

# Appointment of Councillor Delegates to Committees Policy

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**PREPARED BY:**

**Corporate Governance Unit**



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SUTHERLAND SHIRE

## **1. PURPOSE**

Councillors are members of numerous internal Standing Committees, Sub-Committees, Reference Groups and Working Parties as well as numerous external Boards, Trusts, Committees and other bodies (all referred to in this Policy as 'Committee' or 'Committees').

This Policy sets out the way in which Councillors are elected as delegates, Chairperson or Deputy Chairperson to these Committees and provides guidance for Councillors and staff on the process of the conduct of such elections, in accordance with clause 11.9 of the Code of Meeting Practice.

## **2. APPLICATION**

This Policy applies to Councillors and Council staff.

## **3. PRINCIPLES**

### **3.1 Application of Principles**

No one principle should be applied to the detriment of another. Principles must be collectively considered and applied to the extent that is reasonable and practicable in the circumstances.

### **3.2 Appointments**

Councillors are only to be appointed to Committees by a Resolution of Council.

### **3.3 Number of Councillors to be appointed**

The number of Councillors to be appointed to a Committee is subject to each Committee's Charter or Terms of Reference.

### **3.4 Term of Appointment**

Councillors are elected to Committees biennially unless otherwise determined by Resolution of Council. Some appointments may be for the Term of the Council, until the end of a specific project or for a longer or shorter period as required or determined by Council but no term of appointment may exceed a Term of Council.

The election for Councillor Delegates to Committees is to be conducted following the biennial election of the Mayor and Deputy Mayor, generally the first Council meeting in September.

### **3.5 Nominations**

Councillors will be invited to submit their nominations prior to the close of the Business Paper for the Council meeting where elections are scheduled to be held, with candidate names included in the business paper.

Where the number of nominations received is less than the number of available positions, Councillors will be invited to nominate from the floor of Council. Councillors may self-nominate for a position on a Committee, no seconder is required.

Councillors do not need to be present at the Council meeting where the election of Councillor delegates to Committees is held in order to be elected, however they must ensure their nomination is received by the Returning Officer prior to the close of the Business Paper for the Council Meeting where elections are scheduled to be held.

### **3.6 Chairperson & Deputy Chairperson**

Where a Committee Charter requires a Councillor to be elected as Chairperson or Deputy Chairperson, all Councillors are eligible to nominate for the available positions.

### **3.7 Delegates & Members**

All Councillors that do not hold a current elected position are eligible to nominate for the available positions.

### **3.8 Alternate Delegates**

Where a Committee requests an 'alternate delegate' to be appointed, elections will be conducted following the election of the 'delegates' to the Committee.

Alternate delegates do not have voting rights on a Committee unless they attend on behalf of an absent delegate. With the consent of the committee, alternate delegates may attend Council's Committee meetings as observers at other times.

Councillor delegates are responsible for advising an alternate delegate if they are unavailable for a Committee meeting and request the alternate delegate to attend on behalf of Council.

### **3.9 Method of Election**

All elections for positions on Committees are to be conducted by Open Means and in accordance with the Voting Process and outlined in this Policy.

The Meeting Chairperson does not have a casting vote in an election.

The Returning Officer for an election to a Committee is the Chief Executive Officer or another person delegated by the Chief Executive Officer.

### **3.10 Removal or suspension of a Councillor from a Committee**

The removal or suspension of a Councillor from a Committee where there has been an adverse finding against that Councillor by an appropriate investigative body (for example: Office of Local Government, NSW Ombudsman, NSW Civil and Administrative Tribunal or the Independent Commission Against Corruption)

and/or a breach of Council's Code of Conduct (following a Code of Conduct Investigation) or for any other reason, requires a Resolution of Council.

Removal or suspension of a Councillor from a Committee by Resolution of Council does not prevent a Councillor nominating for that same Committee, or any other Committee at the next election of Councillor delegates to that Committee, where a vacancy exists and any suspension period has lapsed.

Formal removal or suspension of a member, for example by Order of the NSW Civil and Administrative Tribunal (NCAT) or the Office of Local Government, is not subject to the approval of Council.

Where a vacancy occurs due to removal or suspension of a Councillor, Council may seek nominations to fill the vacancy either until the next election of Councillor Delegates to that Committee or temporarily in the case of a suspension where the period of suspension lapses prior to the next scheduled election of Delegates.

