



ORDINARY MEETING

Date of meeting: 15 October 2024
Location: Council Chambers
Time: 6:30 PM

BUSINESS PAPER

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1. WELCOME

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1. WELCOME

a) Acknowledgement of Indigenous Heritage

The General Manager will acknowledge the Indigenous Heritage.

b) General Manager's Matters for Mention

The General Manager will address the Council meeting, mentioning:

- Emergency Procedures
- Recording of the Council Meeting
- Statement regarding people addressing the Meeting
- Mobile phones.

c) Affirmation or Oath of Office by Councillors

2. ACKNOWLEDGEMENT OF OFFICIAL VISITORS TO THE COUNCIL

The General Manager will acknowledge and welcome official visitors to the Council and make any relevant presentations as required.

3. APOLOGIES AND LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

The General Manager will ask for any Apologies or Leave of Absence Requests to be noted.

Attendance

Attending Councillors and Council staff members will be noted for the purposes of the Minutes.

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1. WELCOME

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4. REPORTS FOR DETERMINATION

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4. REPORTS FOR DETERMINATION

4.1. PLANNING DECISIONS

Nil reports.

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4. REPORTS FOR DETERMINATION

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4.2. GENERAL MANAGER

4.2.1. GM - Election of Mayor - (79351, 95496)

Directorate: General Manager

PURPOSE OF THE REPORT

The purpose of this report is to outline the procedures for the election of the Mayor of Hawkesbury City Council.

EXECUTIVE SUMMARY

The election of a Mayor is to be held at the first Council Meeting following an ordinary election and must be held within three weeks of the declaration of the ordinary election.

Therefore, the election of Mayor of Hawkesbury City Council for the October 2024 to September 2026 Mayoral term is now required.

If more than one Councillor is nominated for Mayor, Council must resolve whether the election is to proceed by open voting, by ordinary ballot or by preferential ballot. Ballot means a secret ballot and open voting means voting by show of hands or similar means.

This report and Attachment 1 to this report set out the procedures for the election of the Mayor in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021, specifically in accordance with Schedule 7 of the Regulation.

RECOMMENDATION

That in accordance with Schedule 7 of the Local Government (General) Regulation 2021, the General Manager, as Returning Officer, conduct the Election of the Mayor of Hawkesbury City Council for the October 2024 to September 2026 Mayoral Term.

BACKGROUND

Section 230(1) of the Local Government Act 1993 (the Act) is as follows:-

"A mayor elected by the councillors hold the office of mayor for 2 years, subject to this Act."

It is noted that Section 233A of the Act requires Councillors to take an Oath of Office or make an Affirmation of Office at or before the first Council Meeting of the new term. The Oath of Office and the Affirmation of Office have been scheduled to take place at the commencement of this Meeting.

The two year term of the Mayor will commence on 15 October 2024 and conclude in September 2026, when a subsequent election of the Mayor will be held for the ensuing two years (to September 2028).

DISCUSSION

The General Manager is the Returning Officer for the election of the Mayor.

Traditionally, Hawkesbury City Council has conducted the election of the Mayor by open voting. However, Council may determine an alternative method of voting as follows:

- a) Open voting (ie, by show of hands)

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- b) Ordinary ballot (ie, a secret ballot (place an "x" against the candidate of their choice))
- c) Preferential ballot (ie, place 1, 2, 3 etc against each candidate).

The election of the Mayor will be conducted in accordance with Schedule 7 of the Local Government (General) Regulation 2021, as outlined in the Fact Sheet issued by the Office of Local Government on the Election of Mayor and Deputy Mayor by Councillors. A copy of the Fact Sheet is included as Attachment 1 to this report.

Councillors may be nominated without notice for election as the Mayor. Nominations are to be made in writing by two or more Councillors (one of whom may be the nominee). Nominations are not valid unless the nominee has indicated consent to the nomination in writing. Nominations are to be provided to the Returning Officer before or at the Council Meeting where the election of Mayor will take place. The Mayoral Nomination Form has been distributed to Councillors under separate cover.

Relevant Legislation

Local Government Act 1993

Local Government (General) Regulation 2021

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The report is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

- 4.1 Provide representative, responsive and accountable governance.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The remuneration payable to the Mayor is provided for within Council's Adopted 2024/2025 Operational Plan.

RISK MANAGEMENT CONSIDERATIONS

Council's Risk Management Framework was consulted in the consideration of this matter and the potential risks are highlighted below:

- Moderate Reputational Risk: there is a moderate reputational risk should Council not elect a Mayor.
- Moderate Compliance Risk: there is a moderate compliance risk that Council is not compliant with legislation should Council not elect a Mayor.
- Moderate Operational Risk: there is a moderate operational risk should Council not elect a Mayor.

ATTACHMENTS

AT - 1 Office of Local Government Election of Mayor and Deputy Mayor by Councillors Fact Sheet.

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Attachment 1 - Office of Local Government Election of Mayor and Deputy Mayor by Councillors Fact Sheet

Fact Sheet

ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS



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 section 394 and Schedule 7 of the *Local Government (General) Regulation 2021* (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 2021, 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.

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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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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.

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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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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.

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4. REPORTS FOR DETERMINATION

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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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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.

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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 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.

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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 to the Chief Executive of Local Government NSW.

oooO END OF REPORT Oooo

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Meeting Date: 15 October 2024

4.2.2. GM - Election of Deputy Mayor - (79351, 95496)

Directorate: General Manager

PURPOSE OF THE REPORT

The purpose of this report is to outline the procedures for the election of the Deputy Mayor of Hawkesbury City Council.

EXECUTIVE SUMMARY

The election of a Deputy Mayor is generally conducted at the same Council Meeting as the election of Mayor. Deputy Mayoral elections must be conducted in accordance with Schedule 7 of the Local Government (General) Regulation 2021.

Therefore, the election of Deputy Mayor of Hawkesbury City Council commencing in October 2024 is now required.

If more than one Councillor is nominated for Deputy Mayor, Council must resolve whether the election is to proceed by open voting, by ordinary ballot or by preferential ballot. Ballot means a secret ballot and open voting means voting by show of hands or similar means.

RECOMMENDATION

That in accordance with Schedule 7 of the Local Government (General) Regulation 2021, the General Manager, as the Returning Officer, conduct the Election of the Deputy Mayor of Hawkesbury City Council for the October 2024 to September 2026 Mayoral Term.

BACKGROUND

Section 230(1) of the Local Government Act 1993 (the Act) says:

"A mayor elected by the councillors holds the office of mayor for 2 years, subject to this Act."

Section 231 of the Local Government Act 1993 (the Act) says:

"(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 a shorter term."

Therefore, Council may now elect a Deputy Mayor for the Mayoral Term commencing on 15 October 2024 and ending in September 2026, or a shorter term.

