



16<sup>th</sup> September, 2005

## **EXTRAORDINARY COUNCIL MEETING**

NOTICE IS HEREBY GIVEN THAT AN EXTRAORDINARY COUNCIL MEETING OF THE COUNCIL OF THE CITY OF RANDWICK WILL BE HELD IN THE COUNCIL CHAMBER, TOWN HALL, 90 AVOCA STREET, RANDWICK, ON TUESDAY, 20<sup>TH</sup> SEPTEMBER, 2005 AT **7:00 P.M.**

- 1 Council Prayer**
- 2 Apologies**
- 3 Declaration of Pecuniary & Non-Pecuniary Interests**
- 4 Addresses to the Council by the Public**
- 5 Mayoral Minutes**
- 6 General Manager's Reports**
- 6.1 GENERAL MANAGER'S REPORT 47/2005 - ELECTION OF MAYOR, DEPUTY MAYOR & ELECTION OF COUNCIL COMMITTEES. 2
- 7 Motions Pursuant to Notice**
- 8 Confidential Reports**
- 9 Committee-of-the-Whole**
- 10 Report of the Committee-of-the-Whole**
- 11 Notice of Rescission Motions**

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GENERAL MANAGER

# **GENERAL MANAGER'S REPORT**

## **47/2005**



<b>SUBJECT:</b>	ELECTION OF MAYOR, DEPUTY MAYOR & ELECTION OF COUNCIL COMMITTEES
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<b>DATE:</b>	12 September, 2005	<b>FILE NO:</b>	F2005/00751
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**REPORT BY:** GENERAL MANAGER

The purpose of this report is to facilitate the election of the Mayor, Deputy Mayor and the appointment of Councillors to the various internal and external Committees.

### **ISSUES:**

In September each year, the Council is required to conduct an election for the position of Mayor and Deputy Mayor.

Further, at the Extraordinary Council Meeting held on 28<sup>th</sup> September, 2004 it was resolved that the appointment of Council's Committees only be for the 12 months to September, 2005. It is, therefore, necessary for Council to make further appointments to Committees, either until September, 2006 or until the conclusion of the current Council term in September, 2008.

### **1. ELECTION OF MAYOR – SEPTEMBER 2005 to SEPTEMBER 2006.**

The procedure to be followed for the election of Mayor is outlined in Schedule 3 of the Local Government (Elections) Regulation 1998, and is reproduced hereunder:-

#### **“PART 1 – PRELIMINARY**

##### **Returning Officer**

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

##### **Nomination**

2. (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.

### **Election**

3. (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:  
**ballot** has its normal meaning of secret ballot;  
**open voting** means voting by a show of hands or similar means.

## **PART 2 – ORDINARY BALLOT OR OPEN VOTING**

### **Application of Part**

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

### **Marking of ballot-papers**

5. (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 76 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

### **Count - 2 candidates**

6. (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.

### **Count – 3 or more candidates**

7. (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 sub clause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under sub clause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

### **PART 3 – PREFERENTIAL BALLOT**

#### **Application of Part**

8. This Part applies if the election proceeds by preferential ballot.

#### **Ballot-papers and voting**

9. (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”, and “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 76 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

#### **Count**

10. (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 clause **absolute majority** in relation to votes means a number which is more than one-half of the number of unexhausted formal ballot-papers.

#### **Tied candidates**

11. (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 the lot is taken to have the lowest number of votes and is therefore excluded.

### **PART 4 – GENERAL**

#### **Choosing by lot**

12. 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.

### **Result**

**13.** 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 Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales”.

### **2. ELECTION OF DEPUTY MAYOR – SEPTEMBER 2005 to SEPTEMBER 2006.**

In accordance with the provisions of Section 231 of the Local Government Act, the Council may elect one of its members to act as Deputy Mayor either for the Mayoral term or for a shorter term as may be resolved by the Council. Further, the Deputy Mayor may exercise any function of the Mayor, at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

The election provisions of Schedule 3 of the Local Government (Elections) Regulation, 1993 also relate to the Deputy Mayor.

It has been Council’s normal practice to elect a Deputy Mayor for the same Mayoral Term, immediately following the election of the Mayor.

### **3. APPOINTMENT OF COMMITTEES**

The Local Government Act, 1993 dispensed with any requirement to annually elect or appoint Standing Committees and the Council can appoint or elect committees as it considers necessary.

The appointment or election of members to Committees must be for a specified term, which obviously cannot exceed the term of the Council.

Accordingly, on this occasion the Council can decide to elect or appoint members to its Committees until September 2006 or until September 2008.