## **4. VOTING PROCESS**

### **4.1 Opportunity to withdraw Nominations**

The Returning Officer will ask if any candidate wishes to withdraw any nomination. Candidates may not withdraw from the election process once Councillors are invited to cast their votes.

### **4.2 Number of nominations received is equal to the number of available positions**

Where the Returning Officer has received a number of nominations that is equal to the number of vacancies on a Committee, they will declare those Councillors ELECTED.

### **4.3 Number of nominations received is less than or greater than the number of available positions**

Where the number of nominations received is less than the number of vacancies on that Committee, the Returning Officer will invite nominations from the floor of Council.

If the number of nominations received is equal to the number of vacancies on that committee, the Returning Officer will declare those Councillors elected.

If the number of nominations received is greater than the number of vacancies, the Returning Officer will proceed to a vote.

Where the number of nominations received remains less than the number of available positions, those nominees will be declared ELECTED.

Any remaining Committee position/s will remain vacant until such time as Council resolves to fill them.

The Returning Officer will read out the names of the candidates in the order the nomination was received.

Councillors will be invited to vote for one candidate only.

#### **4.4 Choosing by Lot when candidates have an equal number of votes**

The names of the candidates who have an equal number 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.

The candidate whose name is on the drawn slip is either ELECTED or EXCLUDED depending on the purpose for which the Lot is drawn (as described in the Voting Scenarios section outlined in this Policy).

#### **4.5 Voting Scenarios**

Voting will be by Lot when candidates have an equal number of votes and will be conducted in accordance with the Voting Scenarios outlined below and shown in the flow charts in Schedule A of this Policy.

##### **4.5.1 One Councillor to be elected (single vacancy)**

###### **Two candidates**

The candidate with the highest number of votes is declared ELECTED.

Where the two candidates have an equal number of votes, the candidate chosen by Lot is ELECTED.

###### **More than two candidates**

The candidate with the absolute majority (ie 50% + 1) of votes is declared ELECTED.

In the event that no candidate has an absolute majority, the process followed is:

- The candidate with the lowest number of votes is EXCLUDED.
- Where two or more candidates have an equal lowest number of votes, the candidate drawn by Lot is EXCLUDED.
- The voting process involving the remaining candidates is repeated until only two candidates remain and the candidate with the highest number of votes is elected.

##### **4.5.2 More than one Councillor to be elected (two or more vacancies)**

###### **One more candidate than number of vacancies**

The candidate with the lowest number of votes is EXCLUDED and the remaining candidates are declared ELECTED.

In the event that there are two or more candidates with an equal lowest number of votes, the candidate chosen by Lot is EXCLUDED and the remaining candidates are declared ELECTED.

###### **Two or more candidates than number of vacancies**

Where the number of candidates with an equal-highest number of votes is equivalent to the number of vacancies, those candidates are declared ELECTED, otherwise the following process applies.

The candidate with the lowest number of votes is EXCLUDED. Where there are two or more candidates with an equal lowest number of votes, the candidate chosen by Lot is EXCLUDED.

This procedure is repeated until the number of candidates remaining is equal to the number of vacancies and those candidates are declared ELECTED.

## **5. RESPONSIBILITIES**

### **5.1 Responsible Officer**

The Manager Corporate Governance is the Responsible Officer for this policy and is responsible for keeping the policy current.

### **5.2 Council**

Council must follow this Policy when electing Councillors to positions on Committees in accordance with clause 11.9 of the Code of Meeting Practice.

### **5.3 Chief Executive Officer**

The Chief Executive Officer, or their delegate has the authority to exercise the Returning Officer responsibilities outlined in this Policy.

## **6. MONITORING**

This policy will be reviewed and re-adopted by Council once every Council Term unless legislative changes necessitate otherwise.

## **7. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY**

Council adheres to and complies with the NSW State Records Act 1998 and Privacy and Personal Information Protection Act 1998 through its Enterprise Content Management Policy and Privacy Policy.

## **8. BREACHES OF POLICY**

Breaches of this policy will be dealt with in accordance with normal disciplinary procedures and will be advised to the Chief Executive Officer and / or Director Corporate Support, via the Manager Corporate Governance.

