



I hereby give notice that an Extraordinary Meeting of Council will be held on:

Date: Wednesday, 13 December 2023

Time: 8:30 AM

Location: Council Chambers, Cressy St, Deniliquin

AGENDA

Extraordinary Council Meeting

Wednesday, 13 December 2023

**Philip Stone
Chief Executive Officer**

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1. OPENING MEETING**2. LIVE STREAMING STATEMENT**

Edward River Council wishes to advise members of the public that Council Meetings will be recorded and will be available after each meeting on Council's website [Councils Website](#). All care will be taken to maintain the privacy of those in attendance, however as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery, it is assumed your consent is given in the event your image is broadcast. This includes any filming by television cameras if attendance is approved by the General Manager or Mayor.

3. ACKNOWLEDGEMENT OF COUNTRY

The Edward River Council acknowledges and embraces the Traditional Owners of the Lands within the Edward River Council area - the Wamba Wamba/Perrepa Perrepa Peoples – and pay our respects to their elders, past, present, and emerging. The Edward River Council also recognises the diversity of different cultures within our community and their contribution.

4. STATEMENT OF PURPOSE

I have come here as a Councillor freely and without bias to:

- Represent the views of the community in considering the matters before us today
- To vote in a matter I consider to be in the best interest of the community
- To observe the Code of Conduct and respect the rule of the chair and views of my fellow Councillors.

5. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**6. CONFIRMATION OF MINUTES**

Not applicable

7. DISCLOSURES OF INTERESTS**8. MAYORAL MINUTE(S)**

9. REPORTS TO COUNCIL

9.1. ELECTION OF DEPUTY MAYOR

Author: Governance Coordinator

Authoriser: Chief Executive Officer

RECOMMENDATION

That Council, in accordance with the Local Government (General) Regulation 2021:

1. Note that the Mayor will assume the role of Returning Officer for the election
2. Determine that the method of voting for the election of Deputy Mayor, should the Returning Officer receive more than one nomination, be by Ordinary Ballot (secret ballot)
3. Elect a Deputy Mayor for the remainder of the Council term.

BACKGROUND

Following Cr Paul Fellows' resignation, the role of Deputy Mayor is now vacant.

While it is not mandatory for councils to have a Deputy Mayor, it is practical to have an identified councillor who can stand in for the Mayor if she is absent or unavailable, both in terms of chairing Council Meetings and performing other civic duties.

ISSUE/DISCUSSION

Schedule 7 of the Regulation prescribes three methods of election of Mayors and Deputy Mayors:

- open ballot (e.g. a show of hands)
- ordinary ballot (secret ballot)
- preferential ballot.

This report recommends an ordinary ballot, consistent with the method used in previous Mayoral and Deputy Mayoral elections at Edward River Council. This method requires all voting councillors to be physically present in the Chamber for the vote.

A nomination form will be circulated under separate cover to all councillors. Nominations may be received by the Returning Officer at any time until the close of nominations is called at the Extraordinary Council Meeting.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from this report.

COMMUNITY STRATEGIC PLAN

The election of a Deputy Mayor supports Council to achieve the following Community Strategic Plan objective:

5. Accountable leadership and responsive administration

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGISLATIVE IMPLICATIONS

The proposed procedure for the election of Deputy Mayor is in line with the requirements of clause 394 and Schedule 7 of the Local Government (General) Regulation 2021.

ATTACHMENTS

There are no attachments to this report.

9.2. REQUEST TO MINISTER FOR LOCAL GOVERNMENT: CASUAL VACANCY

Author: Governance Coordinator

Authoriser: Chief Executive Officer

RECOMMENDATION

That Council resolves to write to the Minister for Local Government seeking approval to dispense with a by-election to fill a casual vacancy on Council.

BACKGROUND

Cr Paul Fellows tendered his resignation from Council on 5 December 2023, creating a casual vacancy on Council.

Section 294 of the *Local Government Act 1993* makes provision for casual vacancies not to be filled by way of a by-election if the vacancy occurs within 18 months of the next ordinary election of councillors. As the next ordinary election of councillors is scheduled for September 2024, the casual vacancy resulting from Cr Fellows' resignation is eligible not to be filled by a by-election, but to remain vacant until the ordinary election of councillors next September.

In order to dispense with the by-election, Council must resolve to write to the Minister for Local Government applying for an order that the vacancy not be filled.

ISSUE/DISCUSSION

If Council did not apply to the Minister for Local Government to dispense with a by-election, it would be required to fill the casual vacancy (by way of a by-election) within three months of the date of Cr Fellows' resignation. That is, the by-election would need to be held by 5 March 2024 (which would in practice be by Saturday, 2 March 2024). The justification for not proceeding to a by-election is as follows:

- the financial and time burden on Council of holding a by-election would be significant,
- the Christmas/New Year break effectively reduces by several weeks the time available to prepare for a by-election, and to engage the community to consider standing for election and provide candidate information,
- the next ordinary election of councillors is scheduled for 14 September 2024, with only seven Council meetings planned between now and then.

A draft letter to the Hon Ron Hoenig, Minister for Local Government, requesting that a by-election be dispensed with, is attached.

STRATEGIC IMPLICATIONS

The primary implication of keeping a vacancy on Council until September next year is that there will be one less voice contributing to Council decision-making during that time. Chapter 3 of the *Local Government Act 1993*, and in particular, section 8A: Guiding principles for councils, provides a framework for councillor decision-making that applies regardless of how many councillors are in the Chamber.

COMMUNITY STRATEGIC PLAN

This report contributes to the Community Strategic Plan objective:

5. Accountable leadership and responsive administration

FINANCIAL IMPLICATIONS

There are no financial implications arising from the recommendation of this report.

However, if Council resolves to proceed with a by-election, there will be a significant, unfunded financial implication for Council in the current year budget.

LEGISLATIVE IMPLICATIONS

This report addresses the requirements for Council in relation to the creation of a casual vacancy, as described in Part 5 of the *Local Government Act 1993*.

ATTACHMENTS

1. Draft letter to Minister Hoenig

Attachment 1 - Draft letter to Minister Hoenig re: casual vacancy - December 2023

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<PS:KL>

8 December 2023

The Hon Ron Hoenig
Minister for Local Government
GPO Box 5341
SYDNEY NSW 2001

Dear Minister Hoenig,

Re: Request to dispense with by-election

On 5 December 2023, Edward River Council's Deputy Mayor, Clr Paul Fellows, submitted his resignation, creating a casual vacancy on our Council.

The purpose of this letter is to apply for a Ministerial Order to allow the vacancy not to be filled, in accordance with section 294 of the *Local Government Act 1993*.

As an ordinary election of councillors is scheduled for September 2024 (less than 18 months from the date of Clr Fellow's resignation), Council believes that the financial and time costs associated with holding a by-election within three months of Clr Fellow's resignation would be a significant and unnecessary burden on Council.

Therefore, Council resolved at an Extraordinary Meeting held on Wednesday, 13 December 2023 to write to you requesting your approval to dispense with the by-election in these circumstances.

We look forward to hearing your decision.

Yours faithfully,

Clr Peta Betts
Mayor
Edward River Council

cc Office of Local Government

10. NOTICES OF MOTIONS

11. QUESTIONS WITH NOTICE

12. CONFIDENTIAL MATTERS

13. CLOSE OF MEETING