AGENDA

COUNCIL MEETING

TUESDAY 19 SEPTEMBER 2023

6:30 PM

Location Ashfield Service Centre, 260 Liverpool Road, Ashfield

Live Streaming of Council Meeting

In the spirit of open, accessible and transparent government, this meeting of the Inner West Council is being streamed live on Council's website. By speaking at a Council meeting, members of the public agree to being recorded and must ensure their speech to the Council is respectful and use appropriate language. A person who uses defamatory, discriminatory or offensive language may be exposed to liability for which Council takes no responsibility. Any part of this meeting that is held in closed session will not be recorded

Pre-Registration to Speak at Council Meetings

Members of the public must register by 2pm of the day of the Meeting to speak at Council Meetings. If you wish to register to speak please fill in a Register to Speak Form, available from the Inner West Council website, including:

- your name;
- contact details;
- item on the Agenda you wish to speak to; and
- whether you are for or against the recommendation in the agenda.
- whether you are speaking in person or online

Are there any rules for speaking at a Council Meeting?
The following rules apply when addressing a Council meeting:

- keep your address to the point, the time allowed for each speaker is limited to three minutes. This time limit applies, no matter how many items are addressed by the speaker;
- when addressing the Meeting you must speak to the Chairperson;
- the Chairperson may curtail public participation where the information being presented is considered repetitive or irrelevant; and
- only 3 speakers for and against an Agenda Item are allowed.

What happens after I submit the form?
You will be contacted by Governance Staff to confirm your registration. If you indicated that you will speak online, you will be provided with a link to the online meeting. Your request will then be added to a list that is shown to the Chairperson on the night of the meeting.

Where Items are deferred, Council reserves the right to defer speakers until that Item is heard on the next occasion.

Accessibility

Inner West Council is committed to ensuring people with a disability have equal opportunity to take part in Council and Committee Meetings. At the Ashfield Council Chambers there is a hearing loop service available to assist persons with a hearing impairment. If you have any other access or disability related participation needs and wish to know more, call 9392 5657.

Persons in the public gallery are advised that under the Local Government Act 1993, a person may NOT record a Council meeting without the permission of Council.

Any persons found recording without authority will be expelled from the meeting.

"Record" includes the use of any form of audio, video and still camera equipment or mobile phone capable of recording speech.

An audio recording of this meeting will be taken for the purpose of verifying the accuracy of the minutes.

Statement of Ethical Obligations

The Mayor and Councillors are bound by the Oath/ Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the Inner West Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

It is also a requirement that the Mayor and Councillors disclose conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with Council's Code of Conduct and Code of Meeting Practice.

PRECIS

1 Acknowledgement of Country

2 Apologies

3 Notice of Webcasting

4 Disclosures of Interest (Part 4 (Pecuniary Interests) and Part 5 (non-pecuniary conflicts of interest) of Council's Code of Conduct)

5 Moment of Quiet Contemplation

6 Public Forum – Hearing from All Registered Speakers

7 Condolence Motions

Nil at the time of printing.

8 Mayoral Minutes

Nil at the time of printing.

9 Reports for Council Decision

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10 Reports for Noting

Nil at the time of printing.

Item No: **C0923(2) Item 1**

Subject: **ELECTION OF MAYOR AND DEPUTY MAYOR**

Prepared By: Beau-Jane De Costa - Senior Manager Governance and Risk

Authorised By: Kelly Loveridge - Director Corporate

RECOMMENDATION

1. **That Council determine the method of voting for the election of the Mayor and Deputy Mayor *(if more than one nomination is received).***

2. **That Council conduct the election of the Mayor for a period serving from 19 September 2023 until September 2024, in accordance with the *Local Government Act 199*3, and the result be declared by the Returning Officer *(General Manager).***

3. **That Council determine to elect a Deputy Mayor, and if so:**

   a) **The length of term for the Deputy Mayor *(until September 2024 or shorter);* and**

   b) **Determine the method of voting for the election of the Deputy Mayor *(if more than one nomination is received).***

4. **That Council conduct the election of the Deputy Mayor for a period from 19 September 2023, until as determined, in accordance with Clause 3a above.**

STRATEGIC OBJECTIVE

This report supports the following strategic directions contained within Council's Community Strategic Plan:

5: Progressive, responsive and effective civic leadership

EXECUTIVE SUMMARY

The report has been prepared to conduct the election of Mayor and Deputy Mayor (if Council determines to appoint a Deputy Mayor) from 19 September 2023 until September 2024 (or as determined for the Deputy Mayor). The decision to have a Deputy Mayor is a decision for the Council and is recommended in this report based on the current practice of Council.