## **9. RELATED DOCUMENTS**

- Code of Meeting Practice
- Code of Conduct for Councillors
- Corporate Governance Committee Charter
- Shire Infrastructure & Public Domain Committee Charter
- Shire Strategic Planning Committee Charter
- Shire Services Committee Charter
- All current sub-committee charters or terms of reference
- All current delegate committee charters or terms of reference

## 10. RELEVANT LEGISLATION, REGULATIONS AND GUIDELINES

- *Local Government Act 1993 (NSW)*
- *Local Government General (Regulation) 2005 (NSW)*
- *State Records Act 1998 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*

## 11. DEFINITION OF TERMS

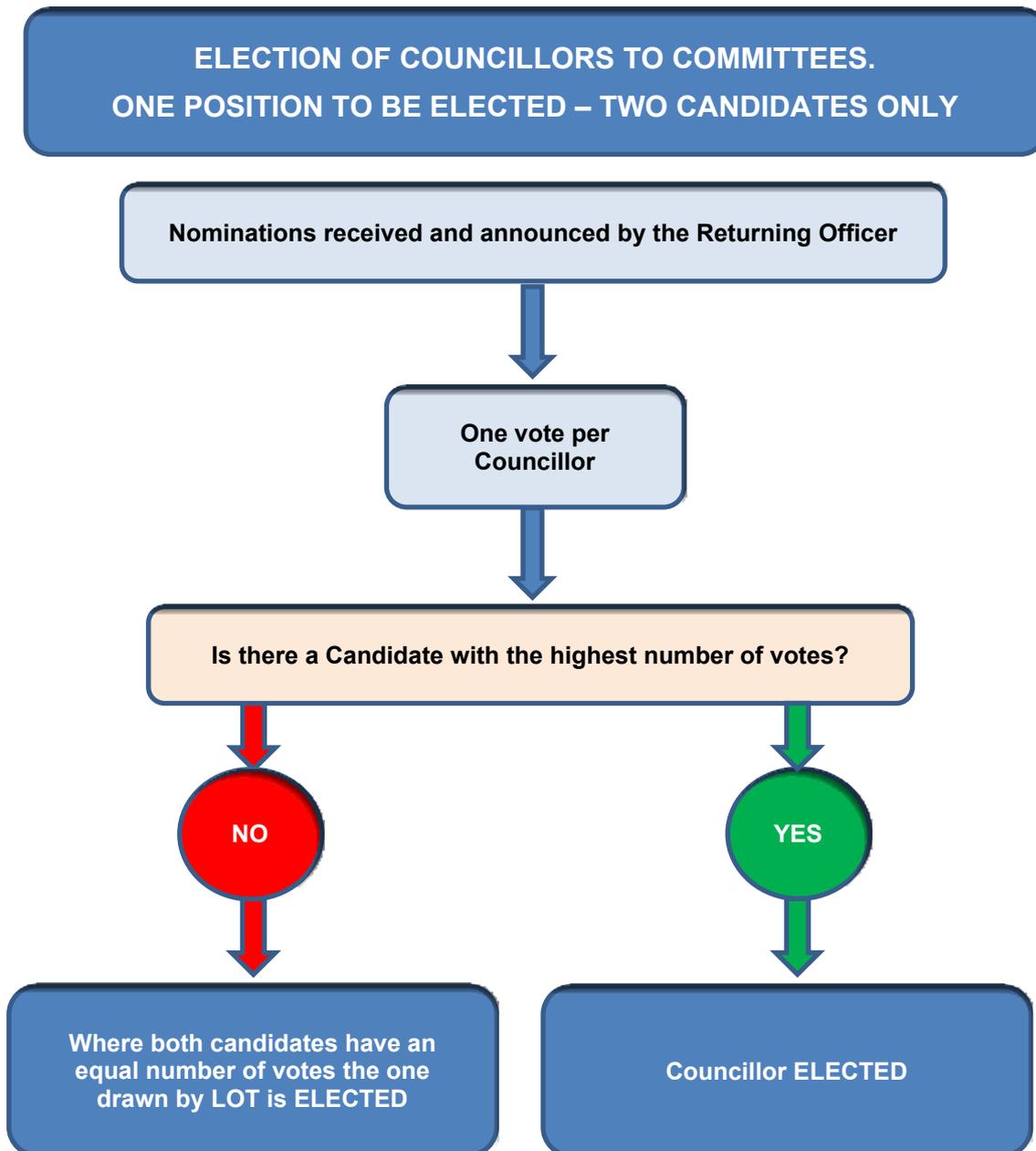
Term	Meaning
Committee	For the purpose of this policy Committee means any internal or external Standing Committee, Sub Committee, Working Party, Reference Group, Board, Trust or other Body.
Returning Officer	Chief Executive Officer or their delegate.
Open Means	A voting method in which a voter's formal expression of choice is made openly – for example, by raising a hand.