Council has traditionally elected a Deputy Mayor for a period of two years, to align with the term of the Mayor. It is recommended that for consistency the Deputy Mayor hold office for the Mayoral Term.

DISCUSSION

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

Traditionally, Hawkesbury City Council has conducted the election of the Deputy Mayor by open voting. However, Council may determine an alternative method of voting as follows:

- a) Open voting (ie, by show of hands)

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- b) Ordinary ballot (ie, a secret ballot (place an "x" against the candidate of their choice))
- c) Preferential ballot (ie, place 1, 2, 3 etc against each candidate).

The election of the Deputy Mayor will be conducted in accordance with Schedule 7 of the Local Government (General) Regulation 2021, as outlined in the Fact Sheet issued by the Office of Local Government on the Election of Mayor and Deputy Mayor by Councillors. A copy of the Fact Sheet is included as Attachment 1 to this report.

Councillors may be nominated without notice for election as the Deputy Mayor. Nominations are to be made in writing by two or more Councillors (one of whom may be the nominee). Nominations are not valid unless the nominee has indicated consent to the nomination in writing. Nominations are to be provided to the Returning Officer before or at the Council Meeting where the election of the Deputy Mayor will take place. The Deputy Mayoral Nomination Form has been circulated to Councillors under separate cover.

Relevant Legislation

Local Government Act 1993

Local Government (General) Regulation 2021

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The report is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

- 4.1 Provide representative, responsive and accountable governance.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The remuneration payable to the Deputy Mayor is provided for within Council's Adopted 2024/2025 Operational Plan.

RISK MANAGEMENT CONSIDERATIONS

Council's Risk Management Framework was consulted in the consideration of this matter and the potential risks are highlighted below:

- Moderate Reputational Risk: there is a moderate reputational risk should Council not elect a Deputy Mayor.
- Moderate Compliance Risk: there is a moderate compliance risk that Council is not compliant with legislation should Council not elect a Deputy Mayor.
- Moderate Operational Risk: there is a moderate operational risk should Council not elect a Deputy Mayor.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 15 October 2024

ATTACHMENTS

AT - 1 Office of Local Government Election of Mayor and Deputy Mayor by Councillors Fact Sheet.

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Attachment 1 - Office of Local Government Election of Mayor and Deputy Mayor by Councillors Fact Sheet

Fact Sheet

ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS



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 section 394 and Schedule 7 of the *Local Government (General) Regulation 2021* (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 2021, 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.

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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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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.

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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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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.

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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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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 section 12 of Schedule 7 of the Local Government (General) Regulation 2021, 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.

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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 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.

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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 to the Chief Executive of Local Government NSW.

oooO END OF REPORT Oooo

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SHORT RECESS

DECLARATIONS OF INTERESTS

The Mayor will ask for any Declaration of Interests from the attending Councillors. These will then be addressed at the relevant item.

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4.2.3. GM - Election of Council Representatives to the Hawkesbury River County Council - (79351, 95496, 12212)

Directorate: General Manager

PURPOSE OF THE REPORT

The purpose of this report is to elect two Hawkesbury City Council representatives to the Hawkesbury River County Council for the 2024 to 2028 Council Term.

EXECUTIVE SUMMARY

Hawkesbury River County Council, established by the Local Government Act, is a single-purpose council with the responsibility of discharging the functions of a local control authority under the Biosecurity Act 2015 and with a geographic area covering Hawkesbury City Council, The Hills Shire Council, Blacktown City Council and Penrith City Council. The activities of the County Council revolve around the prevention, elimination, minimisation and management of the biosecurity risk posed by weeds.

Council, at its first meeting following an ordinary election of Councillors, conducts an election to appoint two Councillor representatives to the Hawkesbury River County Council for the new Council term. This report provides the process for the election.

RECOMMENDATION

That:

1. Council hold an election for two Councillor representatives to be appointed to the Hawkesbury River County Council for the October 2024 to September 2028 Council term.
 2. The result of the election be provided to the General Manager and Secretary of the Hawkesbury River County Council.
-

BACKGROUND

The management of weeds falls within the purview of the Biosecurity Act 2015 (the Act) and this Act establishes local control authorities for all parts of NSW, with the primary function of these authorities being on the prevention, elimination, minimisation and management of the biosecurity risk posed by weeds. The Act establishes that the Council of a Local Government Area (LGA) is the local control authority, unless the authority has been conferred onto a county council or joint organisation (as defined by the Act).

Hawkesbury River County Council (HRCC) is a County Council established for the purpose of undertaking weed management and is the local control authority for all the lands within the operations footprint, being the LGAs of the Hawkesbury, Penrith, Blacktown and The Hills. HRCC is primarily funded through member Council contributions, and supplements this income with grant funding. As a County Council, it also comes under the auspices of the Local Government Act, 1993 and is required to, generally, perform all the functions related to the operation of a Council, as its member Councils are required to.

Council, at its meeting of 13 August 2024, considered a Notice of Motion in relation to the continuation of the HRCC and Hawkesbury City Council's involvement in the County Council, and resolved to write to the Minister for Local Government proposing the dissolution of the HRCC, or alternatively for the Minister to permit Hawkesbury City Council to leave the HRCC at the end of June 2025. A Notice of

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Motion of Rescission was submitted following the close of the Council Meeting. Council has not acted upon this Resolution until such time as the Rescission Motion has been considered at the Council Meeting on Tuesday, 29 October 2024.

However, Council is required within two months after an ordinary election of Councillors to conduct an election to appoint Councillor representatives to the Hawkesbury River County Council for the new Council term. This report provides the process for the election.

DISCUSSION

Schedule 9 of the Local Government (General) Regulation 2021 and Section 390(3) of the Local Government Act 1993, sets out the election procedures for County Councils. In accordance with Clause 1(2) of Schedule 9 of the Regulation, the election of members for the HRCC must take place within two months after each ordinary election of Councillors.

Section 390 of the Local Government Act 1993 is as follows:

"390 Who comprise the governing body?

- (1) *A county council must have a governing body elected by its constituent councils.*
- (2) *Provisions concerning the membership of a county council's governing body are to be as prescribed by the proclamation establishing the county council.*
- (3) *A member of a county council is to be elected from among the councillors of the constituent councils in accordance with the regulations.*
- (4) *The governing body of a county council is responsible for managing the affairs of the county council."*

The term that Council's representatives will serve as members on the HRCC will be from October 2024 to September 2028.

