

LATE REPORT (*Circulated at the Council Meeting*)

CM 10D Resignation of Councillor Amanda Duncan-Strelec (FIL12/01848)

DATE 25 June 2012

CONFIDENTIAL YES NO If yes please tick one of the following reasons
Personnel Matters Commercial Legal Security Personal Hardship

ITEM FOR DECISION
Meeting Date Monday 25 June 2012

ITEM FOR NOTING
Meeting Date

FURTHER ENQUIRIES TO Michael Keys PHONE 6023 8289
Acting General Manager

Background

Council has received a resignation from the position of Councillor of Albury City from Councillor Amanda Duncan-Strelec. The resignation is effective from Wednesday 6 June 2012.

In accordance with the provisions of the *Local Government Act 1993 (The Act)*, Section 234 (1)(b), a civic office becomes vacant if the holder resigns the office by writing addressed to the General Manager.

Part 5 of The Act provides for situations where casual vacancies occur and generally requires a by-election to be held. However, Section 294(2)(a) of the Act provides for the Minister to make an order that the vacancy not be filled under certain circumstances. The order can only be made on application from Council.

Issues

AlburyCity is in receipt of a resignation from civic office from Councillor Amanda Duncan-Strelec effective from Wednesday 6 June 2012. This resignation was received in writing by the General Manager on Monday 25 June 2012.

Council is required to notify the Division of Local Government of any vacancy in civic office.

Part 5 of The Act provides for situations where casual vacancies occur and generally requires a by-election to be held. However, Section 294(2)(a) of the Act provides for the Minister to make an order that the vacancy not be filled under certain circumstances. This provision only applies where it occurs within 18 months of the date specified for the next ordinary election of the councillors for the area. The order can only be made on application from Council.

A by-election to fill a casual vacancy must be held not later than three months after the vacancy occurs.

Due to the impending NSW Local Government Elections it is considered inappropriate to hold a by-election for this vacancy and accordingly I am recommending that Council apply to the Minister for an order that the vacancy not be filled.

Risk

- Business Risk – The position of civic office is an important role and can affect the functioning and operation of the Council. Under normal circumstances a by-election should be held at the earliest available time, however, due to the impending NSW local government general elections it is inappropriate to hold a by-election to fill this position.
- Corporate Risk – The vacancy will not prevent Council from conducting normal activities or functions and there are not considered to be any significant corporate risk issues.
- HS and Public Risk – There are no health and safety or public risk issues associated with this report.

Options

Council has two options available in these circumstances:

1. Notify the Division of Local Government of the vacancy in civic office and hold a by-election.
OR
2. Notify the Division of Local Government of the vacancy in civic office and seek the Ministers approval of an order that the vacancy not be filled.

Option 2 - is the preferred option and is recommended to Council.

Conclusion

AlburyCity has received a resignation from civic office and is required to seek the approval of the Minister of Local Government to order that the vacancy not be filled prior to the general election.

Recommendation

That Council:

- a. accept the resignation of Councillor Amanda Duncan-Strelec, effective Wednesday 6 June 2012;
- b. acknowledge the contributions of Councillor Amanda Duncan-Strelec to AlburyCity Council and the community of Albury; and
- c. notify the Division of Local Government of the vacancy in civic office and seek the Minister's approval of an order that the vacancy not be filled.