Council and in accordance with guidelines issued. The current fee is \$600 per meeting.

### **Stronger Communities Fund Assessment Panel**

Bayside Council established a Stronger Communities Fund Assessment Panel with responsibility to assess projects and make recommendations to Council for funding under the Stronger Communities Fund. This was a requirement of the State Government in allocating the funding.

The Panel assesses and makes recommendations for projects received through the community grant program as well as those developed and nominated by councils for funding under the major projects program. The Stronger Communities Fund is to be spent or committed by 30 June 2019 and all funding acquitted before 31 December 2019.

The Panel uses the defined criteria for each program to assess and recommend projects for funding to Council. The Panel includes:

- Mayor, or delegate (previously the Administrator or delegate)
- State Member(s) of Parliament or representative
- Regional Coordinator of the Department of Premier and Cabinet, or delegate
- An independent probity adviser to advise the Panel on their deliberations and assessment process.

### **Audit & Risk Committee**

The Administrator in his end of term report advised:

*Although both former Councils had Audit Committees, the new Council has developed a more strategic model and a broader range of independent members. Following an extensive expressions of interest process four well qualified independent members have been appointed. The Administrator is also a member and will be replaced with two councillors from the new Council. Unlike the members of the former committees, the members of the new committee are remunerated.*

*The independent members are:*

**Jennifer Whitten** *Bayside resident and qualified accountant with experience in assurance and business advisory services.*

**Barry Munns** *Head of Audit at the City of Sydney with extensive experience in corruption prevention, fraud control and business continuity.*



**Catriona Barry** Bayside resident and General Manager of Rainbow Club Australia and Harvard Business School graduate.

**Lewis Cook** Bayside resident and executive Chairman of eLearning company, Obvious Choice with vast experience in IT, governance and management.

*Given the issues coming to light as a result of the work of both the ICAC and the Auditor-General, the new Committee will have a difficult, but vital, role to play over the coming term.*

The Charter provides for two Councillors to be appointed by Council and that a further two Councillors be appointed as alternates to this Committee.

### **Bayside Floodplain Risk Management Committee**

This Committee has a number of community representatives including technical Council staff along with up to three (3) Councillor Representatives. Council chairs meetings of the Committee. Its main objective is to assist Council with the development and implementation of one or more floodplain risk management plans for its service area.

### **Bayside Traffic Committee**

The (Local) Bayside Traffic Committee is made up of the following formal members:

- one representative of Council
- one representative of the NSW Police from each Local Area Command
- one representative of the Roads and Maritime Service
- the Local State Member of Parliament (MP) or their nominee from each Electorate

Council at its meeting on 14 September 2016 considered a report concerning the establishment of a Bayside Traffic Committee and the appointment of a Council representative to the Committee.

The Council appointed the General Manager or nominee as its representative and these appointments are generally made on an annual basis.

The Council may sub-delegate their powers to Councillors, the General Manager or an employee of the Council.

This matter is now submitted for consideration to appoint one (1) representative and one (1) alternate of Council to the Bayside Traffic Committee.

## **2. Significant internal/external bodies**

A summary of each of the significant internal and external bodies is detailed below with the number of delegates and frequency of meetings summarised in Table 2 below.

**TABLE 2 – Summary of delegate numbers and frequency of meetings**

<b>Name</b>	<b>Number of Delegates</b>	<b>Frequency of meetings</b>
SSROC (Southern Sydney Regional Organisation of Councils)	Mayor & D/Mayor (plus 2 alternatives)	Quarterly
SSROC Program Delivery	1 (plus 1 as alternative)	Quarterly

Committee		
SSROC Sustainability Program Committee	1 (plus 1 as alternative)	Quarterly
Civic Risk Mutual, Civic Risk Metro (formerly Metro Pool) and Mutual Management Services	1 for all three.	At least quarterly and an AGM

### **SSROC**

The Southern Sydney Regional Organisation of Councils advocates and lobbies on regional matters in the interests of the 11 Councils in the region. Addition to the SSROC organisation committee, it has two (2) sub-committees, Program Delivery and Sustainability Program. The Mayor and Deputy Mayor are traditionally appointed as Council representatives to the main Committee.

### **CivicRisk Insurance Group**

Council is a member of three related organisations delivering insurances to Council (as described below). Two representatives are required to be appointed to the Board of each organisation for the term of the Council. The Council's Manager Governance & Risk is nominated as the General Manager's representative. Practicably it is recommended that one councillor be appointed to all three organisations.

