

## 8.2 MAYORAL ELECTION PROCEDURE POLICY

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**File No:** CM/03/005

**Attachments:** 1. *Mayoral Election Procedure Policy*

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### SUMMARY

This Policy outlines the process in relation to the annual election of the Mayor. It describes how the Mayor is to be elected and should be read in conjunction with Council's *Meeting Procedure Local Law 2014*.

### RECOMMENDATION

**THAT** Council adopt the revised Mayoral Election Procedure Policy as at Attachment 1.

### BACKGROUND

This Policy was originally adopted by Council in 2015 and reviewed in 2016 with no changes made. It is good practice to review and refresh Council policies on a rotating cycle.

### ISSUES AND DISCUSSION

During the Mayoral election period in 2018, Councillors asked that consideration be given to amending the Mayoral Election Procedure Policy to include:

- the opportunity for a Councillor to nominate themselves as a candidate in the election (refer 5(4))
- when addressing Council in support of a candidacy that Councillors address Council in alphabetical order (refer 5(6)) which is line with the requirement in (7(g)(ii))

The Policy provides greater transparency and participation into the Mayoral Election process by clearly defining roles, candidacy requirements and providing clearer participation element for the nominated candidates to address the meeting.

Refer to track changes in Attachment 1 to see the amendments proposed.

MAYORAL ELECTION PROCEDURE POLICY (CONT.)

## CONSULTATION

Legal advice was sought as to the validity of Councillors self nomination as a candidate in the election and this was considered an acceptable practice.

## FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

The Mayoral Election process is part of the annual Statutory meeting.

## POLICY AND LEGISLATIVE IMPLICATIONS

This policy is in line with the requirement of the *Local Government Act 1989*, mayoral election provisions and Council's *Meeting Procedure Local Law*.

## RISK IMPLICATIONS

Risk Ranking is determined using [ROHS201-G1- Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Non-compliance with required legislation and local law	LOW	Is consistent with requirements in <i>Local Government Act 1989</i> and Council's <i>Meeting Procedure Local Law</i>	Yes, within Governance and Corporate Accountability functions

## SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

There are no applicable sustainability implications.

## CHARTER OF HUMAN RIGHTS IMPLICATIONS

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report and it's determined that the subject matter does not raise any human rights issues.

## CHILDREN AND YOUNG PEOPLE IMPLICATIONS

There are no children and young people implications.

## OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

## CONCLUSION

It is good practice to review Council policies on a rotational basis. Some minor amendments have been made to this Policy as presented for Council endorsement.

# **MITCHELL SHIRE COUNCIL**

## **Council Meeting Attachment**

### **GOVERNANCE AND CORPORATE PERFORMANCE**

**21 OCTOBER 2019**

**8.2**

#### **MAYORAL ELECTION PROCEDURE POLICY**

**Attachment No: 1**

**Mayoral Election Procedure Policy**

# MAYORAL ELECTION PROCEDURE

<b>Policy Owner</b>	Governance and Corporate Accountability
<b>Department</b>	Governance and Corporate Performance
<b>Creation Date</b>	October 2019
<b>Revision Date</b>	October 2023

## ELECTION OF MAYOR

### Introduction

This Policy is concerned with the annual election of the Mayor. It describes how the Mayor is to be elected. This Policy is to be read in conjunction with Council's *Meeting Procedure Local Law 2014*.

### 1. Election of the Mayor

- (1) A meeting to elect the Mayor must be held:
  - (a) as soon as practicable after the declaration of the results of a general election of Councillors;
  - (b) as soon as practicable after the fourth Saturday in October, in years between general elections of Councillors; and
  - (c) as soon as practicable after the office of Mayor otherwise becomes vacant.
- (2) The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the *Local Government Act 1989*.

### 2. Eligible to Stand for Election

All Councillors are eligible to stand for election or re-election to the office of Mayor and Deputy Mayor.

### 3. Chair's Duties

In addition to the duties and discretions provided in the *Meeting Procedure Local Law 2014*, the Chair for the purpose of the election of the Mayor:

- (1) Must not accept:
  - (a) Any questions from Councillors;
  - (b) Any statement or address which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community.
- (2) Must call to order any person who is disruptive or unruly during the meeting.

### 4. Method of Voting

The election of the Mayor must be carried out by a show of hands.

### 5. Determining the Election of the Mayor

- (1) The Chief Executive Officer must open the meeting at which the Mayor is to be elected and invite nominations for a temporary Chair.
- (2) If there is more than one nomination, the temporary Chair will be elected in accordance with sub-clause (6)(b)-(g) as if that provision applied to candidates for the position of temporary Chair.
- (3) The temporary Chair must invite nominations for the office of Mayor and confirm that all nominees are willing to stand.

- (4) [A Councillor can nominate themselves as a candidate for the office of Mayor.](#)
- (5) Any nomination for the office of Mayor must be seconded.

*A nomination refers to a candidate for election to the office of Mayor.*

*Any nomination must be seconded for the purpose of acceptance by the Chair.*

*For the election process, a nomination is not considered to be a motion under the Meeting Procedure Local Law 2014.*

- (6) Candidates for the election of Mayor may address Council for up to five (5) minutes in support of their candidacy prior to the election of Mayor being conducted. [If there is more than one nomination, the candidates will address Council in alphabetical order based on the surname of the Councillor.](#)
- (7) In determining the election of Mayor, the following provisions will govern the election process:
- (a) if there is only one nomination, the candidate nominated is deemed to be elected;
  - (b) if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;
  - (c) in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
  - (d) in the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;
  - (e) if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;
  - (f) in the event of two or more candidates having an equality of votes and one of them having to be declared:
    - (i) a defeated candidate; or
    - (ii) duly electedthe declaration will be determined by lot.

- (g) if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:
  - (i) each candidate will draw one lot;
  - (ii) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
  - (iii) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. The word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

## 6. Election of Deputy Mayor and Chairs

Any election for:

- (a) any office of Deputy Mayor; or
- (b) temporary Chair, in cases where the Mayor and any Deputy Mayor are absent from a Council meeting;

will be regulated by Clauses 1-5 (inclusive) of this Policy, as if, in the case of any election for Deputy Mayor, the reference to the:

- (c) Chief Executive Officer is a reference to the Mayor; and
- (d) Mayor is a reference to the Deputy Mayor.

## 7. Related Documents

- (a) Meeting Procedure Local Law 2014

## 8. Commencement and end Dates

- (a) Commences on the day Council resolved to adopt the Policy;
- (b) **Ends on the day on which a notice of making a new Meeting Procedure Local Law is published in the *Victoria Government Gazette* or is reviewed by Council.**