

## BACKGROUND

Council supports and administers advisory committees and reference groups. In addition to these, Councillors are represented on numerous external committees and organisations.

This policy has been developed in order to set out the way in which Councillors are considered as delegates and elected to these many Council Committees, Working Parties, Reference Groups, External Organisations and the like (herein referred to as 'Committees').

## OBJECTIVE

The main objective of this policy is to document the method of appointing Councillors to Committees where voting is by an open voting method, for example, a show of hands in accordance with clause 251(5) of the *Local Government (General) Regulation 2005*.

## POLICY STATEMENT

This policy aims to guide Councillors and staff in the process of the conduct of election of councillor delegates to Committees.

## POLICY REVIEW AND VARIATION

- 1 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 2 This policy should be reviewed and adopted within the first 12 months of the election of a new Council.
- 3 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.

## STATEMENT OF PROCEDURES

### Appointments

- ⇒ Councillors are only to be appointed to Committees by resolution of Council.

### Number of Councillors to be appointed

- ⇒ The number of Councillors to be appointed to a Committee is subject to each Committee's Charter or Terms of Reference.

### Term of appointment

- ⇒ Councillors are appointed annually unless otherwise determined by Resolution of Council. For example, some appointments may be for the Term of the Council, until the end of a specific project or for a longer or shorter period as required or determined by Council. No term of appointment may exceed a term of Council.
- ⇒ The election for Councillor Delegates to Committees is to be conducted following the annual election of the Deputy Lord Mayor, generally the first Council meeting each September.

### Nominations

- ⇒ Councillors will be invited to submit their nominations prior to the close of the Business Paper for the Council meeting where elections are scheduled to be held, with candidate names included in the business paper. Where the number of nominations received is less than the number of available positions, Councillors will be invited to nominate from the floor of Council.
- ⇒ Councillors may self-nominate for a position on a committee, no seconder is required.
- ⇒ Councillors do not need to be present at the Council meeting where the election of councillor delegates to committees is held in order to be elected, however they must ensure their nomination is received by the Returning Officer prior to the commencement of the Council meeting.

### Alternate delegates

- ⇒ Where a committee requests an 'alternate delegate' to be appointed, elections will be conducted following the election of the 'delegates' to the committee. Alternate delegates do not have voting rights on a committee unless they attend on behalf of an absent delegate. Alternate delegates may attend Council's committee meetings as observers at other times with the consent of the committee.
- ⇒ Councillor delegates are responsible for advising an alternate delegate if they are unavailable for a committee meeting and request the alternate delegate to attend on behalf of Council.

### Method of election

- ⇒ The Returning Officer is the General Manager or another person delegated by the General Manager.
- ⇒ The chairperson does not have a casting vote in an election.
- ⇒ Elections are to be conducted by open means, on a show of hands.
- ⇒ The process will be:

#### ***Opportunity to withdraw Nominations***

- 1 The Returning Officer will ask if any candidate wishes to withdraw any nomination.
- 2 Candidates may not withdraw from the election process once Councillors are invited to cast their votes.

#### ***Number of nominations received is equal to the number of available vacancies***

Where the Returning Officer has received a number of nominations that is equal to the number of vacancies on a committee, they will declare those Councillors ELECTED.

#### ***Number of nominations received is less than the number of available vacancies***

Where the number of nominations received is less than the number of vacancies on that committee, the Returning Officer will invite nominations from the floor of Council.

- If the number of nominations received is equal to the number of vacancies on that committee, the Returning Officer will declare those Councillors elected.
- If the number of nominations received is greater than the number of vacancies, the Returning Officer will proceed to a vote.
- Where the number of nominations received remains less than the number of available positions, those nominees will be declared ELECTED. Any remaining committee position/s will remain vacant until such time as Council resolves to fill them.

### ***Number of candidates is greater than the number of available positions***

Where the number of nominations received is greater than the number of vacancies on a committee, the Returning Officer will proceed to a vote.

- 1 The Returning Officer will read out the names of the candidates in the order the nomination was received.
- 2 Councillors will be invited to vote for one candidate only.

