

Circular No. 13-28
Date 27 June 2013
Doc ID. A333849

Contact Governance Team
02 4428 4100

AMENDMENTS TO SECTION 296 OF THE LOCAL GOVERNMENT ACT 1993 RELATING TO THE CONDUCT OF ELECTIONS

Purpose

To inform councils of recent amendments to section 296 of the *Local Government Act 1993* relating to the conduct of council elections

Issue

- The Local Government Amendment (Conduct of Elections) Act 2013, which commenced on 25 June 2013, enhances the flexibility of councils to make decisions on the conduct of their elections.
- To address concerns raised by local government and the NSW Electoral Commissioner (NSWEC) on the timing of making a decision on the conduct of elections, amendments have been made to section 296 of the Act. Key changes include:
 - Councils are able to decide up to 18 months prior to an ordinary election to enter into a contract with the NSWEC to conduct all of their elections, referendums and polls and to enter into any such contract up to 15 months before the election.
 - The contract may be terminated by either party at any time following the ordinary election and will expire 18 months prior to the next ordinary election unless terminated earlier.
 - Councils may also enter into a contract with the NSWEC to conduct their individual elections (other than ordinary elections), referendums and polls at any time.
 - In exceptional circumstances the NSWEC may agree to conduct an ordinary election at any time.
 - Councils that have already resolved to engage the NSWEC to conduct a by-election under section 296 within 12 months of the 2012 ordinary election will not be obliged to use the NSWEC to conduct other elections, referendums or polls.

Action

General Managers are requested to bring this circular to the attention of councillors and council staff involved in the coordination or management of elections.



Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet