

# Norfolk Island Regional Council

## Extraordinary Council Meeting

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Dear Councillor,

Notice is hereby given pursuant to the NSW Local Government Act 1993 (s367) that an **Extraordinary Council Meeting** will be held in the Norfolk Island Regional Council Chambers on **Wednesday 6 July 2016** commencing at **5.00pm**.

### **BUSINESS AGENDA**

1. Welcome and Apologies
2. Introduction by General Manager
3. (ITEM GM1/16) Determination of method of election for election of Mayor and Deputy Mayor by Councillors
4. (ITEM GM2/16) Election of Mayor for term July 2016 to September 2017
5. (ITEM GM3/16) Election of Deputy Mayor for term July 2016 to September 2017
6. (ITEM GM4/16) Ordinary Meeting days and times
7. (ITEM GM5/16) Order of Business Agenda
8. (ITEM GM6/16) Code of Conduct

Lotta Jackson

**GENERAL MANAGER**

# Norfolk Island Regional Council

## (ITEM GM1/16) DETERMINATION OF METHOD OF VOTING FOR ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS

**REPORT BY:** Lotta Jackson, General Manager

### SUMMARY

The purpose of this report is for Council to adopt the Method of Voting for the Election of the Mayor and Deputy Mayor.

### BACKGROUND

Schedule 7 of the *Local Government (General) Regulation 2005*, refers to the Election of Mayor and Deputy Mayor by Councillors. To facilitate a smooth election of Mayor and Deputy Mayor it is recommended that Voting by Ordinary Ballot is carried out. Open Voting (by show of hands) and Preferential Voting are also outlined in Schedule 7, however neither of these are recommended. For Councillors information, the full Schedule 7 is attached.

Part 1 of Schedule 7 provides the rules of returning officer, nomination, and election:

#### **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 clause:*

**ballot** has its normal meaning of secret ballot.

**open voting** means voting by a show of hands or similar means.

# Norfolk Island Regional Council

Part 2 (Ordinary ballot or open voting) of Schedule 7 sets out the rules of the Ordinary ballot voting procedure which is the recommended method of 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 clause 345 (1) (b) and (c) and (6) 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.*

## **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 subclause (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 subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.*

## **CONCLUSION**

Ordinary ballot is the usual method adopted in New South Wales and it is recommended that Council adopts the Ordinary Voting and by Ballot if more than one Councillor nominates for each position of Mayor and Deputy Mayor.

## **RECOMMENDATION**

- (1) That the General Manager's Report "Determination of Method of Voting for Election of Mayor and Deputy Mayor by Councillors" be received and noted; and further
- (2) That Council adopts the Ordinary ballot method for the election of the Mayor and Deputy Mayor.

## **ATTACHMENT 1 – Local Government General Regulation 2005, Schedule 7**

# Norfolk Island Regional Council

## ITEM GM2/16 ELECTION OF MAYOR FOR TERM JULY 2016 TO SEPTEMBER 2017

**REPORT BY:** Lotta Jackson, General Manager

### **SUMMARY**

The purpose of this report is to elect the Mayor for the period July 2016 to September 2017.

### **BACKGROUND**

Section 225 of the *Local Government Act 1993* states that each Local Government area must have a Mayor elected in accordance with the provisions of the Act.

The Mayor of Norfolk Island Regional Council is elected by the Councillors from among their own number as per Schedule 7 of the *Local Government (General) Regulation 2005* using the method of election as determined by Councillors.

### **RECOMMENDATION**

- (1) That the report of the General Manager "Election of Mayor for Term July 2016 to September 2017" be received and noted, and further;
- (2) That the elected Mayor be declared as Councillor .....

# Norfolk Island Regional Council

## GM3/16 ELECTION OF DEPUTY MAYOR FOR TERM JULY 2016 TO SEPTEMBER 2017

**REPORT BY:** Lotta Jackson, General Manager

### SUMMARY

The purpose of this report is to elect the Deputy Mayor for the period July 2016 to September 2017.

### BACKGROUND

Section 231 of the *Local Government Act 1993* states that:

- The Councillors may elect a person from among their number to be the Deputy Mayor.
- The person may be elected for the Mayoral term or a shorter term.
- 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 the Mayor.
- The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.

Procedures for Nominations and the Election of Deputy Mayor are as per Schedule 7 of the *Local Government (General) Regulation 2005* using the method of election as determined by Councillors.

### RECOMMENDATION

- (1) That the report of the General Manager "Election of Deputy Mayor for Term July 2016 to September 2017" be received and noted, and further;
- (2) That the elected Deputy Mayor be declared as Councillor .....

# Norfolk Island Regional Council

## GM4/16 MEETING DAY AND TIME

**REPORT BY:** Lotta Jackson, General Manager

### SUMMARY

The purpose of this report is to allow Council to determine the meeting day and time for the Ordinary meetings of Council for the period July 2016 to September 2017.

### BACKGROUND

Council need to set a schedule of meetings to guide the business at hand.

Section 365 of the *Local Government Act 1993* states that “the council is required to meet at least 10 times each year, each time in a different month”.

### CURRENT POSITION

The proposed dates for Ordinary Council Meetings for the period July 2016 to September 2017, is for the 3<sup>rd</sup> Wednesday of the month at 2.00 pm, except for January 2017, as follows:

Meeting Date & Time
20 July
17 August
21 September
19 October
16 November
21 December
No meeting in January
16 February
16 March
19 April
17 May
28 June (Note: 4 <sup>th</sup> Wednesday)
19 July
16 August
20 September

The reason for the meeting on the fourth Wednesday in June is so that the draft Operational Plan can be placed on public exhibition for 28 days at the May Ordinary Council Meeting and subsequently be adopted at the June Ordinary Council Meeting.