The election is to be conducted in accordance with Schedule 9 of the Local Government (General) Regulation 2021, as follows:

"Part 1 General

1 When elections to be held

- (1) *The first ordinary election of members of a county council is to be held within 2 months of its establishment.*
- (2) *Subsequent ordinary elections are to be held within 2 months after each ordinary election of councillors under Part 4 of Chapter 10 of the Act.*
- (3) *A by-election to fill an office vacated by a member is to be held within 2 months after the occurrence of the vacancy.*
- (4) *No such by-election is to be held if the vacancy occurs after an ordinary election of councillors under Chapter 10 of the Act and before an ordinary election of members of a county council.*

2 Notification of vacancy

- (1) *The general manager of a county council must give notice of the occurrence of a vacancy in the office of a member of the county council to the Secretary and to the*

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general managers of the councils of the areas part or all of which constitute the county council electorate in which the vacancy has occurred.

- (2) *The general manager is to do that within 7 days of the occurrence of the vacancy.*

Part 2 Single area electorate

3 Application of Part

This Part applies to the election of one or more members of a county council by the councillors of one constituent council, where the electorate comprises the whole or part of the area of that council only.

4 Returning officer

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

5 Nomination

- (1) *A councillor of the constituent council may be nominated for election as a member of the county council.*
- (2) *The nomination -*
- (a) *may be made without notice by any councillor of the council, and*
 - (b) *is to be in writing delivered or sent to the returning officer, and*
 - (c) *is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) *The returning officer is to announce the names of the nominees at the council meeting.*

6 Election

- (1) *If the number of candidates nominated is not more than the number of vacancies to be filled, those candidates are to be declared elected.*
- (2) *If there are more candidates nominated than the number to be elected, an election is to be determined by preferential ballot. The ballot is to be conducted by preparation, marking and counting of ballot-papers in the presence of the council.*

7 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 figures 1, 2 and so on against the various names so as to indicate the order of their preference for at least the number of candidates elected.*
- (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 is to be rejected at the scrutiny of votes.*

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8 Count

- (1) *For the election of 1 member, the votes are to be counted in accordance with Schedule 4.*
- (2) *For the election of 2 or more members, the votes are to be counted and the result of the election ascertained in accordance with the following procedures—*
 - (a) *one of the candidates is elected in accordance with subsection (1),*
 - (b) *all the unrejected ballot-papers are rearranged under the names of the respective candidates in accordance with the first preferences marked on the ballot-papers, except that each ballot-paper on which a first preference for the elected candidate is indicated is placed in the parcel of the candidate next in the order of the voter's preference,*
 - (c) *the number of ballot-papers in the parcel of each candidate is counted and the total number of votes counted for each candidate is ascertained,*
 - (d) *if a candidate then has an absolute majority of votes, the candidate is elected,*
 - (e) *if a candidate does not have an absolute majority of votes, the count proceeds according to Schedule 4, section 3(d), (e) and (f), until 1 candidate has received an absolute majority of votes,*
 - (f) *Schedule 4, section 3(d) and (e) are to be read for this section as if a reference in those paragraphs to first preference votes were a reference to all the votes counted to a candidate under this subsection,*
 - (g) *the candidate who has received an absolute majority of votes is elected.*
- (3) *If more than 2 candidates are to be elected, the votes are to be counted in accordance with the procedures under subsection (2) until the result of the election of additional candidates is ascertained.*
- (4) *In the process of counting under subsection (1) or (2), exhausted ballot-papers are set aside as finally dealt with and are not taken into account in the election of a candidate.*

9 Result

The result of the election (including the names of the candidates elected as members) is -

- (a) *To be declared to the councillors by the returning officer at the council meeting where the election is held, and*
- (b) *To be delivered or sent to the general manager of the county council and the Secretary."*

Appropriate Nomination Forms have been distributed to Councillors under separate cover. Nominations can be made by the nominee, and are to be made in writing to the Returning Officer, being the General Manager.

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Councillor representatives on the HRCC receive fees in addition to fees paid by Hawkesbury City Council to each Councillor and the Mayor. The minimum and maximum fees for Councillor representatives on the HRCC are set and reviewed annually by the Local Government Remuneration Tribunal.

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The report is consistent with the following Long-Term Community Objectives set out within the CSP.

Protected Environment and Valued History

- 2.1 Value, protect and enhance our historic built environment as well as our relationship to Aboriginal and non-Aboriginal history.
- 2.2 Value, protect and enhance our natural land-based environment with an emphasis on using local resources and key partnerships.

Reliable Council

- 4.1 Provide representative, responsive and accountable governance.
- 4.4 Build strong relationships and shared responsibilities.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. Council's contribution to the Hawkesbury River County Council for the 2024/2025 financial year is \$256,291 and is provided for in the Adopted 2024/2025 Operational Plan. The payment of fees to Councillor representatives of the Hawkesbury River County Council is set by the Local Government Remuneration Tribunal and is payable by the Hawkesbury River County Council.

RISK MANAGEMENT CONSIDERATIONS

Council's Risk Management Framework was consulted in the consideration of this matter and the potential risks are highlighted below:

- Moderate Reputational Risk: there is a moderate reputational risk should Council not elect representatives.
- Moderate Compliance Risk: there is a moderate compliance risk that Council is not compliant with legislation should Council not elect representatives.
- Moderate Operational Risk: there is a moderate operational risk should Council not elect representatives.

ATTACHMENTS

There are no supporting documents for this report.

oooO END OF REPORT Oooo

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 15 October 2024

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ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 15 October 2024

4.2.4. GM - Appointment of Committees, Delegates and Representatives - (79351, 95496)

Directorate: General Manager

PURPOSE OF THE REPORT

The purpose of this report is for Council to appoint its delegates and representatives to various Committees.

EXECUTIVE SUMMARY

Council's Committee structure contains four broad Committee types, being: Committees of Council; Statutory Committees; Committees, Groups or Bodies in which Council has a Financial or Community Interest; and Other Committees, Groups or Bodies which require Councillor representation.

Each of the current Committees that fall into one of the four types, the name of each Committee, together with a brief indication of their purpose and the required Councillor representation are outlined in this report.

Consideration is required to the appointment of delegates and representatives of these Committees.

It is recommended that Council appoint delegates and representatives to align with the two-year Mayoral Term from October 2024 to September 2026 (except in the case of the Western Sydney Regional Organisation of Councils); however, it is open to Council to choose a shorter period.

