

## **10.6. Administration of the September 2024 Ordinary Elections**

**AUTHOR:** Ian Curry, Manager Council & Committee Services

**ENDORSED BY:** Shane Sullivan, Executive Manager Governance

### **ATTACHMENTS:**

1. NSWEC Response Letter [**10.6.1** - 2 pages]
2. NSWEC Quotation [**10.6.2** - 1 page]
3. CONFIDENTIAL - AEC Covering Advice Council Quotations 301222 [**10.6.3** - 4 pages]
4. CONFIDENTIAL - AEC North Sydney Council Schedule 1 and Schedule 2 Indicative Quotations 301222 [**10.6.4** - 2 pages]

### **PURPOSE:**

To seek Council endorsement to engage the NSW Electoral Commission (NSWEC) to conduct the 2024 Local Government elections, on behalf of North Sydney Council.

### **EXECUTIVE SUMMARY:**

Under section 296AA of the Local Government Act 1993 (the Act), councils are required to make a decision regarding how their ordinary elections in September 2024 are to be administered by 13 March 2023.

If a council does not resolve to engage the NSWEC to administer its elections by 13 March 2023, it must engage another electoral services provider to do so.

It is recommended that Council resolve that the NSWEC be engaged to conduct the 2024 elections on behalf of North Sydney Council. The recommendation to Council is in the format and form required by the NSWEC. This recommendation is made on the basis that the NSWEC is the pre-eminent provider for electoral services in NSW and represents comparative value for money.

Should Council wish to discuss this report it is noted that the attached confidential documents include commercial information that would, if disclosed, prejudice the commercial position of the person who supplied it. Release of the information would, on balance be contrary to the public interest as publication of all provided amounts would discourage potential providers from submitting commercial information in future and would affect Council's ability to obtain value for money services. As such should this matter be discussed it should be considered in closed session.

## FINANCIAL IMPLICATIONS:

In November 2019, prior to the 2021 Council elections (postponed from 2020 due to the pandemic) Council was quoted \$540,713.00 (including GST) by NSWEC to conduct the election.

In May 2022, the final account of \$531,110.89 (including GST) for the 2021 elections was received. It should be noted that the full cost to conduct the North Sydney elections was \$779,532.51 (including GST), which was offset by a COVID deferral discount of \$248,421.62 (including GST) covered by the NSW State Government.

NSWEC has provided a quote for the 2024 elections of \$739,775 (including GST). In providing the estimate, the NSWEC has noted that they only charge the actual cost to conduct the election and do not apply any margin.

*Summary of NSWEC cost and quotations:*

Date	Quote	Cost
2021	\$540,713.00	\$531,110.89 (actual \$779,532.51)
2024	\$739,775.00	

In addition, a quotation has been obtained from a Commercial Provider and is included in the confidential attachment.

## RECOMMENDATION:

**1. THAT** the North Sydney 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.

**2. THAT** Council resolves that the identified attachments to this report are to be treated as confidential in accordance with section 11(3) of the Local Government Act for the following reason under section 10A(2) of the Local Government Act:

- (d) commercial information of a confidential nature that would, if disclosed*  
*(i) prejudice the commercial position of the person who supplied it*

It is further noted that release of this information would, on balance be contrary to the public interest as publication of all provided amounts would discourage potential providers from submitting commercial information in future and would affect Council's ability to obtain value for money services.

## LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

### 5. Our Civic Leadership

#### 5.2 Strong civic leadership and customer focussed services

## BACKGROUND

Under section 296AA of the Local Government Act 1993 (the Act), councils are required to make a decision on how their ordinary elections in September 2024 are to be administered by 13 March 2023.

Each council must resolve either:

- to enter into an election arrangement with the NSW Electoral Commissioner (NSWEC) to administer all of the council's elections, polls and constitutional referenda or
- that the council's elections are to be administered by another electoral services provider engaged by the council.

If a council does not resolve to engage the NSWEC to administer its elections by 13 March 2023, it must engage another electoral services provider to do so. This report is provided to Council now to allow sufficient time to identify alternate providers should Council not resolve to engage the NSWEC.

