

## Item 4: Office of the General Manager

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### 4.1 Election of the Mayor

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

#### RECOMMENDATION

##### That Council:

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

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

#### Disclosure of Interest

Nil

#### Detailed report

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

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

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

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

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

### **Local Government (General) Regulation 2021 Requirements**

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

Nominations for the Mayor shall be in writing, but may be without notice, by two (2) or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

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

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

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

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

### **Drawing of Lots**

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

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

## Community Plan implications

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

## Financial implications

Not applicable

RICHARD CUSHWAY  
MANAGER, CUSTOMER SERVICES &  
GOVERNANCE

SIMON JONES  
DIRECTOR COMMUNITY

12 September 2023

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

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

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

## September 2023 mayoral elections

### What's new or changing

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

### What this will mean for your council

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

### Key points

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

**Where to go for further information**

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



**Brett Whitworth**  
**Deputy Secretary, Local Government**