
Election of chairperson and deputy chairperson

Responsible Officer: General Manager (Phillip Rudd)

Recommendation

That Council conduct an election for a chairperson and deputy chairperson consistent with the election process for chairpersons of county councils in the *Local Government Act 1993* and the *Local Government (General) Regulation 2021* and that:

1. If there is more than one nomination, council resolve the method of election (to be either by preferential ballot, ordinary ballot, or open voting); and
2. The result of the election (including the names of those elected) be declared at the meeting, and
3. Those elected hold office until the ordinary local government elections expected to occur in September 2024.

Background

Cr Robert Mustow was elected chairperson and Cr Sharon Cadwallader elected deputy chairperson of Rous County Council ('Council') at its ordinary council meeting on 16 February 2022 for a two-year term (expiring February 2024) in accordance with section 391 of the *Local Government Act 1993* ('LG Act').

An election to fill these positions for the remainder of the current council term is required to be conducted in accordance with Schedule 8 of the *Local Government (General) Regulation 2021* ('LG Regulation').

A website link to Schedule 8 of the LG Regulation which prescribes the procedure to be followed to elect the chairperson is provided [HERE](#). A summary of this process is also set out in [Attachment 1](#).

Election of a deputy chairperson – local rule

Council's Code of Meeting Practice contains a local rule that makes provision for the election of a deputy chairperson to occur at the same time and in the same manner as the election of the chairperson. This local rule is for administrative convenience given the LG Act does not make provision for the election of a deputy chairperson as it does for the election of a deputy mayor of a local council.

Term of office – chairperson and deputy chairperson

Due to the 12-month postponement of the ordinary local government elections originally scheduled for September 2020 (to mitigate the risks posed by COVID-19), the current term of council was shortened to three-years.¹

This means the chairperson and deputy chairperson elected at this meeting will hold office until September 2024, when the next ordinary local government elections are expected to occur, being a term of less than two-years.

¹ Refer to Office of Local Government [Circular 20-10](#) dated 25 March 2020.

Governance

This report has been prepared having regard to the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

Finance

The fees paid to members (including the chairperson) are in accordance with the 'Chairperson and member fees' policy and budget adopted in conjunction with the 2023/24 Operational plan. The policy provides that the fees payable to the chairperson and members are 100% of the maximum determined by the Local Government Remuneration Tribunal.

Legal

Refer to the 'Background' section of the report.

The General Manager is the returning officer for the purposes of holding the election for chairperson and deputy chairperson.²

The office of chairperson commences on the day the person elected is declared to be elected, being the day of the council meeting at which the election is held by the returning officer.³

The office of chairperson becomes vacant, on the earlier of, when the person's successor is declared to be elected to the office, on the occurrence of a casual vacancy in the office, or on the polling day of the ordinary local government elections.⁴

Consultation

Not applicable.

Conclusion

Ordinarily, Council elects a chairperson and deputy chairperson every second year. The election process for the chairperson is set out in Schedule 8 of the LG Regulation and Council has determined through its Code of Meeting Practice that that process will also apply to the election of the deputy chairperson.

Attachment:

1. Summary of Schedule 8 LG Regulation election process.
2. Nomination forms (*copies will also be available at the meeting*).

² [Part 1](#) Schedule 8 *Local Government (General) Regulation 2021* (NSW).

³ Section [391](#)(3)(a) *Local Government Act 1993*.

⁴ Section [391](#)(3)(b) *Ibid*.