#### **(i) CivicRisk Mutual (previously named United Independent Pools)**

CivicRisk Mutual is a Local government discretionary mutual set up in 2005 to provide a variety of general insurances to its 16 member Councils. These include but are not limited to Property, Motor Vehicle, Councillor/Directors and Officers cover. In accordance with the Deed of Agreement, CivicRisk Mutual requires two representatives to be appointed to the Board for the term of the Council and they would normally include the Mayor (or Councillor) and the General Manager (or an alternate senior staff nominee). CivicRisk Mutual Board meets on two occasions during the year usually on the last Wednesday of March to consider budget and contributions and November when the Annual General Meeting is held to consider the end of year results. There may be additional special meetings held during the year including a Strategic Forum which is most likely to be held in conjunction with the November Annual General Meeting. This is usually a two day commitment commencing with an ordinary meeting followed by the AGM, and concluding with Strategic Planning sessions. All meetings are held during office hours with Board meetings commencing from 10am concluding around 1pm usually at Twin Creeks Country Club Luddenham. The next meeting of CivicRisk Mutual is to be held on Wednesday 29<sup>th</sup> November commencing at 10 am at Twin Creeks Country Club Luddenham.

All members of CivicRisk Mutual are required to:

- Attend a 'New member induction' Course will be provided for all new Board members on Wednesday 8<sup>th</sup> November commencing at 8.45am again at Twin Creeks Country Club. This is a half-day session
- Undertake Australian Institute of Company Director (AICD) Training which is a 3 day course commencing on 31<sup>st</sup> January and concluding on 2<sup>nd</sup> February.
- Complete 'fit and proper' declarations annually to ensure each delegate is eligible to hold a position of a Company Director.

**(ii) CivicRisk Metro**

CivicRisk Metro (previously named Metro Pool) was established approximately 30 years ago when public liability and professional indemnity insurance was almost impossible to obtain for Local Councils. The member Councils joined together pooling their resources to create a self-insured fund with a higher level of insurance purchased collectively from the market. The insurance Pool has successfully delivered public liability protection for its member Councils and is regarded as the most successful example of Councils working together in partnership. The pool has protected the members from the cyclical nature of the insurance market with an objective to maintain excellent coverage for its members and stability in contributions. CivicRisk Metro also ensures that its members apply an enterprise risk management philosophy by providing training, support and professional development to meet the member's needs.

CivicRisk Metro is a part of the CivicRisk Mutual group and meets every 2 months during normal office hours to consider risk issues and manage claims. Two Board members are nominated for the term of the Council to CivicRisk Metro and for practical reasons and consistency it is highly recommended that Councils nominate the same Board representatives as were nominated to CivicRisk Mutual.

The next meeting of CivicRisk Metro is to be held at Hunters Hill Council on Wednesday 22nd November commencing at 10.00am.

**(iii) Mutual Management Services**

Mutual Management Services Ltd (MMS) is a company limited by guarantee and was created to provide administration services to the 3 CivicRisk self-insurance pools CivicRisk West (previously Westpool), CivicRisk Metro (previously Metro Pool) and CivicRisk Mutual (previously United Independent Pools). MMS operates as a mutual for the benefit of the members who are the 16 Councils which make up our combined CivicRisk membership being Blacktown, Blue Mountains, Burwood, Bayside, Cumberland, Camden, Hawkesbury, Fairfield, Hunters Hill, Kiama, Lane Cove, Liverpool, Penrith, Parramatta, Shellharbour & Wollongong.

MMS was created to move the administration staff and responsibilities from Westpool (now CivicRisk West) to a separate entity that provides the services to all 3 pools. The creation of the administration company was an internal structure change to assist with meeting commercial obligations rather than a change in the underlying operations. MMS holds an Australian Financial Services License (AFSL) number 493789 which ensures it meets the ASIC obligations for the management of the 3 CivicRisk insurance Pools.

Each member Council is a member of MMS and the constitution requires each Council to elect a representative to attend the Annual General meeting in November each year. It is most practical that the appointed representative is one of the Board representatives to CivicRisk Mutual as the MMS AGM is usually held directly after the CivicRisk Mutual AGM. The Annual General Meeting of MMS is to be held at Twin Creeks Country Club Luddenham around midday on Wednesday 29<sup>th</sup> November 2017.

**3. Community focused bodies**

A summary of each of the community focused bodies is detailed below with the number of delegates and frequency of meetings summarised in Table 3 below.

**TABLE 3 – Summary of delegate numbers and frequency of meetings**

<b>Name</b>	<b>Number of Delegates</b>	<b>Frequency of meetings</b>
Strategic Reference Groups (6)	1 per Group (plus 1 alternate per Group)	Monthly
Botany Historic Trust	2	At least quarterly
Lydham Hall Management Committee	1	Quarterly
Rockdale Community Nursery Committee	1	As required

### **Strategic Reference Groups**

Council at its meeting on 12 April 2017 established the following six (6) Strategic Reference Groups (SRG) in place of the many advisory committees established by the former City of Botany Bay and Rockdale City Council.