RECOMMENDATION

That Council:

1. Nominate and appoint its delegates and representatives to the various Committees (excluding the Western Sydney Regional Organisation of Councils) as outlined in this report to align with the period of the Mayoral Term, being from October 2024 to September 2026.
 2. Nominate and appoint its representatives to the Western Sydney Regional Organisation of Councils as outlined in this report to align with the period of the Council Term, being from October 2024 to September 2028.
 3. Call for expressions of interest for community members to be appointed to the Heritage Committee to be reported back to Council.
 4. Consider a further report on the re-establishment of the Enhancing the Arts in the Hawkesbury Working Group and the Windsor Bridge Artifacts Working Group.
-

BACKGROUND

Council's Committee structure contains Committees generally described as follows:

- a) *Committees of Council* - Committees established under the provisions of Section 377 of the Local Government Act 1993. These Committees perform functions as identified in the relevant Council Committee Constitution.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

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- b) *Statutory Committees* - Committees, which are required to be established by legislation, or to meet obligations set down by Government departments and/or funding agencies. These Committees have set functions and terms of reference.
- c) *Committees, Groups or Bodies in which Council has a Financial or Community Interest* – They may manage Council owned facilities or funded services auspiced by Council. They generally operate as autonomous entities (incorporated associations) in accordance with their own constitutions. These Committees have a financial relationship with Council in that Council either provides a direct (financial) or an in-kind contribution (land or facilities) to support their operations, or Council has delegated responsibility for the management of a Council funded or Council auspiced service to them.
- d) *Other Committees, Groups or Bodies which require Councillor Representation* – Organisations which operate as autonomous entities where Councillor representation is on an invitation basis.

Relevant Legislation

Local Government Act 1993

Local Government (General) Regulation 2021

DISCUSSION

Each of the current Committees that fall into the Committee types, outlined in (a),(b),(c) and (d) above, together with a brief indication of their purpose and the required Councillor representation, are detailed in the following table.

Committee	Function	Councillor Representation
a) Committees of Council		
Heritage Committee	The delegated authority to provide advice and recommend policies to Council in line with the adopted Heritage Committee Constitution.	Four Councillors
Disaster and Emergency Committee	The delegated authority to provide advice and recommend policies to Council in line with the adopted Disaster and Emergency Committee Constitution.	All Councillors
General Manager's Performance Review Panel (See Note 1 below)	The delegated authority to undertake the end-to-end process of performance review and performance management of the General Manager in line with the Office of Local Government's 'Guidelines for the Appointment and Oversight of General Managers'.	Mayor Deputy Mayor Councillor nominated by Council Councillor nominated by the General Manager
Floodplain Management Committee	The delegated authority to recommend to Council the review, development and adoption of one or more Floodplain Risk Management Studies or Plans in line with the approved Terms of Reference for the Floodplain Management Committee.	Two Councillors

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b) Statutory Committees		
Audit, Risk and Improvement Committee	Established under Section 428A the Local Government Act 1993, this Committee provides independent assurance and assistance to Council on risk management, control, governance and external accountability responsibilities.	One non-voting Councillor (cannot be the Mayor)
Local Traffic Committee	Acting under delegated authority by Transport for NSW, this Committee is an Advisory Committee and is responsible for considering and recommending requests for alterations to traffic facilities and other traffic related matters.	One Councillor
c) Committees, Groups or Bodies in which Council has a Financial or Community Interest		
McMahon Park Management Committee	Incorporated body with delegated responsibility for the care, control and management of McMahon Park.	One Councillor One alternate Councillor
Hawkesbury Sports Council	Incorporated body with delegated responsibility for the care, control and management of Council's active playing fields.	One Councillor One alternate Councillor
Peppercorn Services Inc. (See Note 2 below)	Incorporated body with delegated responsibility for management and operation of Council auspiced community services (externally funded).	One Councillor or Council Staff Member
CivicRisk Mutual	A self-insurance agency established by consortium of participating Councils.	One Councillor
Western Parkland City Councils	A regional body comprising representatives of Commonwealth, State and Local Governments established to implement the Greater Sydney Western District Plan and associated elements of the Western Sydney City Deal.	Mayor
Western Sydney Regional Organisation of Councils (See Note 3 below)	A regional body established to co-ordinate lobbying and relations with other organisations on key issues of value to the Greater Western Sydney.	Two Councillors One alternate Councillor
Hawkesbury Sister City Association	An incorporated body responsible for coordinating Sister City activities.	Two Councillors
d) Other Committees, Groups or Bodies which require Councillor representation		
Forum on Western Sydney Airport (FOWSA)	To attend meetings and raise community concerns during the planning and construction of the Western Sydney Airport and inform Council of any issues relating to the airport development.	One Councillor
NSW Public Libraries	Established to represent and support the interests of NSW public libraries.	One Councillor
Western Sydney Academy of Sport (See Note 4 below)	Regional Body established to co-ordinate lobbying for sports development in Western Sydney.	One Councillor

Notes:

- The governing body must establish a performance review panel led by the Mayor, and delegate the task of undertaking the General Manager's performance reviews to the panel.

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Meeting Date: 15 October 2024

The full responsibility for performance management is delegated to the performance review panel, including discussions about performance, any actions that should be taken and the determination of the new performance agreement.

Performance review panels should comprise of the Mayor, Deputy Mayor, a Councillor nominated by Council and may include a Councillor nominated by the General Manager. The governing body and General Manager may agree on the involvement of a suitably qualified external facilitator such as a human resources professional to assist with the performance review process and the development of a new performance agreement. That person may be selected by the governing body or the performance review panel.

2. Peppercorn Services Incorporated (PSI) is a not-for-profit entity that provides State and Federal funded community services to the community on behalf of Council. PSI also receives funding directly from Council to deliver a range of initiatives as defined in Council's social plans.

In recognition of contracted service provision and the financial contribution PSI receives from Council, PSI's constitution provides for one representative from Hawkesbury City Council, a role which is currently held by a Council staff person with social services expertise. Council can nominate to maintain staff representation on the Board of PSI, or nominate one Councillor to hold a position on the Board of PSI.

3. As Council's representatives on the Western Sydney Regional Organisation of Councils are appointed as "Board Members" it is recommended that the appointments are made for the term of the Council, being October 2024 to September 2028.
4. The Western Sydney Academy of Sports requires two Council delegates, being one management team member in sport/recreation and a Councillor. There are three Board Director positions also available and interested Councillors who have been elected to the Western Sydney Academy of Sports may wish to nominate for appointment to the Board. This is an honorary role and Council has previously been represented on the Board.

Working Groups

There are two Council Working Groups that were performing functions in the previous Council Term, including:

- Enhancing the Arts in the Hawkesbury Working Group which aims to provide constructive discussions and undertake research to advise Council on current and future opportunities, and the support and assistance needed for Council to enhance the arts in the Hawkesbury.
- Windsor Bridge Artefacts Working Group (also known as the Windsor Bridge Replacement Project Working Group) which aims to help determine the best possible means of conservation, interpretation and display of the Aboriginal, historical and maritime archaeology and artefacts from the Old Windsor Bridge and extending to Thompson Square known as the Windsor Bridge Replacement Project.

The Working Groups had an appointment period which has passed. Council may determine if these Working Groups will continue to function, which will involve the consideration of a further report to review the current Terms of Reference for the Working Groups, including the purpose and roles of the Working Groups, the terms of the voting members, and the structure and membership of the Working Groups.