### **Choosing by lot**

- ⇒ The names of the candidates who have an equal number 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.
- ⇒ The candidate whose name is on the drawn slip is either ELECTED or EXCLUDED depending on the purpose for which the LOT is drawn, as described in this Policy.

## **VOTING PROCESS**

### **One Councillor to be elected (single vacancy)**

This process is the same as that employed when electing the Deputy Lord Mayor, in accordance with the provisions of the *Local Government (General) Regulation 2005*.

#### ***Two candidates***

- ⇒ The candidate with the highest number of votes is declared ELECTED.
- ⇒ Where the two candidates have an equal number of votes, the candidate chosen by LOT is ELECTED.

#### ***More than two candidates***

- ⇒ The candidate with the absolute majority (ie 50% + 1) of votes is declared ELECTED.
- ⇒ In the event that no candidate has an absolute majority, the process followed is:
  - ❖ The candidate with the lowest number of votes is EXCLUDED.
  - ❖ Where two or more candidates have an equal lowest number of votes the candidate drawn by LOT is EXCLUDED.
  - ❖ The voting process involving the remaining candidates is repeated until only two candidates remain and the candidate with the highest number of votes is elected.

### **More than one Councillor to be elected (two or more vacancies)**

#### ***One more candidate than number of vacancies***

- ⇒ The candidate with the lowest number of votes is EXCLUDED and the remaining candidates are declared ELECTED.
- ⇒ In the event that there are two or more candidates with an equal lowest number of votes, the candidate chosen by LOT is EXCLUDED and the remaining candidates are declared ELECTED.

#### ***Two or more candidates than number of vacancies***

- ⇒ Where the number of candidates with an equal-highest number of votes is equivalent to the number of vacancies, those candidates are declared ELECTED, otherwise the process followed is:

- ❖ The candidate with the lowest number of votes is EXCLUDED.
- ❖ Where there are two or more candidates with an equal lowest number of votes, the candidate chosen by LOT is EXCLUDED.
- ❖ This procedure is repeated until the number of candidates remaining is equal to the number of vacancies and those candidates are declared ELECTED.

### Chairperson

- ⇒ Where a committee charter requires a Councillor to be elected as chairperson, elections will be conducted by open means on a show of hands, with nominations accepted from the elected Councillor delegates to that committee.

