



## **AGENDA & BUSINESS PAPERS**

Notice is hereby given, in accordance with the provision of the *Local Government Act 1993* that a meeting of Uralla Shire Council will be held in the Council Chambers, 32 Salisbury Street, Uralla.

### **EXTRAORDINARY COUNCIL MEETING**

**16 August 2024**

**Commencing at 3:00 PM**

#### **Statement of Ethical Obligations**

The Mayor and Councillors are bound by the Oath/ Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of Uralla Shire and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act* or any other Act, to the best of their skill and judgement.

It is also a requirement that the Mayor and Councillors disclose conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with Council's Code of Conduct and Code of Meeting Practice.

Romane Abell

**Acting General Manager**

**AGENDA**

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- 1 OPENING & WELCOME
- 2 PRAYER
- 3 ACKNOWLEDGEMENT OF COUNTRY
- 4 WEBCAST INFORMATION
- 5 APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS
- 6 DISCLOSURE & DECLARATION OF INTEREST/S
- 7 PURPOSE OF EXTRAORDINARY MEETING



#### REQUEST FOR EXTRAORDINARY COUNCIL MEETING

s366 of the Local Government Act

#### REASON FOR EXTRAORDINARY MEETING

for 16 August 2024 at 3:00pm.

1. Electoral Commission require a decision on Council's referendum, going forward or not, for 14 September 2024 Local Government Election.

The Extraordinary meeting has been called as per Local Government Act 367 (2) ('notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency') With the General Manager declaring an emergency to allow Council to meet the required deadlines of the Electoral Commission.

#### REQUESTED BY:

Councillor Name	Councillor Signature	Dated
Mayor Robert Bell		16/8/2024

Councillor Name	Councillor Signature	Dated
Deputy Mayor Robert Crouch		16/8/2024

- 8 LATE REPORT/SUPPLEMENTARY/URGENT ITEMS (INCLUDING PETITIONS)

## 9 REPORTS TO COUNCIL

### 9.1 Local Government Election 14 September 2024 - Decision required on Referendum action

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**Department:** General Manager's Office

**Prepared By:** Executive Assistant

**Authorised By:** Acting General Manager

**Reference:** UINT/24/13370

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**Attachments:** 1. Deed of Variation to Contract - Executed - Election 2024  

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#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

**Goal:** 4. We are an independent shire and well-governed community

**Strategy:** 4.1. Informed and collaborative leadership in our community  
4.2. A strategic, accountable and representative Council  
4.3. An efficient and effective independent local government

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#### SUMMARY

Council resolved to include a Constitutional Referendum in conjunction with the Local Government election to be held on 14<sup>th</sup> September 2024, during the February 2024 Ordinary Meeting.

At 5:58pm on 15 August 2024 the NSW Electoral Commission declared the election for Uralla Shire Council as the three contests received the required number of nominations only.

By close of business today, 16 August 2024, the NSW Electoral Commission require confirmation of Uralla Shire Council's intention to proceed with the Constitutional Referendum as planned for 14<sup>th</sup> September 2024 even though the Local Government election has already been declared.

The timeframe to establish the Council's position on the Constitutional Referendum is deemed an emergency situation under *section 367 (2) of the Local Government Act 1993*, and Council has called for an Extraordinary meeting to be held today, Friday 16 August 2024 at 3:00pm, to resolve this matter.

#### RECOMMENDATION

**That Council :**

1. **Resolve to proceed with the Constitutional Referendum planned for 14<sup>th</sup> September 2024 as per resolution 07.02/24**

**OR**

2. **Resolve to not proceed with the Constitutional Referendum planned to for 14<sup>th</sup> September 2024**

**REPORT**

At the Ordinary Meeting held on February 2024 Council resolved to include a Constitutional Referendum in conjunction with the next ordinary Council election due in September 2024. The resolution details are as follows:

*12.1 Notice of Motion -Constitutional Referendum - Updated Executive Advice**RESOLUTION 01.02/24*

*That Council resolves to hold a Constitutional Referendum in conjunction with the next ordinary Council election, due in September 2024, to seek community opinion [Local Government Act (1993) Chapter 4, Part 3] with the following Constitutional Referendum Questions:*

- 1. Are you in favour of the Mayor being elected by the Councillors?*
- 2. Are you in favour of removing the current ward system so that all electors vote for all Councillors that represent the Uralla Shire Council area?*

At the close of nominations, 14 August 2024, three contests received the required number of nominations only. Hence the NSW Electoral Commission declared that all contests were uncontested and those who nominated have been declared councillors, to take effect from 14 September 2024. Therefore, a Council election on 14 September 2024 in the Uralla Shire is no longer required.

The estimated cost to the Uralla Shire Council (USC) to hold the Council election and to include a Constitutional Referendum was \$78,602 as of 6 May 2024 (refer page 9, Deed of Variation To Contract between Uralla Shire Council and the Electoral Commissioner, attached).

The NSW Electoral Commission has advised USC that there is an opportunity for financial savings if the Council decided not to proceed with the Constitutional Referendum.

To date USC has incurred costs for the planning and organisation of the Council election however the NSW Electoral Commission cannot confirm the sum of the costs to date, at this time. The NSW Electoral Commission has advised of potential cost savings if the Constitutional Referendum was not to proceed, specifically Event Staffing (\$38,387) noting that USC will still be charged a contribution for the Returning Officer, a shared cost with Armidale Regional Council. Reference was also made to venue hire (\$13,269) however often venues are paid in advance and the NSW Electoral Commission could not confirm the circumstances for USC at this time. Other minor savings will be made from reduced printing, postage, and ancillary costs.

