

<b>Circular Details</b>	Circular No 15-01 / 6 January 2015 / A403359
<b>Previous Circular</b>	Circular 13-41 Model Resolutions to engage the NSW Electoral Commissioner to Conduct Elections
<b>Who should read this</b>	Councillors / General Managers
<b>Contact</b>	Council Governance Team - 4428 4100
<b>Action required</b>	Information / Council to Implement

## Local Government Amendment (Elections) Bill 2014

### What's new or changing

- The *Local Government Amendment (Elections) Bill 2014* has now passed the NSW Parliament. The amendments give effect to recommendations made by the NSW Parliament's Joint Standing Committee on Electoral Matters in its inquiry into the 2012 Local Government Elections. They are designed to improve the administration of council elections, give councils more choice in the administration of their elections, reduce costs and improve voter participation.

### What this will mean for your council

- The details of the amendments to the *Local Government Act 1993* and accompanying amendments to the *Local Government (General) Regulation 2005* are outlined in the attachment to this circular.

### Key points

- The amendments will commence once the supporting regulations are made. The Office will inform councils when the amendments commence.
- The amendments will not alter the requirement for councils to resolve before **9 March 2015** whether to engage the NSW Electoral Commissioner to administer their elections. Where councils resolve to engage the Electoral Commissioner they should use the words suggested in circular 13-41 issued on 18 September 2013.
- Where councils fail to resolve to engage the Electoral Commissioner before the **9 March 2015**, the General Manager will be responsible for administering the council's elections.
- Where councils resolve to administer the elections themselves, they should specify the following information in their resolution:
  - whether the General Manager intends to administer elections personally or to engage an electoral services provider,
  - if the General Manager intends to administer elections personally, whether the General Manager has identified any persons to be appointed as the returning officer and substitute returning officer and, if so, their names,
  - if the General Manager intends to engage an electoral services provider, whether the general manager has identified an electoral services provider and, if so, the name of that provider:

- Information on what councils should consider in deciding whether to administer their own elections is available on the Office of Local Government's website at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au). In the "Directory of Policy Advice" please go to the "Elections" page and select "*Guidelines for Council Administered Elections*".

**Where to go for further information**

- For more information, contact the Office's Council Governance Team on 4428 4100.



**Steve Orr**  
**Acting Chief Executive**  
**Office of Local Government**

## Attachment

### **Amendments to the Local Government Act**

The amendments to the *Local Government Act 1993* will:

#### **Reduce costs and improve the administration of council elections by:**

- Requiring councils that administer their own elections to demonstrate to their communities that they have the capacity to do so successfully.
- Ensuring that councils that choose to administer their own elections have access to soft copy information contained in the electoral roll necessary for the effective administration of their elections and ensuring that this information is used solely for the purposes of administering the election.
- Allowing councils to avoid the significant expense of holding a by-election to fill vacancies that arise in the first 18 months of their terms by giving them the option of filling vacancies by use of a count back system based on votes cast at the last ordinary election instead. The decision to exercise this option must be made at the first meeting of the council following the election.

#### **Build on the reforms to non-residential enrolment for the City of Sydney and promote non-residential voter participation at other council elections by:**

- Allowing the City of Sydney the option of conducting its elections by universal postal voting instead of attendance voting and extending this to all councils in the future.
- Boosting non-residential elector participation in elections for councils other than the City of Sydney by relieving non-residential voters of the need to reapply to vote at each election.

### **Amendments to the Local Government (General) Regulation**

The amendments to the Act will be complimented by amendments to the Regulation, which will be developed in close consultation with the NSW Electoral Commissioner.

These amendments will prescribe the detailed procedural requirements for the use of count backs to fill vacancies and conducting universal postal voting elections. In addition, the amendments to the Regulation will give effect to a number of other recommendations of the Committee. In particular, they will:

#### **Improve the administration of elections by:**

- Requiring the Electoral Commissioner to report to the Minister on the council elections he has administered
- Add to the candidate data currently collected by the Office of Local Government, information about candidate membership of registered political parties
- Requiring the Electoral Commissioner and general managers of councils that administer their own elections to report voter turnout numbers.

Improve voter participation at elections by:

- Abolishing the qualification requirements for postal and pre-poll voting for voters for the City of Sydney allowing all voters, (including non-residential voters) to cast their vote this way should they choose to do so, and extending this to all council areas in the future.