### Removal or suspension of a Councillor from a committee

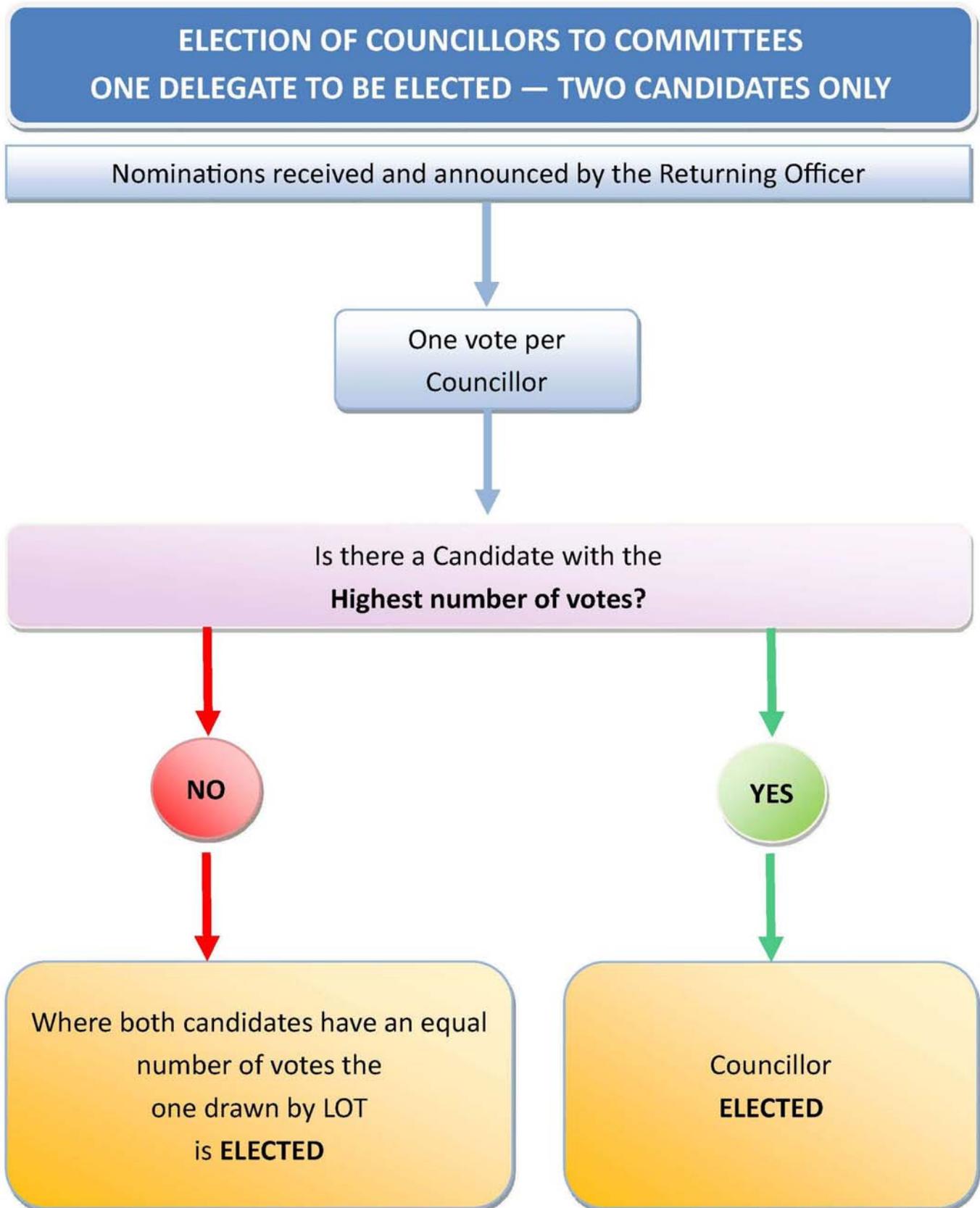
- ⇒ The removal or suspension of a Councillor from a committee where there has been an adverse finding against that Councillor by an appropriate investigative body (eg Office of Local Government, NSW Ombudsman, NSW Civil and Administrative Tribunal or the Independent Commission Against Corruption) and/or a breach of Council's Codes of Conduct, following a Code of Conduct Investigation, or for any other reason, requires a resolution of Council.
- ⇒ Removal or suspension of a Councillor from a committee by resolution of Council does not prevent a Councillor nominating for that same committee, or any other committee at the next election of Councillor delegates to that committee, where a vacancy exists and any suspension period has lapsed.
- ⇒ Formal removal or suspension of a member, for example by Order of the NSW Civil and Administrative Tribunal (NCAT) or the Office of Local Government, is not subject to the approval of Council.
- ⇒ Where a vacancy occurs due to removal or suspension of a Councillor, Council may seek nominations to fill the vacancy either until the next election of Councillor Delegates to that Committee or temporarily in the case of a suspension where the period of suspension lapses prior to the next scheduled election of Delegates.

### ATTACHMENTS

1. Flow chart – election of a single delegate, only two candidates
2. Flow chart – election of a single delegate, three or more candidates
3. Flow chart – election of multiple delegates to a committee