The method of voting used at mayoral elections must be determined at the meeting at which the election is being held. Therefore, if the election for Mayor and Deputy Mayor is held by means other than an open ballot, Councillors will only be able to participate in voting if they attend the meeting in person. If Council resolves to conduct the election via the open voting method, then Councillors can vote regardless of whether they attend the meeting in person or online.

BACKGROUND

Council at its meeting on 29 December 2021 elected Councillor Byrne as Mayor until September 2023 and at its meeting on 13 September 2022 elected Councillor Scott as Deputy Mayor until September 2023.

DISCUSSION

In accordance with the *Local Government Act 1993* (the Act), section 230, a Mayor elected by the Councillors holds office of Mayor for 2 years.

Due to the 2021 election being rescheduled the Mayor elected on 29 December 2021 has a slightly shorter term because the Act section 290(1)(b) requires that mid-term mayoral elections must be held in the month of September which will be September 2023.

In accordance with the Act*,* section 231, Councillors may elect a person among their number to be the Deputy Mayor. The term of the Deputy Mayor may be elected for the mayoral term or a shorter term, usually being one year, which in this case would be until the September 2024 Council election.

The decision to have a Deputy Mayor is a decision for the Council and is recommended in this report based on the current practice of Council.

The Deputy Mayor may, under Section 231(3) of the Act, exercise any function of the Mayor for any of the following reasons:

1. At the request of the Mayor;

2. If the Mayor is prevented by illness, absence or otherwise from exercising the function; and

3. If there is a casual vacancy in the office of the Mayor.

If Councillors do not proceed with the election of a Deputy Mayor for the ensuing year they reserve the right to elect a Deputy Mayor at another time if the Mayor is prevented by illness, absence or otherwise prevented from exercising their role. In the event that the Deputy Mayor is prevented by illness, absence or otherwise from exercising their role the Councillors may elect another Councillor from within their ranks to act as the Deputy Mayor.

Under clause 3(3) of Schedule 7 of the *Local Government (General) Regulation 2021,* the method of voting used at mayoral elections must be determined at the meeting at which the election is being held. Therefore, if the election for Mayor and Deputy Mayor is held by means other than an open ballot, Councillors will only be able to participate in voting if they attend the meeting in person. If Council resolves to conduct the election via the open voting method, then Councillors can vote regardless of whether they attend the meeting in person or online.

Traditionally, councils conduct elections for the Mayor and Deputy Mayor by open voting. It is also the least bureaucratic method and reflects normal Council voting methods. If Council resolves to conduct the election by preferential or ordinary ballot, then the General Manager will conduct the election as outlined in the Regulations below.

Nomination Process

The General Manager is designated as the Returning Officer for the election of the Mayor and Deputy Mayor.

Nominations for the position of Mayor and Deputy Mayor must be in writing and signed by two or more Councillors, one of whom may be the nominee.

A standard nomination form has been prepared for this purpose and provided to all Councillors (*Attachment 2*).

Each nominee must confirm their consent to the nomination in writing.

Nominations are to be provided to the Returning Officer before or at the meeting of Council at which the election is scheduled to be conducted. The Returning Officer will announce details of the nominations at that meeting. If there is only one nominee, they are to be declared elected.

If there is more than one nominee, Council is to determine the preferred method of voting and proceed accordingly.

Procedures for Mayoral Election

1. The Mayor will announce the item of business being the election of the Mayor and Deputy Mayor. The General Manager being also the Returning Officer for the election of the Mayor and Deputy Mayor will proceed to conduct the election.

2. The Returning Officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination. If only one councillor has been nominated for the position of the Mayor, the nominee is elected.

3. If more than one candidate has been nominated, Council must determine by resolution the method of voting to be used for the election of the Mayor by way of one of the following methods:

    a) Open voting – i.e. by show of hands.
    b) Ordinary ballot – i.e. a secret ballot (place an “X” against the candidate of their choice);
    c) Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate;

4. The Returning Officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a Mayor.

Method of Voting – Open voting

1. Each Councillor in entitled to vote for only one candidate in each round of voting. The Returning Officer will write down each candidate's name on a piece of paper and deposit it in the hat to be chosen by lot. The first name out of the hat will be written first on the tally sheet, with the second name out being written on the tally sheet etc.

2. When all candidates' names have been written on a tally sheet, the Returning Officer announces the names of the candidates, and starts the voting for each candidate and asks councillors to raise their hands for the candidate they are voting for.

3. The Returning Officer announces the number of votes received for each candidate. The minute taker also records the vote for each councillor.