The powers, duties and functions of all former Committees are subject to determination by the Council. The Council may determine that the Committees, their duties, composition and quorums remain the same.

The former Committees, appointed in September, 2004, their duties, composition, quorums and membership details are attached herewith, under the following categories:-

- (i) General Committees – internal committees of the Council that meet on a regular timetable.

- (ii) Special Committees – committees of the Council that meet on an ad hoc basis.
- (iii) Section 355 Committees – created to perform a specific function, often with outside representation.
- (iv) Councillor Representation on Outside Organisations/Committees – bodies to which the Council is entitled to elect or appoint Councillor representatives.

It should be noted that Council had previously resolved that the Community Services Committee, Civic Affairs Committee, the Administration & Finance Committee and the Works Committee have full delegated authority to determine items on their agenda. In addition, the Health, Building and Planning Committee had been constituted as a Committee whose membership consists of all Members of the Council and which also had full delegated authority to determine items on its agenda.

### **CONCLUSION:**

It is necessary for the Council, at this meeting, to make certain decisions relating to the election of a Mayor, Deputy Mayor, appointment of Committees and election of members of those Committees and to external bodies.

### **RECOMMENDATION:**

#### **(a) Method of Voting**

That, should it be necessary for an election to be held for the positions of Mayor & Deputy Mayor, Council determine the method of voting from one of the following:-

- Open Voting (Traditional Method at Randwick Council)
- Ordinary Ballot
- Preferential Ballot

#### **(b) Election of Mayor**

- i. That the General Manager, as Returning Officer, calls nominations for the position of Mayor.
- ii. That, should more than one nomination be received, the General Manager, as Returning Officer, read the names of the candidates for the position of Mayor.
- iii. That, if necessary, an election be conducted in accordance with the Council's resolution made in relation to recommendation (a) for the position of Mayor.
- iv. That the General Manager, as Returning Officer, declare the Mayor elected for the September, 2005 to September 2006 term.

#### **(c) Election of Deputy Mayor**

- i. That the General Manager, as Returning Officer, calls nominations for the position of Deputy Mayor.

- ii. That, should more than one nomination be received, the General Manager, as Returning Officer, read the names of the candidates for the position of Deputy Mayor.
- iii. That, if necessary, an election be conducted in accordance with the Council's resolution made in relation to recommendation (a) for the position of Deputy Mayor.
- iv. That the General Manager, as Returning Officer, declare the Deputy Mayor elected for the September, 2005 to September 2006 term.

**(d) Appointment of Committees & their Membership**

- i. That Council determine the Committees and their duties, functions, quorums and delegated authorities in accordance with the attachment to the General Manager's Report No. 47/2005.
- ii. That appointment to the Committees be for the balance of the 2005/2008 Council term.
- iii. That Council proceed to elect, appoint or nominate Committee members to the Committees and external bodies.

**ATTACHMENT/S:**

Committees, Duties, Composition, Quorum & Membership details

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GENERAL MANAGER

**RANDWICK CITY COUNCIL**

**PROPOSED GENERAL COMMITTEES – 2005/2008**

<b>COMMITTEE</b>	<b>DUTIES/FUNCTIONS</b>	<b>COMPOSITION</b>	<b>QUORUM</b>
(i) Community Services Committee	<p>Under delegated authority:</p> <p>To receive reports and information from the Director Governance, Management &amp; Information Services and the Director of Planning &amp; Community Development and to consider and review Library, Community Services and Welfare matters within the City.</p>	The Mayor and six (6) Councillors	Four (4) Councillors
(ii) Administration and Finance Committee	<p>Under delegated authority:</p> <p>To watch generally over the collection and expenditure of the Council's revenue, to review the different funds of the Council, to monitor whether the probable income of the funds will be sufficient to meet the probable expenditure during the year from those funds and take any required corrective action.</p> <p>To consider and make recommendations to Council on issues relating to Council's organisational structure and delegations; staffing levels and staff matters not the specific responsibility of the General Manager to review the operation of the Council's Management Plan and to review the management of complaints to Council.</p> <p>To consider and determine other general matters referred to the Committee.</p>	The Mayor and seven (7) Councillors	Five (5) Councillors
(iii) Works Committee	<p>Under delegated authority:</p> <p>To consider and determine matters relating to the depot; maintenance of roads; construction of roads; construction of ancillary facilities – eg. Kerb &amp; gutter, footpath, traffic facilities, maintenance of ancillary facilities, drainage maintenance, drainage construction, street trees, car parks, the cemetery, public conveniences, bus shelters; maintenance of parks, ovals, beaches and pools; the nursery; improvements to recreation facilities; plans of management; sport and recreation grants.</p> <p>To consider and determine other general matters referred to the Committee.</p>	The Mayor and seven (7) Councillors.	Five (5) Councillors.
(iv) Health, Building and Planning	Under delegated authority:		



