

9 November 2016

The Hon. Paul Toole MP
Minister for Local Government
GPO Box 5341
SYDNEY NSW 2001

By email: office@toole.minister.nsw.gov.au

Dear Minister

The purpose of this letter is to provide advice to inform the Government's consideration of possible timeframes for conducting the remaining Local Government Elections.

This advice has been developed in light of the logistical constraints which need to be taken into account by the NSWEC in relation to the Local Government Elections and the 2019 State General Election.

I note the Government has determined that elections will be held on 9 September 2017 for those 20 Local Government Areas which are definitively amalgamated as per proclamation.

It may be possible for elections to be held on 9 September 2017 for some (or all) of the councils which are currently challenging their amalgamation before the courts. For this to happen, firstly, those legal proceedings would need to be finalised this month and, secondly, the Government would need to notify the NSWEC by no later than 30 November 2016 of those additional councils it wishes to go to an election on that date. Confirmation from the Government by 30 November 2016 of additional councils to be included in a 9 September 2017 election will allow sufficient lead time for any new ward boundaries to be established and proclaimed by mid-January 2017.

Having in mind the 20 elections which are to be held on 9 September 2017, the earliest date on which the NSWEC could conduct elections for those councils which are still involved in litigation post November 2016 is 25 March 2018. For these Councils, the new Council Areas and ward boundaries will need to be proclaimed by 1 August 2017 to give sufficient lead time for electors to be placed in, and notified of, their new Local Government Area and Ward enrolment. It would be necessary for the Government to advise the NSWEC by no later than 31 August 2017 that it wishes to hold the election on that date. This timetable would give the NSWEC enough time for concluding its activities relating to the 9 September 2017 election (decommissioning RO Offices, non-voter penalty processes etc) and the lead time required (procuring polling venues, recruiting staff etc) to conduct 25 March 2018 elections.

Due to the risk of negative impact on planning for, and conduct of, the March 2019 State Election, the NSWEC would be unable to conduct a further tranche of local government ordinary elections between 25 March 2018 and 7 September 2019. In this context, and having in mind the cost of holding multiple elections, it might be preferable for any councils for which an election is not conducted in March 2018 to be held over until the next scheduled ordinary elections of local government in September 2020.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Schmidt', written over a horizontal line.

John Schmidt
NSW Electoral Commissioner