



muswellbrook
shire council

Muswellbrook Shire Council

ORDINARY COUNCIL MEETING

BUSINESS PAPER

FRIDAY 11 OCTOBER 2024



MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
9 October 2024

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the Muswellbrook Regional Arts Centre, 1-3 Bridge St, Muswellbrook NSW 2333 on **Friday 11 October 2024** commencing at 6:30pm.

Derek Finnigan
GENERAL MANAGER



Council Meetings

Meeting Principles

Council and committee meetings should be:

- Transparent:* Decisions are made in a way that is open and accountable.
- Informed:* Decisions are made based on relevant, quality information.
- Inclusive:* Decisions respect the diverse needs and interests of the local community.
- Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:* Councillors, staff and meeting attendees treat each other with respect.
- Effective:* Meetings are well organised, effectively run and skilfully chaired.
- Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Public Forums

The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.

To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by no later than 9.00 am two (2) days prior to the day of the meeting before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than 3 days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.

Each speaker will be allowed 2 minutes to address the council. This time is to be strictly enforced by the chairperson.



Declarations of Interest

Statement of Ethical Obligations

Councillors are reminded of their oath or affirmation of office, made under section 233A of the NSW Local Government Act 1993, to undertake the duties of the office of Councillor in the best interests of the people of Muswellbrook Shire and Muswellbrook Shire Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them, under the Local Government Act 1993 or any other Act, to the best of their ability and judgment. Pursuant to the provisions of the Muswellbrook Shire Council Code of Meeting Practice and the Muswellbrook Shire Council Code of Conduct, Councillors are reminded of their obligations to disclose and appropriately manage conflicts of interest.

Section 451 of the Local Government Act requires that if a Councillor or Member of a Council or committee has a pecuniary interest in any matter before the Council or Committee, he/she must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of financial gain or loss (see sections 442 and 443 of the Local Government Act).

A non-pecuniary interest can arise as a result of a private or personal interest which does not involve a financial gain or loss to the councillor or staff member (eg friendship, membership of an association, or involvement or interest in an activity). A Councillor must disclose the nature of the interest to the meeting as soon as practicable.

Council's Model Code of Conduct now recognises two forms of non-pecuniary conflict of interests:

- Significant
- Less than significant

A Councillor must make an assessment of the circumstances and determine if the conflict is significant.

If a Councillor determines that a non-pecuniary conflict of interests is less than significant and does not require further action, they must provide an explanation of why it is considered that the conflict does not require further action in the circumstances.

If the Councillor has disclosed the existence of a significant non-pecuniary conflict of interests at a meeting they must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.



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1. Acknowledgement of Country

2. Civic Prayer

3. Apologies and Applications for a Leave of Absence by Councillors

4.1. Election of Mayor and Deputy Mayor

Attachments:

Responsible Officer: Derek Finnigan - General Manager

Author: Governance Officer

Community Strategic Plan: 6 - Community Leadership

Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.

Delivery Program: 6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

An election for the office of Mayor and Deputy Mayor is to be conducted on 11 October 2024 at an Extra-Ordinary meeting of Council.

OFFICER'S RECOMMENDATION

Council resolves to conduct an election for the position of Mayor and Deputy Mayor by one of the following methods:

1. Open vote – by a show of hands;
2. Ordinary ballot – is by a secret ballot (place an “x” against the candidate of their choice);
3. Preferential ballot – is by a secret ballot (place 1,2, 3 etc. against each candidate in order of preference).

Councillors elect Councillor _____ as MAYOR of Muswellbrook Shire for the period 11 October 2024 to the date in September 2026 upon which the mid-term mayoral election will be held.

Councillors elect Councillor _____ as DEPUTY MAYOR of Muswellbrook Shire for the period 11 October 2024 to the date in September 2026 upon which the mid-term mayoral election will be held.

[recommendation-end-do-not-remove]

Moved: _____ **Seconded:** _____



BACKGROUND

Mayors elected by Councillors normally hold their office for two years, unless a casual vacancy occurs (*Local Government Act 1993 section 230(1)*). Councils that elect their Mayors are required under the *Local Government Act 1993 (Section 290(1)(b))* to hold mid-term Mayoral elections in the month of September. This means that the mid-term Mayoral elections will need to be held in September 2026.

Mayors elected at the Mayoral election in September 2024 will hold their office until the day of the council's next ordinary mid-term mayoral election, which will be held in September 2026, when their civic office as Mayor will expire.

Deputy Mayors also hold their office for the term specified in Council's resolution.

CONSULTATION

Not applicable.

REPORT

The Mayoral elections are to be conducted at the first meeting of Council following a Local Government Election. Council resolved at that meeting to conduct the Mayoral election at the Extra-Ordinary Council meeting conducted on Friday, 11 October 2024. Details of the method of election include:

i) **METHOD OF ELECTION**

If more than one Councillor is nominated for the Office of Mayor or Deputy Mayor, the Council is to resolve whether the election is to proceed by open voting, by ordinary ballot, or by preferential ballot.

The election is to be held at the Council Meeting at which the Council resolves on the method of voting.

Under the *Local Government (General) Regulation 2021*, voting at a Council Meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election, by Councillors, for Mayor or Deputy Mayor is to be conducted by secret ballot.

Ordinary ballot and preferential ballot will be by secret ballot. In a preferential ballot, for votes to be formal, preferences must be shown for ALL candidates.

Attachment A (Office of Local Government Mayoral Elections Fact Sheet) provides further detail regarding the voting process for each method of election.

ii) **ELECTION OF MAYOR AND DEPUTY MAYOR**

Procedures for the election of Mayor and Deputy Mayor are governed by the *Local Government (General) Regulation 2021 (Section 394 and Schedule 7)*.

The General Manager is the Returning Officer.

A nomination for the Office of Mayor and Deputy Mayor is to be made in writing by two or more Councillors (one of whom may be the nominee) and is not valid unless the nominee has indicated consent to the nomination in writing. A Councillor may be nominated without notice.

Forms for this purpose are included with the Business Paper documents.



The nomination is to be delivered or sent to the Returning Officer.

The Returning Officer is to announce the names of the nominees at the Council Meeting at which the election is to be held.

If only one Councillor is nominated, that Councillor is elected.

OPTIONS

The Mayoral elections are to be conducted at the first meeting of Council following a Local Government Election.

CONCLUSION

That the election for Mayor and Deputy Mayor be conducted at the Extra-Ordinary Council Meeting on 11 October 2024

SOCIAL IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Local Government Act 1993, Part 2, Division 2, S225 - an area must have a mayor who is elected in accordance with this Division;

Local Government Act 1993, Part 2, Division 2, S227 - The mayor of an area is the person elected to the office of mayor by the councillors from among their number, unless there is a decision in force under this Division which provides for the election of the mayor by the electors.

LEGAL IMPLICATIONS

Nil identified.

OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

WASTE MANAGEMENT IMPLICATIONS

Not applicable.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

The results of the election of the Mayor and Deputy Mayor will be provided on Council's website and Facebook page.



5. Closure

Date of Extra-Ordinary Meeting: 22 October 2024