It is further noted that at its meeting held 10 January 2022, Council resolved the following to exercise the option of using a countback to fill casual vacancies during the first 18 months following the election as follows:

*1. THAT pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act), North Sydney Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commissioner of the Council's decision within 7 days of the decision.*

At its meeting held 12 December 2022, Council resolved as follows:

*1. THAT Council note that under section 296AA of the Local Government Act 1993 (the Act), councils are required to make a decision regarding how their ordinary elections in September 2024 are to be administered by 13 March 2023.*  
*2. THAT Council note that in November 2019, prior to the 2021 Council elections (postponed from 2020 due to the pandemic) Council was quoted \$540,713.00 by NSWEC to conduct the election. In May 2022, the final account of \$531,110.89 for the*

*2021 elections was received. It should be noted that the full cost to conduct the North Sydney elections was \$779,532.51, which was offset by a COVID deferral discount of \$248,421.62 covered by the NSW State Government.*

*3. THAT, given that the NSWEC has not as yet provided a quote for the 2024 elections but has advised that they are experiencing significant price increases in the leasing of election venues for the 2023 State general election, far exceeding CPI or inflation, Council ask the General Manager to urgently write to the NSWEC asking that in order to keep the cost to ratepayers as low as possible, the NSWEC:*

- i) reduce the number of voting booths in the North Sydney LGA*
- ii) ensure that as far as possible, voting booths are distributed across the LGA and that voting booths are at least 750 metres apart*
- iii) reduce the pre-poll period from 2 weeks to 1 week*
- iv) encourage the use of postal voting*

*4. THAT in the letter, the General Manager request a quote from the NSWEC which seeks to reduce the cost to ratepayers.*

*5. THAT this matter come back to the February 2023 Council meeting for decision.*

*6. THAT Council raises this issue at the next NSROC meeting*

In accordance with the above resolution, Council wrote to the NSWEC on 15 December 2022. The NSWEC provided a quotation on 30 January 2023 and provided the attached additional response on 31 January 2023 regarding the points in part 3. The quotation and response are attached.

In addition, a quotation for the provision of election services was obtained from a commercial provider. This quote with a covering letter was provided as commercial in confidence and is attached to this report.

## **CONSULTATION REQUIREMENTS**

Community engagement is not required.

## **DETAIL**

### **Engagement of the NSWEC**

The election arrangement with the NSWEC 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.

Where a 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.

If a council resolves to adopt an electoral services provider other than the NSWEC, the resolution must state whether the general manager has identified an electoral services provider to be engaged for the next ordinary election and, if so, the name of that provider

If a council fails to make a decision on the administration of its elections, polls and referenda by 13 March 2023, it will not be able to engage the NSWEC to administer its ordinary election and it will be required to make its own arrangements with another electoral services provider for the administration of its elections.

A council that fails to make a decision on the administration of its elections by 13 March 2023 will also be required to publish a notice of that failure on the council's website

Following the 2021 election, Council resolved at its first meeting that any casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act.

It should be noted that, if a council does not engage the NSWEC to administer its 2024 ordinary election, it cannot engage the NSWEC to administer a countback election following the ordinary election, only by a returning officer appointed by that electoral services provider.

Where a council determines to use an alternate provider the General Manager is accountable for the conduct of the election including the defence of any disputed returns.

### **Consideration of providers**

The NSWEC is the dominant provider of electoral services in NSW. In 2021, two NSW Councils chose to conduct their own elections and used a third party provider.

While other entities are able to provide electoral services they usually propose a model that requires a significant resource investment from the council in terms of staffing and equipment. In practice there is only one recognised alternate provider for election services and they have been requested to provide a quotation, which is attached confidentially to this report.

In undertaking the election, the NSWEC as the regulator as well as the provider gives a greater level of quality assurance in the conduct of the election to the community, candidates and Council. However, as the larger provider to the vast majority of Councils the approach can be a 'one size fits all'.

The attached quotation from the commercial provider sets out the ways in which Council could reduce the cost of running the election (Schedule 2). While these represent savings in what is paid to the provider, they remain costs or foregone income associated with conducting the election.

It is also noted that there may be opportunities for Council to later negotiate actions, similar to those suggested in the resolution of 12 December 2022 that will further reduce the cost through the NSWEC.

Based on the two price estimates received and given the above context, the NSWEC is considered the preferred option for Council.