For USC to maximise any financial savings, the NSW Electoral Commission has requested that USC confirm its position on the Constitutional Referendum before close of business today, Friday 16 August 2024.

**CONCLUSION**

The early declaration of the new Council for the 2024-26 term has resulted in an unforeseen situation for the current Council to reconsider to the Constitutional Referendum 14<sup>th</sup> September 2024 based on financial costs now that the Council election is not required. It is acknowledged that the Resolution 01.02/24 was not considered lightly and that the issue of costs was not a major consideration at that time due to compulsory council election. The short timeframe provided by the NSW Electoral Commission for Council's response has been deemed an emergency situation (*section 367 (2) of the Local Government Act 1993*) and facilitated an Extraordinary Meeting for Council in less than 3 business days.

**COUNCIL IMPLICATIONS****Community Engagement/Communication**

Upon resolution a communication strategy will be agreed to ensure information is shared in the public domain by 4:00pm this afternoon.

**Policy and Regulation**

*Local Government Act 1993 and Local Government (General) Regulations 2021*

**Financial/Long Term Financial Plan**

The actual financial savings in the event that the Constitutional Referendum is not held are still to be advised.

**Asset Management/Asset Management Strategy**

N/A

**Workforce/Workforce Management Strategy**

N/A

**Legal and Risk Management**

Legal advice has been sought form The Office of Local Government.

**Performance Measures**

N/A

**Project Management**

N/A

SENSITIVE NSW GOVERNMENT



**DEED OF VARIATION TO CONTRACT**

in relation to

**CONTRACT FOR ADMINISTRATION OF ALL ELECTIONS, COUNCIL POLLS AND  
CONSTITUTIONAL REFERENDA**

*Section 296(3) and (5A) Local Government Act 1993*

**Uralla Shire Council**

and

**the Electoral Commissioner**

SENSITIVE NSW GOVERNMENT

## DEED OF VARIATION

**Date**This Deed is made on: 7<sup>th</sup> May 2024**Parties**

This Deed is made between the following parties:

Council: Uralla Shire Council  
32 Salisbury St  
Uralla NSW 2358

AND

Acting Electoral Commissioner: Matthew Phillips  
New South Wales Electoral Commission  
231 Elizabeth Street, Sydney NSW 2000

**Recitals**

- A. The Council resolved pursuant to sections 296(2),(3) and (5A) of the LG Act (and as applied and modified by s. 18) to enter into an election arrangement with the Electoral Commissioner.
- B. Accordingly, the parties entered into a contract for the administration of all Elections, Council Polls and Constitutional Referenda dated 13<sup>th</sup> June 2023 (the "Principal Contract").
- C. The parties now wish to amend the Principle Contract.
- D. The Principle Contract provides that the Council or the Electoral Commissioner may alter the Principal Contract only by the written agreement of both the Council and the Electoral Commissioner.

**Operative Provisions****1. Definitions and interpretation**

- 1.1 The definitions and interpretative provisions in clause 2 of the Principal Contract extend to this Deed, unless otherwise indicated.
- 1.2 The term Deed means this deed and includes any schedules to this deed.
- 1.3 The Principal Contract and this Deed are to be read together so that the Principal Contract incorporates the amendments contained in this Deed.
- 1.4 The Principal Contract remains unamended and in full force and effect except as expressly provided for in clause 3 of this Deed.

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## SENSITIVE NSW GOVERNMENT

**2. Commencement**

- 2.1 This Deed will come into force on the day on which this Deed is signed (the Commencement Date).
- 2.2 In the event that this Deed is signed by the parties on different dates, this Deed commences on the date that it is signed by the last party.
- 2.3 The Principal Contract is varied in accordance with clause 3 of this Deed on and from the Commencement Date.

**3. Terms and conditions of variation**

- 3.1 The Principle Contract is amended as follows:
  - 3.1.1 Schedule 1 of the Principal Contract is deleted and replaced with Schedule 1 of this Deed.
  - 3.1.2 Schedule 2 of the Principal Contract is deleted and replaced with Schedule 2 of this Deed.
- 3.2 This Deed sets out the extent to which the Principal Contract is amended. Any prior arrangements, agreements, representations or undertakings with respect to the variation of the Principal Contract are superseded.

**4. Severance**

- 4.1 If any part of this Deed is prohibited, void, illegal or unenforceable, then that part is severed from this Deed but without affecting the continued operation of the remainder of the Deed.

SENSITIVE NSW GOVERNMENT


**Execution**

**Execution by Council**

Executed as a deed by MICHAEL RABY  
ACTING, General  
Manager of, ORALLA SHIRE COUNCIL

ABN 55868272018 in the

presence of:

  
.....  
Signature of Witness

  
.....  
Signature of General Manager

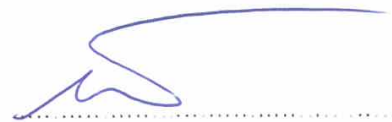
Henry Westbrooke  
.....  
Print name of Witness

6 MAY 2024  
.....  
Date

**Execution by Electoral Commissioner**

Executed as a deed by Matthew Phillips,  
Acting Electoral Commissioner for New South  
Wales Electoral Commission in the presence  
of:

  
.....  
Signature of Witness

  
.....  
Signature of Acting Electoral Commissioner

DOUG CATCHPOLE  
.....  
Print name of Witness

7/5/24  
.....  
Date











**10 COMMUNICATION OF COUNCIL DECISIONS**

**11 CONCLUSION OF MEETING**