

ITEM 4.1. LOCAL GOVERNMENT NEW SOUTH WALES – POSTAL BALLOT FOR ELECTION OF MEMBERS OF THE BOARD OF DIRECTORS**FILE NO: S124865 & S124770****MEMORANDUM BY THE CHIEF EXECUTIVE OFFICER**To Council:

The City of Sydney is an Ordinary Member of Local Government New South Wales (LGNSW). Therefore, the City of Sydney is entitled to participate in the election of members of the Board of LGNSW, through the nomination of voting delegates (Councillors).

An election for members of the Board of LGNSW for a new two year term commencing from 2015, took place at the LGNSW Annual Conference held on 11-13 October, 2015. On 29 March 2016, due to a procedural irregularity in the conduct of the election, the Federal Court of Australia (Federal Court) ordered that a new ballot be conducted for the following 13 of 16 positions on the Board of LGNSW:

- Vice President from a Metropolitan/Urban council;
- Vice President from a Regional/Rural council;
- Directors from a Metropolitan/Urban council) (5); and
- Directors from a Regional/Rural council (6).

In accordance with the terms of the Federal Court order, the new ballot will be undertaken by the Australian Electoral Commission and conducted by postal ballot. The only candidate names eligible for inclusion in the postal ballot are those who stood for election to the Board of LGNSW in 2015. An Election Notice, was distributed to Ordinary Members on 15 April 2016 (refer Attachment A).

Each Ordinary Member must nominate its voting delegates by 12.00 noon, 2 June 2016. This memorandum seeks Council's consideration of the nomination of all Councillors as voting delegates for the conduct of the postal ballot.

Nomination of Voting Delegates

LGNSW has advised that the City of Sydney is entitled to nominate up to 10 Councillors as voting delegates. The formula for calculating the number of voting delegates is provided for in Part 23 of the LGNSW Rules. For Board elections, each nominated voting delegate is normally entitled to cast one vote only.

It is therefore proposed that Council nominate the Lord Mayor and all Councillors as its voting delegates for the conduct of the postal ballot.

However, as the City of Sydney is entitled to nominate one more voting delegate (10) than the number of Councillors currently holding office (9), Council may choose to nominate a Councillor to exercise this additional vote (that is, a total of two votes to be exercised during the conduct of the postal ballot, concurrently by the Councillor nominated).

Once voting delegate nominations are agreed, required details (name and City of Sydney postal address) will be provided to LGNSW.

Key Dates

Monday, 16 May - Nomination of Voting Delegates by Council

Friday, 27 May - Submission of online nomination form

Thursday, 2 June - Final date for submission of nomination form

Thursday, 9 June - Ballot material posted to voting delegates

Thursday, 30 June - Close of ballot

RECOMMENDATION

It is resolved that:

- (A) Council appoint the Lord Mayor and all Councillors as its voting delegates for the postal ballot to be conducted for the election of certain members of the Board of Local Government New South Wales; and
- (B) Councillor be appointed as Council's voting delegate with the right to exercise the additional vote allocated to the City of Sydney.

MONICA BARONE

Chief Executive Officer

ATTACHMENTS

Attachment A: Australian Electoral Commission - Election Notice dated 15 April 2016