



Policy Owner: General Manager

Direction: 5. Our Civic Leadership

1. STATEMENT OF INTENT

- 1.1 This policy covers the appointment, role and remuneration of the Deputy Mayor's position and the representation of Council at civic and ceremonial functions.

2. ELIGIBILITY

- 2.1 All Councillors and staff are responsible for complying with the provisions of this Policy.

3. DEFINITIONS

- 3.1 **Deputy Mayor** - means the person elected annually by the Council to the office of Deputy Mayor.
- 3.2 **Civic and ceremonial functions** - refers to official events held for celebratory, ritual or commemorative purposes such as Citizenship Ceremonies, Australia Day Community Awards, ANZAC Day Ceremonial events, and official Council openings and launches.

4. PROVISIONS

- 4.1 Section 226 of the *Local Government Act 1993* provides that the role of the Mayor is to carry out civic and ceremonial function of the Mayoral office.
- 4.2 Section 231 of the *Local Government Act 1993* states that:
- (1) The Councillors may elect a person from among their number to be the Deputy Mayor.
 - (2) The person may be elected for the mayoral term or a shorter term.

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- (3) The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.
- (4) The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.
- 4.3 For the avoidance of doubt, section 231(3) enables the Deputy Mayor to exercise any function of the Mayor in circumstances where:
- (a) If the Mayor so requests; or
- (b) If the Mayor is prevented by illness, absence or otherwise from exercising the function; or
- (c) If there is a casual vacancy in the office of the Mayor.
- 4.4 Appointment - In accordance with Council's Code of Meeting Principles and Practices (Item 14), the election of the Deputy Mayor (for the period 1 October to 30 September) will take place at the Council meeting held in September annually. Nominations for Deputy Mayor will close on the date advised by staff, the deadline related to the report deadline for the September meeting.
- In line with Council's Open Government Policy, elections shall be conducted by open voting unless, at the meeting in which the election is to take place, Council resolves to hold a secret ballot. Should the Council resolve to hold a ballot, ballot papers will be distributed to Councillors. The ballot shall be conducted in accordance with Schedule 7 Part 2 of the *Local Government (General) Regulation 2005*.
- 4.5 Statutory Role - the role of the Deputy Mayor as defined in the *Local Government Act 1993* is to exercise any function of the Mayor at the request of the Mayor, or if the Mayor is prevented from exercising the function due to illness, absence or otherwise. This includes carrying out the civic and ceremonial functions of the Mayoral office, as necessary.
- 4.6 Organisational Role - in addition to the statutory role, the Council has an expectation that the following will protocols:
- (a) In the first instance, the Deputy Mayor is to be requested by the Mayor to undertake the civic and ceremonial functions of the Mayoral office as the Mayor's representative.

- (b) In circumstances where the Mayor is prevented by illness, absence or from otherwise exercising or attending a civic and ceremonial function, then the General Manager will request the Deputy Mayor to represent the Council at the particular civic and ceremonial function.
 - (c) In situations where Deputy Mayor is also unavailable, the General Manager be given delegated authority to ask another Councillor to represent the Council at the particular Mayoral civic and ceremonial function.
- 4.7 Remuneration - Section 249(5) of the *Local Government Act 1993* states that a council may pay the Deputy Mayor a fee determined by the council for such time as the Deputy Mayor acts in the office of the Mayor. This payment must be deducted from the Mayor's annual fee. Further, the Office of Local Government's Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW states that councils may only pay a Deputy Mayor part of the Mayor's annual fee where a Deputy Mayor demonstrably acts in the role of the Mayor.
- 4.8 The Deputy Mayor will receive payment of the Mayoral fee for the period where:
- (a) The Mayor is unable to exercise the function of the Mayor for a period of more than 1 month for whatever reason and irrespective of whether leave of absence has been granted; or
 - (b) The office of the Mayor becomes vacant in accordance with Section 234 of the *Local Government Act 1993*; or
 - (c) A casual vacancy occurs in the office of the Mayor on or after 1 October last preceding the end of the term of a Council as detailed in Section 294 of the *Local Government Act 1993*. In this event, the Deputy Mayor is to be the Councillor nominated by the Council to the Governor for appointed to the vacant office.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 All Councillors and staff are responsible for complying with the provisions of this Policy.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Code of Conduct - Councillors and Staff
- Code of Meeting Principles and Practice
- Mayor and Councillors Facilities and Benefits Policy
- Media Liaison Policy
- Open Government Policy

The Policy should be read in conjunction with the following documents/legislation:

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Office of Local Government's Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW 2009

Version	Date Approved	Approved by	Resolution No.	Review Date
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