Committee	To determine applications, etc. or review and determine matters relating to Health, Building and Planning within the City.	The Mayor and fourteen (14) Councillors.	Eight Councillors. (8)
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**RANDWICK CITY COUNCIL****PROPOSED SPECIAL COMMITTEES – 2005/2008**

<b>COMMITTEE</b>	<b>DUTIES/FUNCTIONS</b>	<b>COMPOSITION</b>	<b>QUORUM</b>
(i) Civic Affairs Committee	<p>Under delegated authority:</p> <ul style="list-style-type: none"> <li>i. To consider Council endorsement of publications by outside bodies.</li> <li>ii. To prepare promotional material on the City of Randwick on behalf of and in co-operation with the various tourist sectors in the City.</li> <li>iii. To undertake promotional campaigns alone and in conjunction with government departments.</li> <li>iv. To seek subsidies from Government and industry for the activities of the Committee.</li> <li>v. To encourage the development of tourist facilities and to liaise with Randwick City Tourism Incorporated in this regard.</li> <li>vi. To consider all nominations for Community and/or Civic Awards and to select the recipients.</li> <li>vii. To consider nominations lodged annually in the programmes under the Randwick Council Awards for Sporting Achievements and to select the recipient/s.</li> <li>viii. To promote international friendship and understanding by strengthening, by all possible means, the links formed by Randwick and other Sister Cities; stimulating and fostering mutual exchanges at all levels between the peoples of the connected Cities and of such other towns as the Committee and Council may accept; and by organising fund raising activities to support this.</li> </ul>	The Mayor and nine (9) Councillors and community representatives as deemed necessary by the Committee	Six(6) Councillors

(ii) Randwick City Business Awards Committee	To co-ordinate arrangements for and the presentation of the Randwick City Business Awards.	The Mayor and three (3) Councillors and the Presidents (or nominees) of the Coogee, Kensington, Kingsford, Randwick, Maroubra and Matraville Chambers of Commerce and a representative of the Eastern Suburbs Business Enterprise Centre Limited.	Six (6) members
(iii) Australia Day Committee	To plan arrangements for Australia Day celebrations	The Mayor & six (6) Councillors and Community representatives as deemed necessary by the Committee.	Three (3) members
(iv) Randwick Access Committee	To monitor implementation and evaluation of Randwick City Disability Discrimination Action Plan, to assist Council in the identification of current and future access needs for the community, to assist Council with effective policy development, to encourage resident participation, to support and promote activities and special projects relating to people with disabilities, to comment on Council Planning Instruments in relation to disability issues, to assist in determining the most appropriate use of the Accessible Pathways Budget.	Not less than two (2) Councillors & six (6) Community Representatives.	Six (6) members
(v) Randwick Older Persons' Advisory Committee	To ensure that Council policies and programs are consistent with Commonwealth and State Government legislation and best practice relating to the full range of older people's needs, to develop a Randwick Older People's Policy, to comment on Council Planning Instruments, to assist Council in effective Policy development and in the identification of current and future needs of older persons and to plan associated activities and events.	Not less than two (2) Councillors & six (6) community representatives, but not more than twelve (12) in total.	Six (6) members
(vi) Randwick Youth Advisory Committee	To assist Council in the identification of the current interests of young people (aged 15-24 years), to support and promote activities and special projects relating to young people, to comment on Council Planning Instruments, to encourage students and young people's participation in Council's activities and community service initiatives, to assist Council in effective policy development and the planning of youth events, etc.	Not less than two (2) Councillors & six (6) young people (aged 15-24), but not more than twelve (12) in total.	Six (6) members

(vii) Randwick Aboriginal Consultative Committee	To advise Council on issues affecting Aboriginal Communities and review and monitor Council policy relating to Aboriginal Communities.	Two (2) Councillors, staff representing each Council Department and not less than six (6) Community representatives.	Six (6) members
(viii) Randwick Multicultural Advisory Committee	To ensure that all non-English speaking background residents are informed and have an understanding of Council's role and responsibilities and advise Council on issues that affect NESB residents.	An equal mix of Council and Community representatives, with at least two (2) Councillors and representatives from each Council Department. (Maximum of 10 Community Reps/Others, excluding Councillors)	Six (6) members
(ix) General Manager's Performance Review Committee	To convene half yearly Monitoring Meetings and once yearly Review Meetings with the General Manager to administer his Performance Agreement and to amend the Performance Agreement when required.	The Mayor & two (2) Councillors.	Three (3) members
(x) Budget & Management Plan Sub-Committee	To consider issues relating to the Budget & Management Plan and to make recommendations for consideration by the Council.	The Mayor & four (4) Councillors.	Three (3) members
(xi) Greening Randwick Sub-Committee	To consider issues relating to the Greening of Randwick and to make recommendations for consideration by the Works Committee.	Six (6) Councillors.	Four (4) members

