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| Circular Details | 19-02 / 8 February 2019 / A635365 |
| Previous Circular | <i>18-43 Council decisions on the administration of the September 2020 elections</i> |
| Who should read this | Councillors / General Managers / Council Governance Staff |
| Contact | Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au |
| Action required | Information |

IPART review of the costs of conducting local government elections and extension of the deadline for councils to make a decision on the administration of their elections

What's new or changing?

- The Government has approved a review by the Independent Pricing and Regulatory Tribunal (IPART) of the costs of conducting local government elections in NSW. The matters for consideration under the review's terms of reference are provided in the attachment to this circular.
- The purpose of IPART's review is to ensure a robust methodology for determining costs is applied, in order to minimise the financial burden on councils and ratepayers and to ensure local government elections are conducted efficiently and cost effectively.
- IPART has been requested to report to the Minister for Local Government recommending a costing methodology to be applied in determining the amount the NSW Electoral Commissioner (NSWEC) charges councils to administer their ordinary elections.
- In undertaking its review, IPART is expected to consult with relevant stakeholders including councils.
- IPART is to report to the Minister for Local Government by **30 August 2019**.
- As the outcomes of the IPART review may impact on the administration of the September 2020 council elections, it is proposed to introduce legislation in the first parliamentary sitting period of 2019 following the NSW State Election to amend the *Local Government Act 1993* (the LGA) to extend the deadline for councils to make a decision on the administration of their elections under sections 296AA and 296. This deadline will be extended to **1 January 2020**.

What this will mean for your council

- Under the proposed amendments, councils will have until **1 January 2020** to resolve to make a decision on the administration of their elections and enter into any arrangements with the NSWEC.

Key points

- Under section 296AA of the LGA, councils must, at least 18 months before each ordinary council election, resolve to either enter into an election arrangement with the NSWEC to administer its elections or that elections are to be administered by the council's general manager.

- Under section 296(3)(b), where a council enters into an election arrangement with the NSWEC, the arrangement must be entered into no later than 15 months before the ordinary council elections.
- Under section 296(5), councils can enter into an election arrangement for the NSWEC to administer an ordinary council election less than 15 months before the election if the council has resolved to enter into the election arrangement and the NSWEC is satisfied that there are exceptional circumstances that make it necessary or desirable for the election to be administered by the NSWEC.

Where to go for further information

- Contact OLG's Council Governance Team by telephone on 02 4428 4100 or by email at olg@olg.nsw.gov.au
- Contact the NSW Electoral Commission by telephone on 02 9290 5999.



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Matters for consideration under IPART's terms of reference

Matters for consideration

IPART is requested to provide a report to the Minister for Local Government recommending a costing methodology to be applied in determining the amount the NSWEC charges councils which use the NSWEC to administer their ordinary elections.

The purpose of the IPART's review is to ensure a robust methodology for determining costs is applied, in order to minimise the financial burden on councils and ratepayers and ensure local government elections are conducted efficiently and cost effectively.

In undertaking the review, IPART is to:

- review the NSWEC's existing methodology for determining the amount to be charged to councils which use the NSWEC to conduct their elections
- consider whether it is appropriate for the amount charged to be limited to the direct and unavoidable costs of conducting the council's election
- have regard to the market for electoral services in which the NSWEC operates
- have regard to any differences in the costs involved in conducting elections in metropolitan and regional areas
- have regard to any other matters it considers relevant.

Consultation

IPART should consult with relevant stakeholders and NSW Government agencies as part of its review. It may also hold public hearings and publicly release a draft report.

Reporting

IPART is to submit its final report to the Minister for Local Government by Friday 30 August 2019.