Community Representation

Following the commencement of a new Council Term, Council seeks expressions of interest for community representation on the Heritage Committee for the duration of the Council Term ending in September 2028.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 15 October 2024

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

- 4.1 Provide representative, responsive and accountable governance.
- 4.4 Build strong relationships and shared responsibilities.

FINANCIAL IMPACT

There are no financial implications applicable to this report.

RISK MANAGEMENT CONSIDERATIONS

Council's Risk Management Framework was consulted in the consideration of this matter and the potential risks are highlighted below:

- Moderate operational risks - the risk is greater in Committees that are legislated and require Councillor representation in order to carry out its functions.
- Moderate reputational risks - most of the Committees, groups and bodies include external stakeholders, and Council's reputation could be negatively impacted.
- Compliance risk: Statutory Committees require Councillors to be appointed to those Committees and Council may be deemed as non-compliant should Council not elect representatives to those Committees.

ATTACHMENTS

There are no supporting documents for this report.

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4. REPORTS FOR DETERMINATION

Meeting Date: 15 October 2024

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4. REPORTS FOR DETERMINATION

Meeting Date: 15 October 2024

4.2.5. GM - Filling Casual Vacancies in Civic Office - (79351, 95496)

Directorate: General Manager

PURPOSE OF THE REPORT

The purpose of this report is to seek Council's approval to fill casual vacancies in Civic Office within the first 18 months of a Local Government Election by way of countback of votes cast at the Local Government Election (held on 14 September 2024) in accordance with Section 291A of the Local Government Act 1993.

EXECUTIVE SUMMARY

Following an ordinary election of Councillors, Councils may fill any casual vacancy in civic office by way of a countback of votes cast at that election. To do this, Councils must make a resolution to that effect at the first Council Meeting following an ordinary election of Councillors. This report seeks Council's resolution to fill any casual vacancy occurring in the office of a Councillor within 18 months after the last ordinary election by a countback of votes cast at that election.

RECOMMENDATION

That pursuant to Section 291A(1)(b) of the Local Government Act 1993 (the Act), Hawkesbury City Council declares that casual vacancies occurring in the office of a Councillor within 18 months after the last Ordinary election of Councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with Section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision.

BACKGROUND

In February 2023, Council entered into a contract with the NSW Electoral Commission for the administration of the elections. The last Local Government Election was held on 14 September 2024.

DISCUSSION

Section 291A of the Local Government Act 1993 (the Act) provides that should any casual vacancy occur within the first 18 months of an election, the opportunity to fill those vacancies by way of the "countback of votes" method (instead of a full by-election) must be determined by Council at the first Council Meeting of the new term. Specifically, Section 291A of the Act states:

291A Countback to be held instead of by-election in certain circumstances

- (1) *This section applies to a casual vacancy in the office of a councillor if—*
 - (a) *the casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and*
 - (b) *the council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.*
- (2) *This section does not apply to a casual vacancy in the office of a councillor if the councillor who vacated office was elected--*

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- (a) *in an election using the optional preferential voting system (including the election of a mayor elected by the electors of an area), or*

Note : See section 285 (Voting system for election of councillors).

- (b) *in an election without a poll being required to be held.*

Note : See section 311 (Uncontested elections).

- (3) *A casual vacancy to which this section applies is to be filled by a countback election conducted in accordance with the regulations.*

- (4) *A countback election to fill a casual vacancy to which this section applies must be conducted—*

- (a) *if the election at which the person whose departure created the casual vacancy was elected was administered by the Electoral Commissioner--by a returning officer appointed by the Electoral Commissioner, or*

- (b) *if the election at which the person whose departure created the casual vacancy was elected was administered by a returning officer appointed by an electoral services provider engaged by the council-- by a returning officer appointed by the electoral services provider.*

- (5) *If a countback election fails or the returning officer is otherwise unable to fill the casual vacancy by a countback election--*

- (a) *the returning officer must notify the general manager of the council concerned, and*

- (b) *a by-election in accordance with this Part must be held to fill the casual vacancy.*

- (5A) *If an electoral services provider engaged by the council is unable to appoint a returning officer for the purposes of subsection (4)(b), a byelection in accordance with this Part must be held to fill the casual vacancy.*

- (6) *This section does not apply to a casual vacancy in the office of a councillor if the vacancy occurs before the day prescribed for the purposes of this section by the regulations.*

It is recommended that Council resolve to fill any casual vacancy that may occur within the first 18 months of an ordinary election by way of the countback of votes cast at the last election.

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The report is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

4.1 Provide representative, responsive and accountable governance.

4.3 Build strong financial sustainability for now and future generations.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 15 October 2024

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The cost to Council for the NSW Electoral Commission to administer the Local Government Elections on 14 September 2024 was in the order of \$539,700. It is difficult to accurately anticipate the cost of a by-election or countback at this time, however the NSW Electoral Commission have provided some advice in relation to costs associated with filling casual vacancies by way of either a by-election or countback method.

By-Election

The NSW Electoral Commission has indicated that a Metropolitan by-election would cost in the vicinity of approximately \$500,000.

Countback

The NSW Electoral Commission has indicated that a countback election would cost in the vicinity of approximately \$6,000 to \$10,000.

RISK MANAGEMENT CONSIDERATIONS

Council's Risk Management Framework was consulted in the consideration of this matter and the potential risks are highlighted below:

- Moderate Reputational Risk: there is a moderate reputational risk should Council not elect a representative.
- Moderate Compliance Risk: there is a moderate compliance risk that Council is not compliant with legislation should Council not elect a representative.
- Moderate Operational Risk: there is a moderate operational risk should Council not elect a representative.

ATTACHMENTS

There are no supporting documents for this report.

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4. REPORTS FOR DETERMINATION

Meeting Date: 15 October 2024

4.2.6. GM - 2024 Local Government NSW Annual Conference - (79351, 79633)

Previous Item: 123, Ordinary (9 July 2024)

Directorate: General Manager

PURPOSE OF THE REPORT

The purpose of this report is to consider nomination and participation of Councillors at the 2024 Local Government NSW Annual Conference to be held in Tamworth from 17 to 19 November 2024.

EXECUTIVE SUMMARY

The 2024 Local Government NSW Annual Conference (the Conference) will be held from 17 to 19 November 2024.

The Conference will consider motions proposed by local Councils across New South Wales. Local Government NSW has called for Councils to submit motions for the Conference. Councils were to submit motions to Local Government NSW by Friday, 15 August 2024. Council had considered a report at its meeting of Tuesday, 9 July 2024 to call for motions from Councillors. No motions were submitted by Councillors and therefore, Hawkesbury City Council has not submitted any motions to the 2024 Conference.

