

8.11. Election to Fill Casual Vacancy on the LGNSW Board

AUTHOR: Ian Curry, Manager Council & Committee Services

ENDORSED BY: Shane Sullivan, Executive Manager Governance

ATTACHMENTS:

1. LGNSW - Casual Vacancy Election - Timetable and List Request [8.11.1 - 4 pages]

PURPOSE:

For Council to determine Council's voting delegates for the casual vacancy on the LGNSW Board for the office of Director (Metropolitan/Urban council)

EXECUTIVE SUMMARY:

Local Government NSW (LGNSW) has a casual vacancy on its Board for the office of Director (Metropolitan/Urban council), which is required to be filled by secret postal ballot.

Arrangements have been made with the Australian Electoral Commission (AEC) to conduct the election according to the *attached* timetable.

Council is entitled to appoint five voting delegates and must advise LGNSW of the names by 7 July 2022.

FINANCIAL IMPLICATIONS:

This report has no financial implications.

RECOMMENDATION:

1. THAT Council determine five voting delegates for the casual vacancy on the LGNSW Board for the office of Director (Metropolitan/Urban council) to be the same as those nominated for the 2022 LGNSW Conference, being the Mayor, Councillor Baker, Deputy Mayor, Councillor Bourke and Councillors Beregi, Santer and Welch.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.1 Council leads the strategic direction of North Sydney

BACKGROUND

LGNSW has a casual vacancy on its Board for the office of Director (Metropolitan/Urban council) which is required to be filled by secret postal ballot. Arrangements have been made with the Australian Electoral Commission (AEC) to conduct the election according to the *attached* timetable.

Councillors were asked to advise if they wished to be determined as a voting delegate in the Councillor Bulletins of 19 May 2022 and 16 June 2022. No nominations were received. AS a result, it is recommended that those Councillors nominated as voting delegates to the 2022 LGNSW Conference again be Council's nominees.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

Metropolitan/Urban members are required to advise LGNSW of the names and postal addresses of their nominated voting delegates for the election by **7 July 2022** using an online form which is available on the LGNSW website.

Only Councillors from Metropolitan/Urban members are eligible to nominate as a candidate and to vote in the election.

Council is entitled to appoint five voting delegates.

The AEC Returning Officer overseeing the election is Ms Olivia Lee.



Reference: ANCMY 2021/7085

Mr Ross Nassif
 Senior Industrial Officer
 Local Government NSW
 GPO Box 7003
 Sydney NSW 2001

Dear Mr Nassif

**Local Government NSW
 Casual Vacancy Election
 E2021/229**

The Registered Organisations Commission has made arrangements with the Australian Electoral Commission (AEC) under Section 189 of the *Fair Work (Registered Organisations) Act 2009 (the Act)* to conduct the above election.

Timetable

The timetable for the election will be:

Date	Occurrence
26/05/2022	Close of Roll
27/05/2022	List of eligible members delivered to Returning Officer
02/06/2022	Returning Officer publishes Election Notice via AEC Website and email
02/06/2022	Organisation publishes Election Notice and nomination form via Organisation newsletter/journal
02/06/2022	Nominations Open
30/06/2022	Nominations Close at 12:00pm (Australian Eastern Standard Time (AEST))
07/07/2022	Nomination withdrawal period closes at 12:00pm (Australian Eastern Standard Time (AEST))
07/07/2022	Voting members to advise LGNSW of the names and postal addresses of nominated voting delegates
12/07/2022	LGNSW to provide the Returning Officer the names and postal addresses of the nominated voting delegates
28/07/2022	Postal Ballot Opens
25/08/2022	Postal Ballot Closes at 10:00am (Australian Eastern Standard Time (AEST))

Notification to Members

I will arrange the Election Notice and nomination form to be emailed and published via AEC Website on 02/06/2022.

The Organisation is required to have the enclosed Notice and nomination form published via Organisation newsletter/journal on 02/06/2022 until 25/08/2022.

Application of Section 193 Powers

The matters in which I have exercised the authority given to me by s.193 of the Act are:

- Rules regarding the distribution of election notice and nomination form by the AEC to be sent by email and via the AEC website.
- Rule regarding the absentee voting according to Schedule C-16 is not clear. To allow absentee voting, the Returning Officer will advise the members that if they are away from their current address and unable to receive ballot materials, they need to complete the Absentee application form with an alternate address and return it to the Returning Officer by email or AEC portal by a certain date.