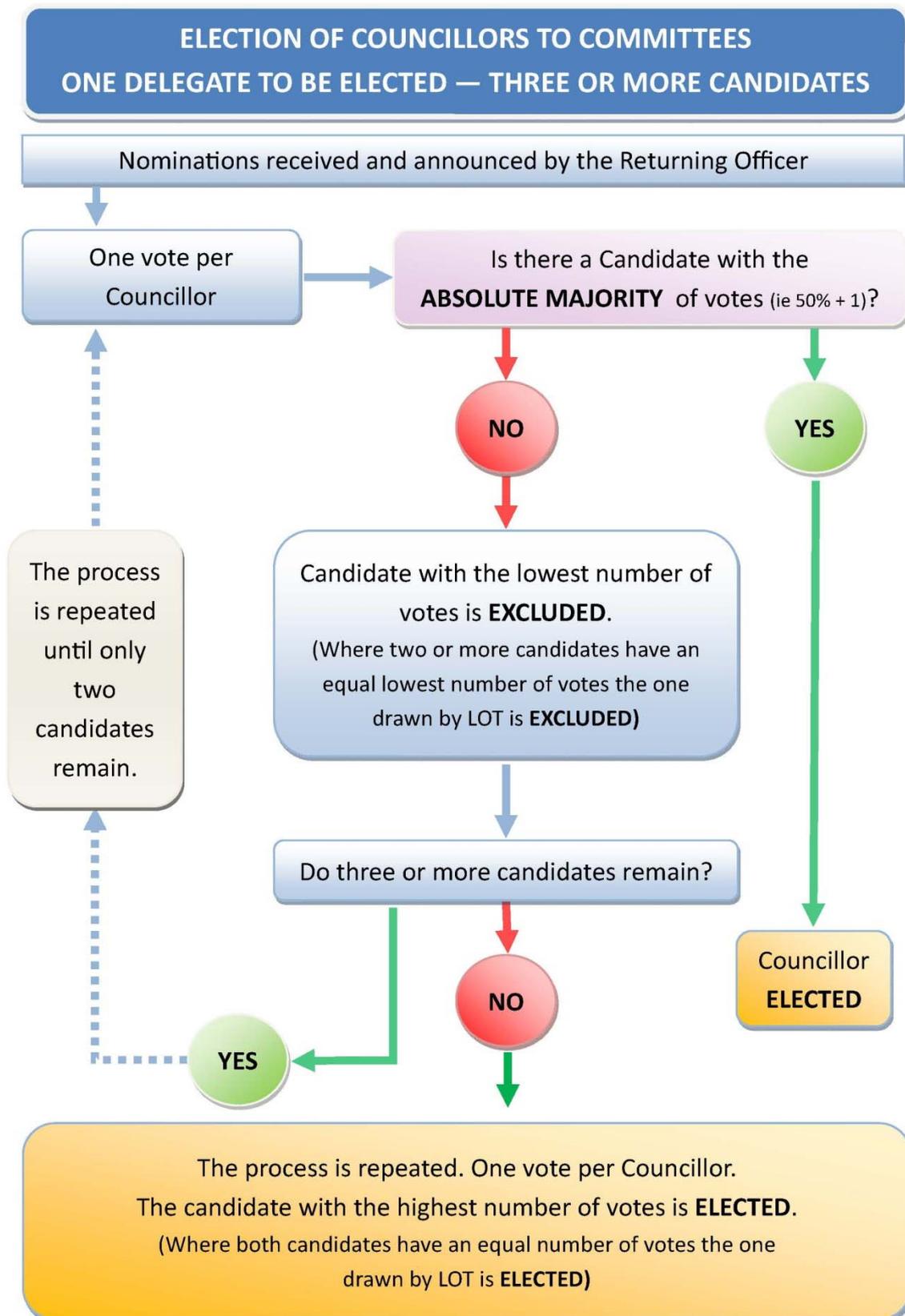
Attachment 1

Flow Chart – Election of Councillors to Committees – one delegate to be elected (2 candidates only)