This report is to consider nomination and participation of Councillors at the 2024 Local Government NSW Annual Conference.

RECOMMENDATION

That Council:

1. Consider participation of nominated Councillors and staff as considered appropriate by the General Manager, at the 2024 Local Government NSW Annual Conference at an approximate expense of \$1,800 plus travel, accommodation and incidental expenses per delegate.
 2. Nominate up to five voting delegates as Council's representatives at the 2024 Local Government NSW Annual Conference.
 3. After participating in the Conference, delegates provide a written report to the General Manager detailing the proceedings and findings, as well as any other aspects of the Conference relevant to Council business and/or the local community.
-

BACKGROUND

The Local Government NSW Annual Conference is the annual policy-making event for Local Government NSW and an opportunity for Councillors to come together to share ideas and debate issues that shape the way Councils are governed, and advocates on behalf of the Local Government sector.

The Conference is also an opportunity for Mayors and Councillors from right across New South Wales to learn from and support each other, and to consider new ways to deliver for the communities they represent.

In accordance with the Local Government NSW Rules, Council, as a member of Local Government NSW, is allocated voting entitlements for the purpose of voting on motions at the Annual Conference.

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 15 October 2024

DISCUSSION

The 2024 Annual Conference will be held at the Tamworth Regional Entertainment and Conference Centre from 17 to 19 November 2024.

Registration fees for the Conference are:

- \$1,485 per delegate for full Conference registration.
- To attend the Conference dinner, an additional \$230 per delegate applies.
- The Australian Local Government Women's Association (ALGWA) Breakfast for ALGWA members is also available for the Monday, 18 November 2024 at a fee of \$88.

As this Conference will be held in Tamworth expenses in relation to travel, accommodation and incidental expenses may apply.

Council is requested to consider participation by interested Councillors and nomination of up to five Councillor voting delegates, as well as appropriate staff as determined by the General Manager, to attend the Conference.

A high level outline of the Draft Program for the Annual Conference is as follows:

Sunday, 17 November 2024

- Registrations open from 12:30pm
- Plenary and Breakout Sessions commence from 1pm
- AR Bluett Memorial Awards and President's Welcome from 3pm
- Welcome Reception from 5:30pm

Monday, 18 November 2024

- Registrations open from 7:30am
- ALGWA NSW Breakfast from 7:30am
- Conference opens from 9am
- Conference dinner commences from 6:30pm

Tuesday, 19 November 2024

- Registrations open from 7:30am
- Plenary Sessions and Keynote Address commence from 9am
- Conference concludes at 2pm.

A copy of the Draft Program is included at Attachment 1 to this report.

Council's Payment of Expenses and Provision of Facilities to Councillors Policy makes provision for the payment of costs associated with Councillors attending the Local Government NSW Annual Conference. After returning from the Conference, delegates are requested to provide a written report

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

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to the General Manager detailing the proceedings and findings, as well as any other aspect of the Conference relevant to Council business and/or the local community.

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The report is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

4.1 Provide representative, responsive and accountable governance.

FINANCIAL IMPACT

The matters raised in this report have direct financial implications. The cost of the 2024 Local Government NSW Annual Conference is provided for within the Adopted 2024/2025 Operational Plan.

RISK MANAGEMENT CONSIDERATIONS

Council's Risk Management Framework was consulted in the consideration of this matter and the potential risks are highlighted below:

- Moderate Reputational Risk: there is a moderate reputational risk should Council not elect a representative.
- Moderate Operational Risk: there is a moderate operational risk should Council not elect a representative.

ATTACHMENTS

AT - 1 2024 Local Government NSW Annual Conference - Draft Program

ORDINARY MEETING
4. REPORTS FOR DETERMINATION

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Attachment 1 - 2024 Local Government NSW Annual Conference - Draft Program



Draft Program

Sunday, 17 November 2024

REGISTRATION

12.30pm Registration operational - TRECC foyer
1.00pm Trade Exhibition Open

PLENARY and BREAKOUT SESSIONS

1.00pm-2.30pm Breakout Session:
Professional Development Session for new Councillors
A Day in the Life of a councillor
Location: STAR Room (off TRECC Foyer)

1.30pm-2.30pm Plenary session: PANEL WITH Q&A
SESSION SPEAKERS: ICAC, Auditor General, OLG

2.30pm-3.00pm Refreshment break
Location: Trade Exhibition

3.00pm-5.00pm Plenary sessions | AR Bluett memorial Awards | President's Welcome
Reception address | Ministerial Speakers

5.00pm Bus transfers to Tamworth Town Hall (CBD Tamworth)

WELCOME RECEPTION

5.30pm-7.30pm President's Welcome Reception
Location: Tamworth Town Hall
7.30pm Bus transfers to selected hotels

Monday, 18 November 2024

REGISTRATION

7.30am Registration operational - TRECC foyer
Light refreshments
Location: Trade Exhibition

BREAKFAST

7.30am-8.45am ALGWA NSW Breakfast
Location: TRECC

**ONE VOICE
FOR COUNCILS**

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 15 October 2024

CONFERENCE

9.00am Conference introduction, Conference Welcome | Opening address

- Opening of the Federal and State Conferences adoption of standing orders, business sessions and consideration of motions and conference business.
- Presentation of financial reports
- Commencement of consideration of motions and conference business

Morning refreshments

Location: Trade Exhibition

9.25am-5.00pm

- Consideration of Conference Business continued
- Delegate lunch in Exhibition area
- Consideration of Conference Business continued

Afternoon refreshments

Location: Trade Exhibition

Consideration of Conference Business continued

Networking with refreshments

Location: Trade Exhibition

CONFERENCE DINNER

6.30pm-10.30pm LGNSW Conference Dinner and entertainment. Presentation LG Service Awards.
Location: TRECC

Tuesday, 19 November 2024

INFORMATION DESK and REGISTRATION

7.30am LGNSW Information Desk and Exhibition
Light refreshments in exhibition area available

PLENARY SESSIONS

9.00am-9.05am Plenary and panel sessions

9.05am-9.50am Keynote Address followed by Q&A
SESSION TITLE: Financial Sustainability
SESSION SPEAKER: LGUI - Andy Johnston

9.50am-10.35am Keynote Address followed by Q&A
SESSION TITLE: Protecting Your Council and Community from Cyber Threats
SESSION SPEAKERS: ELEVEN M - Arjun Ramacandran and Jonathan Topham

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

Meeting Date: 15 October 2024

10.35am-11.05am	Refreshment Break Location: Trade Exhibition
11.05am-11.50am	Keynote Address followed by Q&A SESSION TITLE: Excellence in Local Government – A Case Study SESSION SPEAKER: Housing Australia
11.50am-12.50pm	CLOSING KEYNOTE ADDRESS
12.50pm-1.00pm	Final remarks & announcement of location for Annual Conference 2025
1.00pm-1.45pm	Lunch Location: Trade Exhibition
2.00pm	Conference concludes

oooO END OF REPORT Oooo

ORDINARY MEETING

4. REPORTS FOR DETERMINATION

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4.3. CITY PLANNING

Nil reports.