Request to supply Register of Members Information

The Roll of Voters for the above election will be those Ordinary members of the Metropolitan/Urban division of the branch financial as at 26/05/2022.

As the Returning Officer, I request you supply the following listing(s) of eligible members of the Local Government NSW by the dates that are specified:

Listing	Date Required
(a) Name and member information (identified below), of every eligible member Metropolitan/Urban division who was financial at 26/05/2022 in accordance with the rules of the Organisation	27/05/2022
(b) Update(s) listing members who: <ul style="list-style-type: none"> i. were inadvertently included on a listing ii. were inadvertently omitted from a listing who are eligible iii. have changed name, address or any other personal details iv. have changed electorate/s PLEASE NOTE: any deletions [b (i)], additions [b (ii)] or electorate changes [b (iv)] must be updates to the roll as at 26/05/2022. Updates which occur after this date cannot be accepted and so, should not be provided, except where they are changes relating to b (iii) above.	07/07/2022
(c) The names of members appearing on a listing who have ceased to be members by 28/07/2022.	The day before the Ballot opens.
(d) Any change of address details for members appearing on listing (a) and not provided on 07/07/2022.	14/07/2022

Electronic listings

Organisations are requested to submit data and documents electronically via the AEC Electoral Event Portal. A link to the portal can be found on the AEC website (www.aec.gov.au) under Elections, Industrial elections and ballots.

The List of Members is to be supplied as an Excel file.

Lists should not be emailed as Commonwealth Guidelines provide that classified information, including personal information, should not be transmitted by email.

Member Information

Name and member information (identified below) of every member, eligible to be included in the electorate/s for the election, who was financial at 26/05/2022 in accordance with the rules of the Organisation.

A record for each eligible member is to include the following information in separate fields:

- Membership number,
- Voting delegates and Board of Directors surname,
- Voting delegates and Board of Directors (full) first name/s,
- Email
- Address line 1 (BUILDING NAME AND UNIT/FLAT/TOWNHOUSE NUMBER),
- Address line 2 (STREET ADDRESS OR PO BOX),
- Address line 3 (CITY/TOWN),
- STATE (Aust Post Abbrev),
- Postcode,
- COUNTRY (OUTSIDE AUST ONLY)
- Electorate Code (see below)
- "Incorrect last known address" code (see below)
- "Workplace Address" Code (see below)

Electorate code

For each member listed, include a field identifying the relevant Electorate and provide an explanatory table for the codes.

Incorrect last known address

Please include in the listing(s) a field for "Incorrect Last Known Address". If you have eligible members with a last known address thought to be incorrect, you should code those members as "Y" or "Yes" in this field.

Workplace addresses

Please include in the listing(s) a field for "Workplace Address". If you have eligible members with only a workplace address, you should code those members as "Y" or "Yes" in this field – otherwise, leave the field blank.

Certification of Lists

Each listing must be accompanied by a certificate signed by you in the following terms:

"I certify that the accompanying listing contains the (include appropriate details, as per the text in (a), (b), (c), or (d) above). I further declare that the register of members has been maintained as required by Section 230(2) of the Fair Work (Registered Organisations) Act 2009.

The total number of eligible members listed is [include number] at 26/05/2022."

The listings and certificates as described above must be supplied to me by NO LATER THAN 12:00pm on the date(s) specified.

Confidentiality of Information

Regulation 131 of the *Fair Work (Registered Organisations) Regulations 2009* (the Regulations) requires that the Returning Officer must make a copy of the roll available for inspection and copying by members, and other persons authorised by the Returning Officer. However, sub-regulation 6 provides:

(6) If a copy of a roll, or a copy of part of a roll, is made or supplied under this regulation, a person must not use information in the roll for a purpose other than:

- (a) a purpose in connection with the election; or*
- (b) to monitor the accuracy of the information contained in the roll.*

Penalty: 10 penalty units.

Other Legislative Provisions

I wish to draw your attention to the following:

- Regulation 145 of the Regulation which provides that, where an election or ballot is conducted by the AEC, no steps in the election may be taken by any person without the Returning Officer's authority or direction.
- Section 190 is an offence provision of the Act and a contravention of it constitutes an irregularity. Section 190 of the Act states:

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Maximum penalty: 100 penalty units.

If you have any queries or concerns regarding any of the above please do not hesitate to contact me on IEEvents@aec.gov.au or 02 9375 6360.

Yours sincerely

Olivia Lee
Returning Officer
Australian Electoral Commission
29/04/2022

P 02 9375 6360

www.aec.gov.au