
NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 12 JULY 2023
REPORTS TO COUNCIL – BUSINESS WITHOUT NOTICE – URGENT MATTERS

1. CASUAL VACANCY IN OFFICE OF COUNCILLOR

Author	Director Governance
Responsible Officer	Acting General Manager
Link to Strategic Plans	CSP – 4.3.1 Operate and manage Council in a financially sustainable manner that meets all statutory and regulatory compliance and Council policies

Executive Summary

This report is presented to Council as business without notice, urgent matters, following receipt of advice from the Office of Local Government, that a resolution of Council is required to make an application to the Minister to order that the casual vacancy in the office of a councillor not be filled.

Report

Casual Vacancy

On 23 June 2023, Council advised the Office of Local Government and the NSW Electoral Commissioner of the resignation of Councillor Lyn Jablonski, effective 22 June 2023.

The Office of Local Government has advised that the making of an application to the Minister to order that the casual vacancy in the office of a councillor not be filled, is a non-delegable role of a council and will require a resolution of Council.

Under section 292 of the Local Government Act 1993, a by-election to fill a casual vacancy in the office of a Councillor is to be held on a Saturday that falls not later than 3 months after the vacancy occurs and is fixed by the NSW Electoral Commissioner.

Section 294 of the Act provides for dispensing with by-elections if a casual vacancy occurs in the office of a councillor within 18 months before the day specified for the next ordinary election of the councillors for the area. If such a casual vacancy occurs in the office of a councillors, the Minister may, on the application of the council order that the vacancy not be filled.

Business without Notice

Council must not consider business at a meeting of the council unless notice of the business has been sent to the Councillors at least three (3) days before the meeting, unless a motion is passed to have the business considered at the meeting and the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 12 JULY 2023
REPORTS TO COUNCIL – BUSINESS WITHOUT NOTICE – URGENT MATTERS

1. CASUAL VACANCY IN OFFICE OF COUNCILLOR (Cont'd)

The next Ordinary Council Meeting will be held on 9 August 2023. Should Council defer consideration of this matter, there will be limited time in which to hold a by-election should the Minister not consent to Council's application to dispense with the vacancy. The last Saturday for a by-election to be held will be 16 September 2023.

Financial Implications

Should Council not make application to the Minister, a by-election will need to be held within 3 months of the casual vacancy.

The cost estimate for the 2024 local government election is approximately \$72,000 including GST.

Legal and Regulatory Compliance

Local Government Act 1993
Council Code of Meeting Practice

Risk Management Issues

As Council's election was not fully contested it is unable to rely on the countback method to fill any vacancy.

Internal/External Consultation

General Manager

Attachments

- Nil

RECOMMENDATION

1. That Council consider the matter at the meeting on the basis that it is urgent business.
2. That Council make application to the Minister for Local Government to order that the casual vacancy in office of councillor not be filled.

Phil Johnston
Acting General Manager