

Ordinary Meeting

Meeting Date: Monday, 05 June, 2023
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

Membership (Quorum - 7)
All Councillors

Addendum Agenda

Mayoral Minute

Mayoral Minute

MM23.15 Mayoral Minute - Farewell Director City Services Paul Keech1

Reports

CEO

CL23.191 Resignation – Councillor Liza Butler.....2

MM23.15 Mayoral Minute - Farewell Director City Services Paul Keech

HPERM Ref: D23/220791

Recommendation

That Council thank Director City Services Mr Paul Keech for his contribution to Council over the past 17 years and wish him well as he leaves Council on the 23 June 2023.

Details

Mr Paul Keech has worked in Local Government for over 32 years commencing with Shoalhaven City Council in 1991 as an Engineer, having Graduated from the University of Technology NSW.

Paul lived and worked in the Shoalhaven for 13 years, raising four children, completing an MBA and progressing through the Council ranks to the position of Construction Manager.

In 2004, Paul moved to Narrabri in North-West NSW as the Director Engineer Services. For the next 14 years Paul served three (3) Councils as a Director (Narrabri NSW, Moree NSW, and Gladstone QLD).

In November 2017, Paul returned to the Shoalhaven in his current position as Director of the (now) City Services Directorate.

After working at four (4) councils across 2 states, 17 years at Shoalhaven, and 19 years as a Director, Paul has decided to prepare for his future retirement.

Paul bids Council farewell by saying *“Serving the community by providing essential services has been a truly rewarding experience and left me with many fond memories and a great deal of satisfaction. I have had the opportunity to learn from and then lead some amazing people over the last 32 years and it is these relationships that I value the most.”*

As this is Paul’s final Council meeting ahead of him leaving us on 23 June, on behalf of Shoalhaven City Council I thank Paul for his services to the City and wish him all the very best in his future endeavours.

CL23.191 Resignation – Councillor Liza Butler

HPERM Ref: D23/220486

Department: Business Assurance & Risk

Approver: Stephen Dunshea, Chief Executive Officer

Reason for Report

To note the resignation of Cllr Liza Butler as Councillor for Shoalhaven City Council received by the CEO, effective Thursday 1 June 2023, and the electoral process to be followed for the filling of the casual vacancy resulting from Cllr Butlers resignation

Recommendation

That Council:

1. Note the resignation of Cllr Butler and declare a casual vacancy of a Councillor at Shoalhaven City Council which will be filled by Countback election.
2. Formally thank Liza Butler for her dedication and contribution to the Shoalhaven Community in her capacity as Ward 3 Councillor.

Background

The CEO received a letter of resignation dated 31 May 2023 from Councillor Liza Butler with respect to her role as Elected Councillor for Ward 3, Shoalhaven City Council with an effective date of Thursday 1 June 2023.

Councillor Butler has advised that she is resigning from the Council with regret following her recent election as Member for South Coast in the NSW Parliament, in order that she can meet her responsibilities as local member and the duties as members of select committees of the NSW Government to which she has been appointed

Prior to the ordinary NSW Local Government elections held in December 2021, amendments to NSW Legislation enabled Councils to choose for the first time to use countback elections, instead of by-elections to fill any Councillor vacancies arising after the ordinary elections.

At the first meeting of this Council term it was resolved (MIN22.8 below) that if Council declared a casual vacancy of a Councillor within 18 months after the 4 December 2021 Council elections, then this will be filled by a countback of votes. Further, that the CEO notify the NSWEC office of the Council's decision (MIN22.8).

“That

1. *Pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act) Shoalhaven City Council declare that casual vacancies occurring in the office of a Councillor within 18 months after the last Ordinary election of Councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act; and*
2. *The Council directs the CEO to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision.”*

The countback is conducted using the same ballot papers from and the same proportional representation voting count system as the ballot papers from the local government elections held on 4 December 2021.

The timeline for a countback election is:

1. The NSWEC is notified of the casual vacancy, within seven days of it occurring.
2. A Returning Officer (RO) is appointed within 14 days of the notification of the vacancy.
3. Casual vacancy notices are issued within 14 days of the appointment of the RO.
4. Where a candidate is interested, they must submit a formal application to the returning officer. The application period closes after 10 days of the notices being issued.
5. The countback is conducted at least 14 days from when the vacancy notices are issued and no more than 49 days from when the casual vacancy occurred.

The Returning Officer will contact all potential candidates from the election who may still qualify to be elected to the office of Councillor. Where the candidate is interested, they must submit a formal application. All candidates who submit and do not withdraw their application become eligible candidates.

Information on the countback and procedure may be found at the NSWEC website <https://elections.nsw.gov.au/elections/how-counting-works/countback-elections>

Councillors will be kept informed of the process.

Community Engagement

The formal resignation of Cllr Butler as Councillor for Shoalhaven City Council will create a casual vacancy to be filled using a countback election, as is in the first 18 months of this Council term.

The CEO has notified the NSW Electoral Commission as is required within seven days of the effective resignation date. The process of the countback election and declaration of which candidate is elected is managed by the NSWEC.

All potential candidates will now be contacted by the NSWEC and asked if they wish to be considered for election in the countback. There will be no costs incurred for these candidates.

The CEO will be available to respond to any questions from the potential candidates.

NSWEC will provide communications and website links for Shoalhaven City Council website and manage the whole countback process.

It is anticipated that a new Councillor will be elected, and declaration made by the end of July 2023.

Policy Implications

Countback elections are described in Schedule 9A of the [Local Government \(General\) Regulation \(2021\)](#) and the *NSW Electoral Act (2017)*.

At a countback election, a sitting Councillor cannot be unelected, and non-eligible candidates cannot be elected.