4. The Returning Officer checks with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

5. If there are only two candidates for the position of Mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the Returning Officer then announces the result.

6. In the event of a tied vote, the Returning Officer will advise the meeting that in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2021, the Returning Officer will write the names of the candidates on similar slips of paper, fold them and place them in a hat to be chosen by lot and requests a staff member to shake the hat. The candidates whose name is drawn out will be declared Mayor.

7. If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor is excluded. The voting continues as above until there are only two candidates remaining. In the event that the lowest number of votes are tied, the Returning Officer advises the meeting in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2021, the Returning Officer will write the names of the candidates on similar slips of paper, fold them and place them in a hat to be chosen by lot and requests a staff member to shake the hat. The candidate whose name is drawn out will be excluded.

Method of Voting – Ordinary ballot

1. The Returning Officer announces the names of the candidates for mayor and writes each name on a slip of paper and deposits it in a hat to be chosen by lot. The Returning Officer requests that a staff member shakes the hat and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the hat, i.e. first name out of the hat is written first on the ballot papers and so on.

2. The Returning Officer writes the names on one set of the ballot papers and initials the front of each ballot paper. A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the Returning Officer who counts the votes and records them on the tally sheet. The Returning Officer announces the results.

3. In the event that the lowest number of votes are tied, the Returning Officer advises the meeting in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2021, the Returning Officer will write the names of the candidates on similar slips of paper, fold them and place them in a hat to be chosen by lot and requests a staff member to shake the hat. The candidate whose name is drawn out will be excluded.

4. The Returning Officer writes the names of the remaining candidates on a further set of the

ballot papers and initials the front of each ballot paper. The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the Returning Officer who again counts the votes and records them on the tally sheet and announces the results. The process continues until two candidates remain, where a final vote takes place.

5. In the event of a tied vote between the two remaining candidates, the Returning Officer announces to the meeting in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2021, the Returning Officer will write the names of the candidates on similar slips of paper, fold them and place them in a hat to be chosen by lot and requests a staff member to shake the hat. The candidate whose name is drawn out will be declared as Mayor.

Method of Voting – Preferential ballot

1. The Returning Officer announces the names of the candidates for mayor and writes each name on a slip of paper and deposits it in a hat to be chosen by lot. The Returning Officer requests that a staff member shakes the hat and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the hat, i.e. first name out of the hat is written first on the ballot papers and so on.

2. The Returning Officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers. A staff member distributes the ballot papers and collects them when completed and gives them to the Returning Officer who counts the first preference votes and records them on the tally sheet. If a candidate has an absolute majority of first preference votes (more than half), the Returning Officer declares the outcome.

3. If no candidate has the absolute majority of first preference votes, the Returning Officer excludes the candidate with the lowest number of first preference votes. The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the Returning Officer announces the result.

4. In the event of a tied vote where there are only two candidates remaining in the election, the Returning Officer explains to the meeting in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2021, the Returning Officer will write the names of the candidates on similar slips of paper, fold them and place them in a hat to be chosen by lot and requests a staff member to shake the hat. The candidate whose name is drawn out will be declared as Mayor.

The procedures are repeated for the election for the Deputy Mayor.

Results

The results of the election (including the name of the candidate elected as mayor and deputy mayor) will be declared to the Councillors at the council meeting at which the election is held by the Returning Officer and will be provided to the Secretary and the Chief Executive Officer of Local Government NSW.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the implementation of the proposed recommendations outlined in the report other than the provision of the Mayoral allowance, and if appointed Deputy Mayoral allowance, which Council has already adopted in the annual budget.

ATTACHMENTS

1.⇩ Local Government (General) Regulation 2021 (NSW) Schedule 7 Election of mayor by councillors
2.⇩ Mayor and Deputy Mayor nomination form
3.⇩ OLG Fact Sheet - Election of Mayor and Deputy Mayor by Councillors

Schedule 7 Election of mayor by councillors

(Section 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 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 the Chief Executive Officer of Local Government NSW.

INNER WEST

NOMINATION FOR

POSITION OF MAYOR

We the undersigned Councillors nominate

Councillor_____

for the position of **MAYOR** for the period commencing 19 September 2023 until September 2024.

PROPOSERS/NOMINATING COUNCILLORS:

_____	_____	_____
NAME IN BLOCK LETTERS	**SIGNATURE**	**DATE**
_____	_____	_____
NAME IN BLOCK LETTERS	**SIGNATURE**	**DATE**
_____	_____	_____
NAME IN BLOCK LETTERS	**SIGNATURE**	**DATE**

NOMINEE CONSENT TO NOMINATION

I, the above nominated Councillor _____ accept nomination for the position of **MAYOR.**

_____

SIGNATURE

IMPORTANT NOTE:

The nomination will be declared invalid if it is not signed by at least two (2) Councillors as proposers, one of which can be the nominated person. The nominee must also sign as accepting the nomination.