**COUNCILLOR REPRESENTATION ON OUTSIDE ORGANISATIONS/COMMITTEES**

COMMITTEE	DUTIES/FUNCTIONS	COMPOSITION	RANDWICK COUNCIL ENTITLEMENT
(i) Southern Sydney Regional Organisation of Councils (SSROC)	In broad terms the objectives of the organisation are to consider and assess the needs, disadvantages and opportunities of the member Councils and of the Southern Sydney Region; to make representations and submissions relative to the needs, etc.; to submit requests for financial assistance, policy changes and additional resources for the Region or for member Councils; to strengthen the role of Local Government in regional affairs; to facilitate a co-operative approach to problems, opportunities and challenges of the Region; to facilitate the exchange of ideas and experiences between elected members and professional staff; and to advance the interests of the Region.	The Southern Sydney Regional Organisation of Councils is comprised of elected representatives from the City of Bankstown, the City of Hurstville, the City of Randwick, the City of Rockdale, the City of Botany Bay, the Shire of Sutherland, Canterbury, Kogarah, Marrickville, Waverley and Woollahra Councils	Two (2) delegates (the organisation requests that the Mayor be one of the delegates) and two (2) alternate delegates. Each delegate also serves on a SSROC Standing Committee.
(ii) Eastern Suburbs Business Enterprise Centre Limited	To achieve, seek and support employment creation and business development initiatives and to promote the development of economic well being within the community and, in doing so, generate employment opportunities	Councillors, staff and community representatives from the region defined as the Waverley and Woollahra Council areas and the City of Randwick	One (1) Councillor
(iii) Sydney Coastal Councils	To maintain a sharp focus on all water pollution issues that affect the coastal, harbour, bay and river environment within the areas covered by the member Councils and to develop initiatives to protect those areas.	Councillors and staff members from Botany, Hornsby, Leichhardt, Manly, Mosman, North Sydney, Pittwater, Randwick, Rockdale, Sydney City, Sutherland, Warringah, Waverley, Willoughby and Woollahra Councils.	Two (2) Councillors and two (2) alternate members.
(iv) Randwick City Tourism Incorporated's Executive	To encourage residents of the City to appreciate the benefits of tourism, to provide a cohesive and unified focus for the Council and private sector activities to encourage appropriate tourism development, to co-ordinate	One (1) Councillor and eight (8) members of the local community who are	One (1) Councillor.

	the local tourism industry and its promotions to maximise promotional effectiveness, to monitor standards of service and support industry training, to act as a vehicle for raising funds for the promotion of tourism in Randwick, to advise Randwick Council on tourism policy and represent Randwick's tourism interests to Government and the tourist industry.	involved in or interested in tourism and who are elected at the Annual General Meeting of Randwick City Tourism Inc.	
(v) Eastern Region Local Government Aboriginal & Torres Strait Islander Forum	To consult local Aboriginal communities and their organisations in order to develop policies and co-operative strategies at a regional level and which will stimulate local government commitment to the reconciliation process.	Councillors and staff from Randwick and Botany Bay City Councils and Waverley and Woollahra Municipal Councils and Indigenous Community Representatives.	The Mayor and any interested Councillors.
(vi) Waverley Cemetery Stakeholders' Reference Panel	To participate as observers on the Panel tasked with advising Waverley Council on a draft Plan of Management for Waverley Cemetery.	Two (2) Councillors	Two Councillors sharing the role.
(vi) S.S.R.O.C Access Committee	To consider disability access issues and to develop policies and co-operative strategies at a regional level.	Councillors and staff from the South Sydney Regional Organisation of Councils area.	One (1) Councillor.

## SECTION 355 COMMITTEE

(i) Randwick Traffic Committee	To authorise traffic facilities and consider road safety issues.	One (1) Councillor and an alternate Councillor, Council's Traffic Engineer and representatives from the RTA, the Police, State Transit (casual) and the State Member.	In compliance with the RTA delegation, one (1) Councillor and one (1) alternate Councillor.
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