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MODEL RESOLUTIONS TO ENGAGE THE NEW SOUTH WALES ELECTORAL COMMISSIONER TO CONDUCT COUNCIL ELECTIONS

Purpose

To inform councils of the model resolutions required to make a decision to engage the New South Wales Electoral Commission (NSWEC) to conduct their elections, referendums and/or polls

Issue

Section 296 of the *Local Government Act 1993* was amended earlier this year to enhance the flexibility of councils to make decisions on the conduct of their elections. Among other things, the changes now allow councils 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. Councils may also decide to engage the NSWEC to conduct their individual elections (other than ordinary elections), referendums and polls at any time.

The NSWEC has advised that for these decisions to be effective, appropriate wording of the resolutions needs to be used. The suggested model wording for council resolutions to engage the NSWEC to conduct their elections is contained in the attachments to this circular.

Attachment 1 contains the model wording for resolutions to engage the NSWEC to conduct **all** elections, council polls and constitutional referenda.

Attachment 2 contains the model wording for resolutions to engage the NSWEC to conduct **a single** election, (other than an ordinary election) poll or referendum.

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.



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

Attachment 1

Model council resolution that an election arrangement be entered into for the Electoral Commissioner to administer all elections, council polls and constitutional referenda (s. 296(3) *Local Government Act 1993*)

The [insert full description of council] (“the Council”) resolves:

1. pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

Note: this resolution must be made at least 18 months before the next ordinary election of councillors.

Attachment 2

Model council resolution that an election arrangement be entered into for the Electoral Commissioner to administer a particular election and/or council poll and/or constitutional referendum (ss. 296(2) and (4) *Local Government Act 1993*)

ELECTION (other than an ordinary election of councillors):

The [insert full description of council] resolves pursuant to ss. 296(2) and (4) of the *Local Government Act 1993* (NSW) that:

1. an election arrangement be entered into for the Electoral Commissioner to administer [insert description of the particular election but do not do so by date in case the election date is changed or postponed]; and
2. such electoral arrangement be entered into by contract between the Electoral Commissioner and the Council.

COUNCIL POLL:

The [insert full description of council] resolves pursuant to ss. 296(2) and (4) of the *Local Government Act 1993* (NSW), as applied and modified by s.18, that:

1. a council poll arrangement be entered into for the Electoral Commissioner to administer [insert description of the council poll but do not do so by date in case the poll date is changed or postponed]; and
2. such council poll arrangement be entered into by contract between the Electoral Commissioner and the Council.

CONSTITUTIONAL REFERENDUM:

The [insert full description of council] resolves pursuant to ss. 296(2) and (4) of the *Local Government Act 1993* (NSW), as applied and modified by s.18, that:

1. a constitutional referendum arrangement be entered into for the Electoral Commissioner to administer [insert description of the constitutional referendum but do not do so by date in case the referendum date is changed or postponed]; and
2. such constitutional referendum arrangement be entered into by contract between the Electoral Commissioner and the Council.