The purpose of the Strategic Reference Group is to provide high level input into the development of the Community Strategic Plan, ensuring alignment with Council's statement of vision and priorities. The Group also advises on communication and engagement and fulfils a broader advisory role, providing community feedback across a range of Council activities and projects for each relevant subject area, as follows:

**City Futures** – strategic planning; development services; city infrastructure; property and certification.

**City Life** – community capacity building and engagement; community services; sport and recreation; library and customer services, as well as regulating and compliance activities.

**City Performance** - governance and risk, including internal audit; finance; procurement and information technology.

**City Presentation** – parks and open spaces; airport business unit; city works; community nursery; waste and cleansing

**Seniors** – identified focus area

**Youth** – identified focus area

In accordance with the draft Terms of Reference the Council may appoint the Councillor to the SRG as the Chair of that Group.

<b>Name</b>	<b>Number of Delegates</b>	<b>Frequency of meetings</b>
City Futures	1 (plus 1 as alternative)	Monthly
City Life	1 (plus 1 as alternative)	Monthly
City Performance	1 (plus 1 as alternative)	Monthly
City Presentation	1 (plus 1 as alternative)	Monthly
Seniors	1 (plus 1 as alternative)	Monthly
Youth	1 (plus 1 as alternative)	Monthly

A combined meeting of the four (4) 'City' SRGs met on Saturday 2 September with memberships being confirmed and inaugural meetings scheduled for 14 and 21 September. The Seniors and Youth SRG's are yet to meet. Minutes of SRG meetings held will be referred to Council for adoption.

### **Botany Historical Trust**

The Botany Historical Trust was established in 1994 with the then Council of the Municipality of Botany Bay nominated as Trustee. The primary role of the Trustee under the Trust Deed is to acquire, preserve and display historic artefacts and records from and of the Botany Bay area for the people of the then local government area. While the Trust Deed allows for successors of the Council of the City of Botany Bay namely now Bayside Council, it limits its activities to the Botany Bay area.

Under the Trust Deed, the Trustee may establish an advisory sub-committee comprising two Council Librarians, two other Council officers and community representatives as determined by the Council. Currently the General Manager nominates the Council representatives to the advisory committee. However Council has the opportunity to nominate up to two (2) Councillors to the advisory committee.

### **Lydham Hall Management Committee**

Lydham Hall is a property owned by Council which is used as a museum. It is one of Sydney's finest collections of antique furniture, most of which is on loan from the National Trust, as well as a unique collection of Willow Pattern China.

### **Rockdale Community Nursery**

The Rockdale Community Nursery is a joint venture between now Bayside Council and the Intellectual Disability Foundation of St George. Established in 1994, the Community Nursery operates on a wholesale and retail basis, supplying plants to Councils, landscapers, builders and the general public while providing a diverse employment opportunities to people with a disability. The Committee has one Council representative.

## **3. Other External Bodies Memberships**

In the end of term report the Administrator stated:

*It has been identified that the two former Councils were members of a number of Regional or State wide advocacy groups that have either a specific or generalist focus. The cost to maintain these memberships runs to at least \$600,000 annually (or more than \$6 million over a decade). I believe that the merger provides an ideal opportunity to review those memberships and assess just how much value they provide to the Bayside Community.*

*I know that LGNSW, as the peak State body, has been under some fire in sector circles over recent times but my personal view – borne out by the way Bayside utilises its services – is that it probably provides greater value (particularly in the industrial relations advisory area) than it costs. Of the others, I cannot say as I have not worked with any of them for long enough to make a judgement.*

*Please consider conducting a thorough review based on the preliminary work already undertaken by Management. The community could certainly benefit from several hundred thousand dollars of expenditure in more direct funding each year.*

Preliminary work has commenced on a review of the external bodies memberships and it is proposed that a Councillor briefing be held once the review is completed. A list of the external bodies to be reviewed are detailed in Table 4 below:

**TABLE 4 – External Bodies subject to review**

<b>Name</b>	<b>Number of Delegates</b>	<b>Frequency of meetings</b>
Australia Day Botany Bay Regatta Committee	2	As required
Australia Mayoral Aviation Council	Mayor or nominee	AGM + others as required
Cooks River Alliance Board	1 (plus 1 as alternative)	As required
Georges River Combined Council Committee	2	As required
NSW Metropolitan Public Libraries Association	1	As required
St George and Sutherland Business Enterprise Centre	1	Bi-monthly
Sydney Coastal Councils Group Board	2 (plus 1 as alternative)	As required

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### **Financial Implications**

Not applicable ☒

Included in existing approved budget ☐

Additional funds required ☐

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### **Community Engagement**

Not applicable

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### **Attachments**

Nil