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4. REPORTS FOR DETERMINATION

Meeting Date: 15 October 2024

4.4. CORPORATE SERVICES

4.4.1. CS - Financial Statements for year ended 30 June 2024 (95496, 96332)

Directorate: Corporate Services

PURPOSE OF THE REPORT

The purpose of this report is to refer the Financial Statements for the year ended 30 June 2024, to audit.

EXECUTIVE SUMMARY

Section 413(1) of the Local Government Act 1993 (the Act) requires that *“a council must prepare financial reports for each year and must refer them for audit as soon as practicable.”* The unaudited Financial Statements for the year ended 2023/2024 have been completed, are ready for audit and are included as Attachment 1.

For the financial year ending 30 June 2024, Council’s net operating result before capital grants and contributions was a surplus of \$13.9 million. The main contributing factor was the receipt of a range of operating grants and contributions relating to natural disasters where either the expenditure was capital in nature, was incurred in prior years, or will be incurred in future financial years.

RECOMMENDATION

That:

1. Council note the following Statement in respect of Section 413(2)(c) of the Local Government Act 1993 as to its Annual Financial Statements:
 - a) Council’s Annual Financial Statements for 2023/2024 have been drawn up in accordance with:
 - The Local Government Act 1993 (NSW) (as amended) and the Regulations made there under;
 - The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board; and
 - The Local Government Code of Accounting Practice and Financial Reporting.
 - b) The Statements present fairly the Council’s financial position and operating result for the year.
 - c) The Statements are in accordance with the Council’s accounting and other records.
 - d) The signatories do not know of anything that would make these Statements false or misleading in any way.
2. Council sign the “Statements by Councillors and Management”. The Statements are to be signed by the Mayor, Deputy Mayor, General Manager, and the Responsible Accounting Officer.
3. Council note the endorsement made by the Audit and Risk Improvement Committee to submit the Financial Statements to Council.

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4. REPORTS FOR DETERMINATION

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4. Council seek a presentation from the NSW Audit Office, or its representative, at a Council Meeting following the completion of the audit.

BACKGROUND

Section 413(1) of the Act requires that “a council must prepare financial reports for each year and must refer them for audit as soon as practicable.” Section 416(1) of the Act requires a council’s financial reports for a year to be prepared and audited within four months after the end of the year concerned.

The unaudited Financial Statements for the year ended 30 June 2024 (Attachment 1) have been completed and are ready for audit.

The unaudited Financial Statements were presented to the Audit and Risk Improvement Committee on the 13 September 2024 and endorsed for Council to consider the Statements for referral to audit. A copy of the audited Financial Statements for the year ended 30 June 2024 will be submitted at the Council Meeting on 26 November 2024. A detailed explanation of key results will be included in the report presented at that meeting, and a presentation relating to the Financial Statements will be given by the NSW Audit Office.

Statements by Councillors and Management on Council’s Financial Statements in the prescribed format must be signed to refer the Financial Statements to audit. These Statements are attached in Attachment 2 to this report.

Clause 215(1) of the Local Government (General) Regulation 2021 (Regulation) determines the format of the Statement by Councillors and Management, attached as Attachment 2. The Statement must:

- “a) *Be made by resolution of Council; and*
- b) *Be signed by:*
 - *the Mayor, and*
 - *at least one other member of the Council, and*
 - *the Responsible Accounting Officer, and*
 - *the General Manager”*

Clause 215(2) of the Regulation also requires that the Statement must indicate:

- “a) *Whether or not Council’s annual financial reports have been drawn up in accordance with:*
 - *The Local Government Act, 1993 (NSW) (as amended) and the Regulations made thereunder,*
 - *The Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board, and*
 - *The Local Government Code of Accounting Practice and Financial Reporting.*
 - *Whether or not those reports present fairly the Council’s financial position and operating result for the year;*

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- *Whether or not those reports are in accordance with the Council's accounting and other records; and*

Whether or not the signatories know of anything that would make those statements false or misleading in any way."

Relevant Legislation

Local Government Act, 1993

Local Government (General) Regulation 2021

DISCUSSION

Overview of Key Financial Information

Income Statement

Provided below is a summary of Council's financial results for the period ended 30 June 2024.

Statement of Financial Performance	2022/2023 \$'000	2023/2024 \$'000	Movement Increase /(Decrease) \$'000
Income from Continuing Operations	173,607	200,172	26,565
Expenses from Continuing Operations	126,517	145,520	19,003
Net Operating Result for the Year	47,090	54,652	7,562
Capital Grants and Contributions	31,504	40,715	9,211
Net Operating Result before Capital Grants and Contributions	15,586	13,937	(1,649)

Income from Continuing Operations	2022/2023 \$'000	2023/2024 \$'000	Movement Increase /(Decrease) \$'000
Rates and Annual Charges	71,566	77,168	5,602
User Charges and Fees	7,587	9,858	2,271
Other Revenue	4,894	1,988	(2,906)
Grants and Contributions – Operating	51,474	62,429	10,955
Grants and Contributions – Capital	31,504	40,715	9,211
Interest and Investment Income	2,705	4,443	1,738
Other Income	3,877	3,571	(306)
Total Income from Continuing Operations	173,607	200,172	26,565

Expenses from Continuing Operations	2022/2023 \$'000	2023/2024 \$'000	Movement Increase /(Decrease) \$'000
Employee Costs	37,358	37,554	196
Materials and Services	51,822	64,407	12,585
Borrowing Costs	1,851	2,992	1,141

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Expenses from Continuing Operations	2022/2023 \$'000	2023/2024 \$'000	Movement Increase /(Decrease) \$'000
Depreciation, Amortisation and Impairment	24,491	27,793	3,302
Other Expenses	6,600	7,338	738
Loss on Sale or Disposal of Assets	4,395	5,436	1,041
Total Expenses from Continuing Operations	126,517	145,520	19,003

Statement of Financial Position

Provided below is a summary of Council's financial position as at 30 June 2024.

Statement of Financial Position	2022/2023 \$'000	2023/2024 \$'000	Movement Increase /(Decrease) \$'000
Current Assets	140,312	147,114	6,802
Non-Current Assets	1,667,288	1,680,228	12,940
Total Assets	1,807,600	1,827,342	19,742
Current Liabilities	47,019	86,726	39,707
Non-Current Liabilities	71,587	37,959	33,628
Total Liabilities	118,606	124,685	6,079
Net Assets	1,688,994	1,702,657	13,663
Equity	1,688,994	1,702,657	13,663

The change between Current and Non-Current Liabilities relates to the Sewer Loan drawn down for the purpose of funding the restoration of Rising Main C damaged in the March 2021 Flood, which is due for re-financing in December 2024. Council is currently holding negotiations with Sydney Water to investigate the potential to transition the business across to Sydney Water, in order to offer customers a better value proposition due to economies of scale that Sydney Water can offer.

