

ITEM 15 ADMINISTRATION OF THE 2024 ELECTION OF LORD MAYOR AND COUNCILLORS

The *Local Government Act 1993* ("the Act") provides that, at least 18 months before each ordinary election, Council must resolve to engage either the New South Wales Electoral Commissioner, or an election services provider, to administer the ordinary election of Lord Mayor and Councillors.

RECOMMENDATION

- 1 Pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) ("the Act") Council enter into an election arrangement by contract for the Electoral Commissioner to administer the election for Lord Mayor and Councillors of Wollongong City Council scheduled for September 2024.
- 2 Such contract to include the administration of council polls (if any) or constitutional referenda (if any) of the Council conducted as part of the September 2024 elections.
- 3 Authority be granted to affix the Common Seal of Council to the contract document and any other documentation, should it be required to give effect to this resolution.

REPORT AUTHORISATIONS

Report of: Todd Hopwood, Manager Governance + Customer Service
Authorised by: Renee Campbell, Director Corporate Services - Connected + Engaged City

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

The Act requires the Council to either engage a commercial electoral services provider or to resolve to engage the Electoral Commissioner to administer each election.

If Council does not engage the Commissioner by 13 March 2023 to administer its September 2024 elections and decides to engage a commercial election service provider, a tender process will be required, as the estimated cost of the administration of the elections will exceed the tender value threshold of \$250,000 as prescribed by the Act. The direct engagement of the Electoral Commissioner to administer Council elections has been included in the Act as one of the exemptions to tender requirements.

If Council resolves to engage the NSWEC to administer its elections, polls and referenda, the election arrangement with the NSWEC will apply to the 2024 ordinary election and every election, poll and referendum including any by-election or countback election until the contract is automatically terminated 18 months before the following ordinary election of Councillors.

The election arrangement is a standardised contract for all councils. The service schedule and costs schedule of the standardised contract will vary between councils and are made by the NSWEC in consultation with each council.

PROPOSAL

Any potential cost saving by engaging a commercial election service provider are not considered to be significant enough to justify a move away from the Electoral Commissioner, particularly when the additional project and contract management responsibilities required by Council staff are taken into account.

The benefits to Council of the engagement of the Electoral Commissioner to administer the elections include:

- the integrity of the Electoral Commission's systems and processes including its vote counting software

- the experience of the Commissioner and their staff in conducting State and Council elections including the resolution of complaints and disputes
- the “arm’s length” probity principle of not having the General Manager or Council’s administrative staff directly or indirectly involved in the administration of the election process, and
- certainty of the availability of polling places, polling staff and election materials such as voting screens, ballot boxes and stationery.

The 2021 elections in Wollongong were conducted efficiently. There was a high level of co-operation between operational staff of Council, the Returning Officer appointed by the Commissioner and the Commissioner’s staff in administrative and housekeeping matters connected with the elections to reduce costs wherever possible.

It is proposed that Council resolve to engage the Electoral Commissioner of New South Wales to administer the 2024 elections of Lord Mayor and Councillors.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goal 4.8 *“Council’s resources are managed effectively to ensure long term financial sustainability”*.

It specifically delivers on core business activities as detailed in the Governance and Customer Service, Service Plan 2022-23.

FINANCIAL IMPLICATIONS

Council has requested a quote from the NSW Electoral Commission for the administration of the 2024 ordinary election which, at the date of this report, had not yet been received.

CONCLUSION

It is proposed that the General Manager be authorised to enter into an agreement with the Electoral Commissioner to administer the 2024 Elections of Lord Mayor and Councillors, and any future Council polls of electors and constitutional referenda. It is also proposed that the General Manager be authorised to finalise the terms of the engagement and to enter into a contract with the Commissioner on behalf of Council for the conduct of the elections, Council polls and referenda.