### CONCLUSION

The day and the time for the meeting is a matter for Council to determine and as such the following recommendation is presented to Council for adoption.

# Norfolk Island Regional Council

## RECOMMENDATION

- (1) That the report of the General Manager "Meeting Day and Time" be received and noted; and further
- (2) That Council adopts the schedule of meetings at 2.00 pm as follows:

<b>Meeting Date &amp; Time</b>
20 July
17 August
21 September
19 October
16 November
21 December
No meeting in January
16 February
16 March
19 April
17 May
28 June (Note: 4 <sup>th</sup> Wednesday)
19 July
16 August
20 September

# Norfolk Island Regional Council

## ITEM GM5/16 ORDER OF BUSINESS AGENDA

**REPORT BY:** Lotta Jackson, General Manager

### SUMMARY

The purpose of this report is for Council to adopt the order of business on the agenda for Ordinary Council Meetings.

### BACKGROUND

Council needs to have an Order of Business Agenda for its Ordinary Council Meetings. If the Council does not have a Meeting Code, then the order of business can be decided by council resolution (cl.239 (1) of the Regulation).

### CURRENT POSITION

Norfolk Island Regional Council does not have a Code of Meeting Practice at this stage. Therefore it is proposed that Council considers the Order of Business Agenda to be adopted as follows:

1. Welcome
2. Statement of Respect

*The Norfolk Island Regional Council promotes a climate of respect for all. We will endeavour to inspire in our community shared civic pride by valuing and protecting our unique culture and environment, both natural and built, for the current and future generations. We, the elected members and staff of the Norfolk Island Regional Council undertake to act with honesty and integrity, to conduct ourselves in a way that engenders trust and confidence in the decisions we make, and the actions we take on behalf of the Norfolk Island community*

3. Apologies
4. Disclosures of Interest
5. Confirmation of minutes
6. Public Access (*maximum of 5 minutes per person. The Mayor, in consultation with the General Manager may decide the number of people at the same meeting speaking on an item on the business paper agenda*).
7. Mayoral Minute
8. Reports from Committees
9. Reports from Officers
10. Notices of Motion
11. Urgent Business without Notice (*If the matter is genuinely urgent, and the matter is not on the agenda, it could be dealt with under clause 241(3) of the Regulation*).
12. Confidential Matters for Consideration
13. Questions for the next meeting



# Norfolk Island Regional Council

## RECOMMENDATION

- (1) That the report of the General Manager “Order of Business Agenda” be received and noted; and further
- (2) That Council adopts the Order of Business Agenda as follows:
  1. Welcome
  2. Statement of Respect

*The Norfolk Island Regional Council promotes a climate of respect for all. We will endeavour to inspire in our community shared civic pride by valuing and protecting our unique culture and environment, both natural and built, for the current and future generations. We, the elected members and staff of the Norfolk Island Regional Council undertake to act with honesty and integrity, to conduct ourselves in a way that engenders trust and confidence in the decisions we make, and the actions we take on behalf of the Norfolk Island community*

3. Apologies
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5. Confirmation of minutes
6. Public Access
7. Mayoral Minute
8. Reports from Committees
9. Reports from Officers
10. Notices of Motion
11. Urgent Business without Notice
12. Confidential Matters for Consideration
13. Questions for the next meeting

# Norfolk Island Regional Council

## ITEM GM6/16 NORFOLK ISLAND REGIONAL COUNCIL CODE OF CONDUCT

**REPORT BY:** Lotta Jackson

### SUMMARY

The purpose of this report is for Council to adopt the Model Code of Conduct which is a minimum requirement under s440 of the Local Government Act 1993.

### BACKGROUND

The attached Norfolk Island Regional Council Code of Conduct is based on the Model Code of Conduct that was issued by the NSW Premier and Cabinet in November 2015.

### CURRENT POSITION

Under section 440 of the Act, all Councils must adopt a Code of Conduct that includes the provisions of the Model Code. The Model Code sets out minimum standards of behaviour (set down in the Regulations) for Council officials in carrying out their duties.

The Code also has a related document for the Procedures of the Administration of the Code of Conduct. This document is also attached for information.

In relation to the administration of the Code of Conduct, Council must resolve to nominate a Code of Conduct Coordinator from the Council staff and also appoint at least three (3) Independent Code of Conduct Reviewers to be called on, if so required under the Procedures of the Administration of the Code.

### CONCLUSION

In order for Norfolk Island Regional Council to be compliant with section 440 of the Act, it is recommended that the Model Code of Conduct (as attached) be adopted and that the position of Group Manager Governance be nominated to the role of Code of Conduct Coordinator and that the General Manager seek Expressions of Interest for potential Code of Conduct Reviewers (minimum three (3)).

### RECOMMENDATION:

- (1) that Council adopts the NSW Local Government Model Code of Conduct November 2015 titled the Norfolk Island Regional Council Code of Conduct in Attachment two (2);
- (2) that the General Manager advertise for Expressions of Interest in order to obtain at least three (3) Code of Conduct Reviewers as per Part 8, Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW, March 2013. Attachment three (3); and
- (3) that the position of Group Manager Governance be assigned to the role of Code of Conduct Complaints Coordinator

**ATTACHMENT 2** Norfolk Island Regional Council Code of Conduct

**ATTACHMENT 3** Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW, March 2013