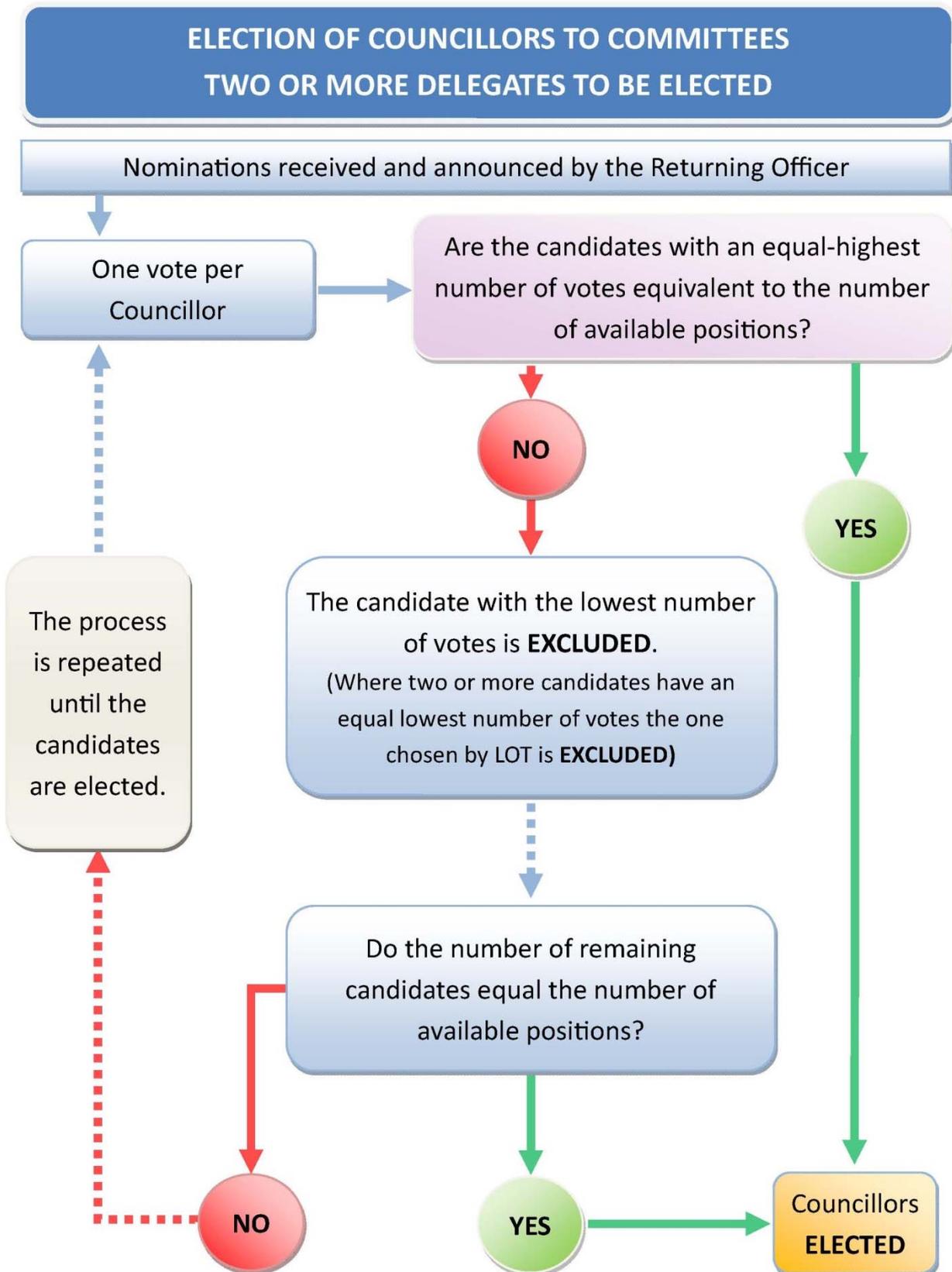
Attachment 2

Flow Chart – Election of Councillors to Committees - One Delegate to be elected (3 or more candidates) (Z15/132222)



Attachment 3

Flow Chart – Election of Councillors to Committees – 2 or more Delegates to be elected (Z15/132221)



SUMMARY SHEET	
Responsible Division	Governance and Information
Date adopted by Council	28 May 2018
Date of previous adoptions	14 September 2015
Date of next review	September 2021
Legislative or other requirement for review	Policy – within first 12 months of each Term of Council
Responsible Manager	Manager Governance and Information
Authorised by	Director Corporate Services