However, the contract with NSWEC should be closely managed to ensure Council receives optimal value for money and to give effect where possible to the resolution of 12 December 2022 with regard to:

- reducing the number of voting booths in the North Sydney local government area
- ensuring that as far as possible voting booths are distributed across the LGA and are at least 750m apart
- reducing the pre-poll period to 1 week
- encouraging the use of postal voting

**From:** "Julie Morris" <Julie.Morris@elections.nsw.gov.au>  
**Sent:** Tue, 31 Jan 2023 16:04:25 +1100  
**To:** "council" <council@northsydney.nsw.gov.au>  
**Subject:** Correspondence from NSW Electoral Commission [DLM= Unclassified]  
**Attachments:** D2023-1952 Letter to North Sydney Council re administration of LG24.pdf

You don't often get email from julie.morris@elections.nsw.gov.au. [Learn why this is important](#)

**CAUTION:** Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon

Please find attached a letter for the attention of Ms Therese Manns from Mr John Schmidt, Electoral Commissioner NSW.

Kindly acknowledge receipt.

Regards

**Julie Morris | Executive Support Officer  
NSW Electoral Commission**

231 Elizabeth Street | Sydney NSW 2000 | GPO Box 832 | Sydney NSW 2001  
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#### CONFIDENTIALITY NOTICE

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31 January 2023



Office of the Electoral Commissioner

Ms Therese Manns  
General Manager  
North Sydney Council  
200 Miller Street  
NORTH SYDNEY NSW 2060

**BY EMAIL**

Dear Ms Manns

**Administration of the September 2024 Local Government Ordinary Elections**

I refer to your letter, dated 14 December 2022, advising of Council's resolution at its meeting on 12 December 2022 in relation to the costs and administration of the forthcoming ordinary election for North Sydney Council.

I note that, in order to keep the cost to ratepayers of this election as low as possible, Council has requested that the NSW Electoral Commission (NSWEC):

1. reduce the number of voting booths in the North Sydney LGA
2. ensure that as far as possible, voting booths are distributed across the LGA and that voting booths are at least 750 metres apart
3. reduce the pre-poll period from 2 weeks to 1 week
4. encourage the use of postal voting

Number and location of polling places – The NSWEC determines the number and location of polling places based on a range of factors, with the overarching aim of facilitating the ability of electors to participate in the election. In this regard, particular attention is given to the projected turnout in particular locations, availability of suitable venues, and recent usage of venues at state, local and commonwealth elections. A guiding principle for the NSWSEC is that local government electors are entitled to receive the same level of accessibility and integrity which they experience at state elections.

Length of pre-poll period – As you may be aware, the NSW Parliament recently passed legislation reducing the pre-poll period for the March 2023 State Election from 2 weeks to 1 week. The NSWEC will examine the impact, if any, of this change on the operation of the State election before determining the pre-poll period for the 2024 local government election.

Postal voting – The use of postal voting at local government elections is subject to legislated eligibility requirements. The NSWEC conducts a range of advertising and other activities to advise eligible electors of the availability of postal voting.

Thank you for bringing Councils' views in this regard to my attention. Should you require any further information, please contact Mr Steve Robb, Director Customer Service and Relationship Management on 02 9290 5431 or by email [Steve.Robb@elections.nsw.gov.au](mailto:Steve.Robb@elections.nsw.gov.au)

Yours sincerely

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

John Schmidt  
Electoral Commissioner

NSW Electoral Commission | 231 Elizabeth Street SYDNEY NSW 2000 | GPO Box 832 Sydney NSW 2001  
T 1300 135 736 | [elections.nsw.gov.au](http://elections.nsw.gov.au)

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Council Meeting - 13 February 2023 Agenda

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**2024 Local Government Election - Cost Estimate**  
**as at 30th January 2023**  
**North Sydney Council**

Projects / Deliverables	Amount
<i>Ballot Papers</i>	9,738
<i>Call Centre</i>	12,746
<i>Counting and Results - Centralised</i>	36,190
<i>Counting and Results - Declaration Voting</i>	13,229
<i>Event Staffing</i>	298,890
<i>Information Technology</i>	17,388
<i>Logistics</i>	27,095
<i>Postal Voting Services</i>	25,522
<i>Venues</i>	198,039
<i>Voter Awareness</i>	28,156
<i>Financial Services</i>	5,529
<i>Constitutional Referendum</i>	-
<i>Council Poll</i>	-
<b>TOTAL (excluding GST)</b>	<b>672,523</b>
<b>GST</b>	<b>67,252</b>
<b>TOTAL (including GST)</b>	<b>739,775</b>

**Note**

*This estimate is based on the Council election being fully contested*

*Shared resources will be utilised where practical*