Performance Indicators

Council's financial statements disclose several performance indicators, which are outlined in the table below.

Ratio	Benchmark	2022/2023	2023/2024
Unrestricted Current Ratio (times)	1.50x	3.01x	3.63x
Operating Performance Ratio (%)	>0.00%	14.06%	12.83%
Debt Service Cover Ratio (times)	>2.00x	7.87x	6.79x
Rates & Annual Charges Outstanding Ratio (%)	<5.00%	11.17%	11.15%
Infrastructure Renewals Ratio (%)	100%	111.88%	205.40%
Own Source Operating Revenue Ratio (%)	>60.00%	52.03%	48.47%
Cash Expense Cover Ratio (months)	>3.00 months	10.91 months	9.08 months

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Interpretation of Financial Results

Council's operating result improved from a surplus of \$47.1 million in 2022/2023 to a surplus of \$54.7 million in 2023/2024. The net operating result before capital grants and contributions was a surplus of \$13.9 million in 2023/2024, compared to a \$15.6 million surplus in 2022/2023, mainly due to the increase in depreciation associated with new assets and revaluations resulting in higher asset values. Council's cash and current investments decreased slightly from \$100.2 million to \$99.8 million during the reporting period and included restricted and unrestricted funds.

Council's Unrestricted Current Ratio at 30 June 2024 is 3.63 and remained significantly above the accepted industry benchmark of 1.5. The Debt Service Ratio was 6.79 and remains better than the accepted industry benchmark of 2.

The Own Source Operating Revenue Ratio declined due to the receipt of grant funding mainly associated with the Western Sydney Infrastructure Grants Program and flood recovery, being 48.47% as against 52.03% for 2022/2023. This result is still less than the 60% benchmark, but is not a long-term issue as will resolve when the grant programs have been completed.

The Rates Outstanding Ratio decreased slightly to 11.15% of collectables. Council's Debt Recovery Policy allows for ratepayers to enter a payment arrangement with Council and has special provisions limiting debt recovery action taken regarding amounts outstanding by Pensioners. These Policy provisions restrict debt recovery action to some extent and result in a higher ratio than would otherwise be the case. Additionally, an increase in the number of payment arrangements being accepted has increased significantly as a result of the cost of living changes. The exclusion of amounts on payment arrangements, and amounts owed by Pensioners, results in this ratio being 7.4% as against 7.8% for 2022/2023.

Matters of Note

Revaluations applied to Property, Plant and Equipment

Council reviews the fair valuation of all infrastructure assets annually to determine if a material difference to the fair value and the written down value has arisen. This assessment considers changes in costs associated with gross replacement values (the cost to replace the asset), and the remaining useful lives of these assets.

It is to be noted that generally revaluation adjustments do not impact Council's operating result and are reflected as changes in the IPPE Revaluation Reserve within the Statements of Financial Position.

Revaluations were undertaken for Sewer Infrastructure, Roads, Bridges, Footpaths and Stormwater by APV Pty Limited and resulted in a \$41 million decrease in the fair value of these assets. The methodologies used for each asset category outlined above are outlined in Note E.2-1 Fair Valuation Measurement.

COMMUNITY ENGAGEMENT

The issues raised in this report concern matters which do not require community consultation under Council's Community Engagement Policy.

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CONFORMANCE TO THE HAWKESBURY COMMUNITY STRATEGIC PLAN 2022-2042

The proposal is consistent with the following Long-Term Community Objectives set out within the CSP.

Reliable Council

4.2 Encourage an informed community.

4.3 Build strong financial sustainability for now and future generations.

FINANCIAL IMPACT

There are no financial implications applicable to this report. The Statements are the mechanism by which the financial performance over the 12 months ending 30 June 2024 and the financial position as at the same date are reported. Any observed concerning trends are noted and addressed by management.

RISK MANAGEMENT CONSIDERATIONS

Section 413(1) of the Act requires that “a council must prepare financial reports for each year and must refer them for audit as soon as practicable.” Section 416(1) of the Act requires a council’s financial reports for a year to be prepared and audited within four months after the end of the year concerned. Should Council not proceed with the recommendation, Council will be in breach of this legislation.

A legislative breach will expose Council to risks outside of Council's risk appetite, including compliance risk, reputational risk and potentially financial risk, as many grant opportunities are contingent upon the provision of a set of audited financial statements.

ATTACHMENTS

AT - 1 Financial Statements for the year ended 30 June 2024 - (*Distributed under separate cover*).

AT - 2 Statements by Councillors and Management.

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Attachment 2 - Statement by Councillors and Management

Hawkesbury City Council

General Purpose Financial Statements
for the year ended 30 June 2024

Statement by Councillors and Management

Statement by Councillors and Management made pursuant to Section 413 (2c) of the *Local Government Act 1993* (NSW)

The attached general purpose financial statements have been prepared in accordance with:

- the *Local Government Act 1993* and the regulations made thereunder,
- the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these statements:

- present fairly the Council's operating result and financial position for the year
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 15 October 2024.

TBD
Mayor
15 October 2024

TBD
Deputy Mayor
15 October 2024

Elizabeth Richardson
General Manager
15 October 2024

Vanessa Browning
Responsible Accounting Officer
15 October 2024

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Special Purpose Financial Statements

for the year ended 30 June 2024

Statement by Councillors and Management

Statement by Councillors and Management made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached special purpose financial statements have been prepared in accordance with:

- NSW Government Policy Statement, *Application of National Competition Policy to Local Government*
- Division of Local Government Guidelines, *Pricing and Costing for Council Businesses: A Guide to Competitive Neutrality*
- The Local Government Code of Accounting Practice and Financial Reporting
- Sections 3 and 4 of the NSW Department of Planning and Environment, *Water's Regulatory and assurance framework for local water utilities*.

To the best of our knowledge and belief, these statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the year,
- accord with Council's accounting and other records; and
- present overhead reallocation charges to the water and sewerage businesses as fair and reasonable.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 15 October 2024.

TBD
Mayor
15 October 2024

TBD
Deputy Mayor
15 October 2024

Elizabeth Richardson
General Manager
15 October 2024

Vanessa Browning
Responsible Accounting Officer
15 October 2024

oooO END OF REPORT Oooo

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4.5. INFRASTRUCTURE SERVICES

Nil reports.



Ordinary Meeting

End of Business Paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.