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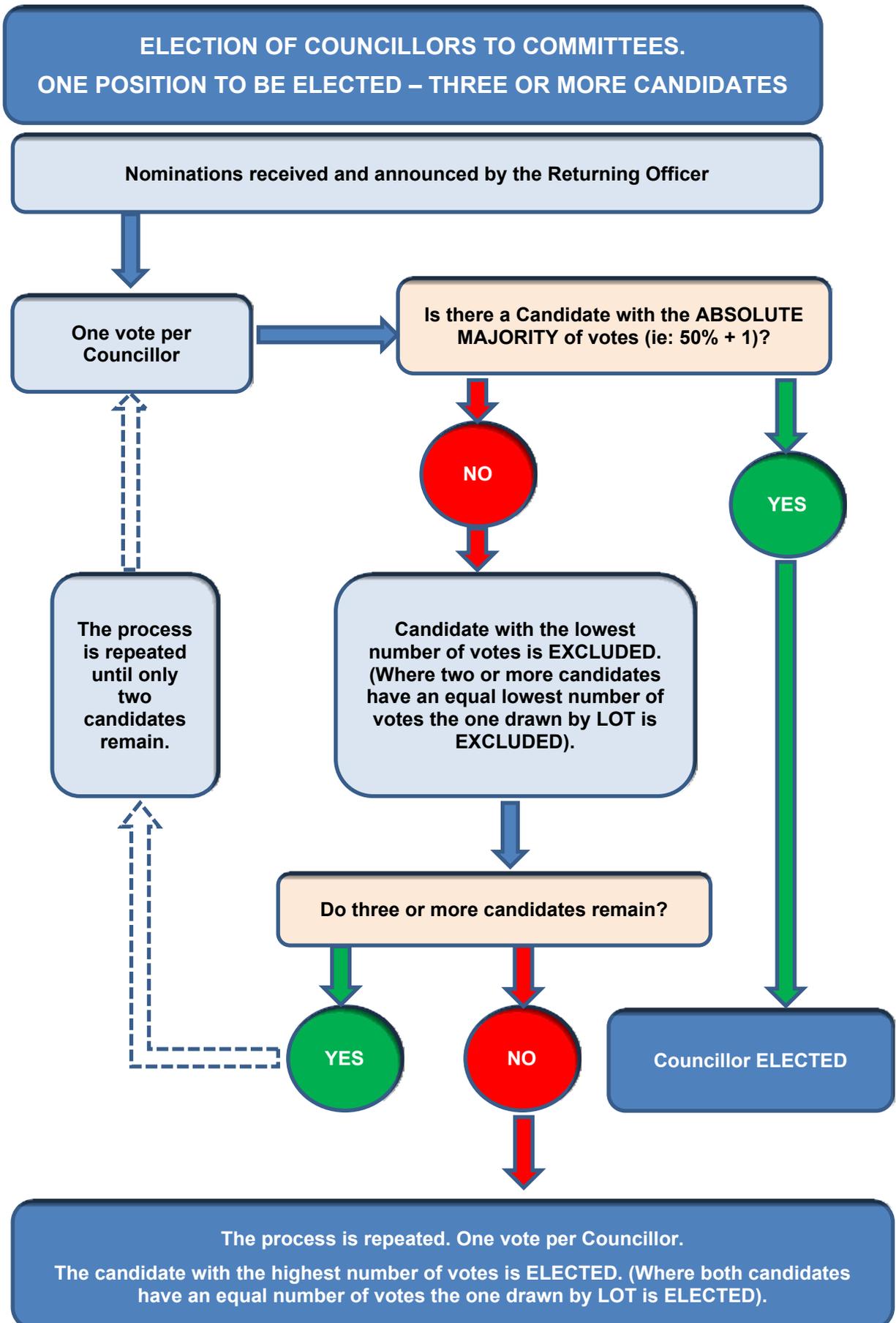
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# Schedule A – Voting Scenario Flow Charts

## 1. One Position – Two Candidates



## 2. One Position – Three or More Candidates



### 3. Two or More Positions to be Elected