INNER WEST

NOMINATION FORM

POSITION OF DEPUTY MAYOR

We the undersigned Councillors nominate

Councillor_____

for the position of **DEPUTY MAYOR** for the period commencing 19 September 2023 until September 2024 (pending Council confirmation of Deputy Mayor's length of term).

PROPOSERS/NOMINATING COUNCILLORS:

_____	_____	_____
NAME IN BLOCK LETTERS	**SIGNATURE**	**DATE**
_____	_____	_____
NAME IN BLOCK LETTERS	**SIGNATURE**	**DATE**
_____	_____	_____
NAME IN BLOCK LETTERS	**SIGNATURE**	**DATE**

NOMINEE CONSENT TO NOMINATION

I, the above nominated Councillor _____ accept nomination for the position of **DEPUTY MAYOR.**

_____

SIGNATURE

IMPORTANT NOTE:

The nomination will be declared invalid if it is not signed by at least two (2) Councillors as proposers, one of which can be the nominated person. The nominee must also sign as accepting the nomination.

Fact Sheet

ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS

NSW GOVERNMENT

Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

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 clause 394 and Schedule 7 of *the Local Government (General) Regulation 2005* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

Procedures

Prior to the meeting

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 notice is to set out how a person may be nominated as a candidate for election as chairperson.

> *As returning officer, I now invite nominations for the position of mayor/deputy mayor for* [name of council] *for a two year period.*
>
> *In accordance with the Local Government (General) Regulation 2005, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.*

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.

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

At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

> *As there is only one nominee for the role of mayor/deputy mayor, I declare that* [name of successful candidate] *is elected as mayor/deputy mayor for the ensuing two years.*

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 (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

Note: In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

> *It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.*
>
> *Each councillor is entitled to vote for only one candidate in each round of voting.*
>
> *I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.*

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

> *Would those councillors voting for* [name of candidate] *please raise your hand.*

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

> [Name of candidate] *has the higher number of formal votes and as a result I declare that* [name of candidate] *is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

> *In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

> *I declare that* [name of candidate] *is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

> [Name of candidate]*, having the lowest number of votes, is excluded.*

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

> *In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

> *I declare that* [name of candidate] *is excluded.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

> *It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.*

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

> [Name of candidate]*, having the lowest number of votes, is excluded.*

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

> *In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

> *I declare that* [name of candidate] *is excluded.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

> [Name of candidate] *has the higher number of votes and I declare that* [name of candidate] *is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

> *The votes are tied between* [name of candidate 1] *and* [name of candidate 2] *having received* [number] *votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.*
>
> *Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

> *I declare that* [name of candidate] *is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Preferential ballot

The returning officer explains the process.

> *It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.*

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

> [Name of candidate], *having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.*

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

> [Name of candidate], *having the lowest number of first preference votes, is excluded.*

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

> [Name of candidate], *having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

> *The votes are tied between* [name of candidate 1] *and* [name of candidate 2] *having received* [number] *votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

> *I declare that* [name of candidate] *is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

> *In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

> *I declare that* [name of candidate] *is excluded and any votes cast for them will be distributed by preference.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Schedule 7 - Election of Mayor by Councillors

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

(1) A councillor may be nominated without notice for election as mayor or deputy mayor

(2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

(3) The nomination is to be delivered or sent to the returning officer.

(4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

(1) If only one councillor is nominated, that councillor is elected.

(2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.

(3) The election is to be held at the council meeting at which the council resolves on the method of voting.

(4) In this clause:

ballot has its normal meaning of secret ballot.

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

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

(1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.

(2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.

(3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

(1) If there are only 2 candidates, the candidate with the higher number of votes is elected.

(2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

(1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.

(2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.

(3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.

(4) A further vote is to be taken of the 2 remaining candidates.

(5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.

(6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

(1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.

(2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.

(3) An informal ballot-paper must be rejected at the count.

10 Count

(1) If a candidate has an absolute majority of first preference votes, that candidate is elected.

(2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

(3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. That candidate is elected.

(4) In this clause, **"absolute majority"**, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

(1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

(2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 General

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

a) to be declared to councillors at the council meeting at which the election is held by the returning officer, and
b) to be delivered or sent to the Departmental Chief Executive and to the Chief Executive of Local Government New South Wales.