



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

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- 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

Department: General Manager's Office

Prepared By: Executive Assistant

Authorised By: Acting General Manager

Reference: UINT/24/13370

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

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

SUMMARY

Council resolved to include a Constitutional Referendum in conjunction with the Local Government election to be held on 14th 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 14th 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 14th September 2024 as per resolution 07.02/24**

OR

2. **Resolve to not proceed with the Constitutional Referendum planned to for 14th 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 14th 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

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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

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DEED OF VARIATION

DateThis Deed is made on: 7th 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 13th 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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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.

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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

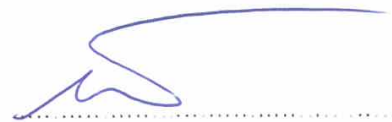
Henry Westbrock
.....
Print name of Witness

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

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SCHEDULE 1 –Service details for the 2024 Ordinary Election and Constitutional Referendum

The parties agree that the Electoral Commissioner will administer the 2024 Ordinary Election and Constitutional Referendum in accordance with the service details specified in table A below, and any changes to Schedule 1 may occur if the parties agree in writing that the change(s) should be made.

A. Service details

	Item	Description of Services
1	Enrolment	<ul style="list-style-type: none"> • Create composite authorised rolls for the area or wards concerned. • Create other electoral roll products as agreed by the NSW Electoral Commission in accordance with legislation
2	Client council liaison	<ul style="list-style-type: none"> • Liaise with Council and/or real estate agent(s) to identify, locate and secure suitable premises for use as the Returning Officer Office (RO Office) • Liaise with Council and/or real estate agent(s) to identify, locate and secure suitable premises for use as pre-poll voting venues • Liaise with Council regarding election processes, timing and requirements
3	Data management	<ul style="list-style-type: none"> • Create and manage databases of: <ul style="list-style-type: none"> ○ Electors ○ Polling places ○ RO Office and pre-poll offices ○ Declared institution venues ○ Polling place and RO Office staffing ○ Elector participation projections
4	Election staffing	<ul style="list-style-type: none"> • Determine polling place and RO Office staffing requirements • Implement recruitment campaign for NSW Electoral Commission staff • Employ and manage NSW Electoral Commission staff • Set up and staff NSW Electoral Commission Expression of Interest (EOI) helpdesk • Employ head office Returning Officer support staff • Engage and train relevant election staff • Conduct post-election NSW Electoral Commission staff evaluation
5	Financial services	<ul style="list-style-type: none"> • Engage temporary NSW Electoral Commission election staff and contractors • Engage NSW Electoral Commission election material suppliers and contingent worker suppliers
6	Venue procurement	<ul style="list-style-type: none"> • Identify and secure all polling places • Identify and secure the RO Office • Identify and secure a pre-poll venue (unless the RO Office is also appointed as a pre-poll venue) • Identify and contact all declared institutions • Identify and secure centralised count centres <p>Number and location of polling places</p> <p>Where possible, the same number of polling places and the same polling place venues as were used for the previous election will be used.</p>

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		<p>Election staffing at venues The Returning Officer will appoint the optimum number of staff for each polling place based on the NSW Electoral Commission’s polling place staffing model.</p> <p>Venue security Where commercial or standalone premises are used as the RO Office, the NSW Electoral Commission will engage overnight security once used ballot papers are on the premises from election night to the declaration of the results.</p> <p>The pre-poll venue There will be at least one (1) pre-poll venue in the local government area. The NSW Electoral Commission may decide to procure additional pre-poll venue(s) if required and will confirm the arrangement(s) within a reasonable period of time after the procurement of the additional venue(s) have been finalised between the Electoral Commissioner and the landlord(s). The additional pre-poll venue(s) will be an additional cost to Council.</p>
7	Postal voting	<ul style="list-style-type: none"> • Manage postal vote applications • Design, process and mail postal vote packs
8	Counting and results	<ul style="list-style-type: none"> • Engage and train temporary counting staff • Configuration and set up of count data management system <p>The service details in this Schedule do not extend to the recount of the ballot papers or a countback election, should either or both be required.</p>
9	Logistics	<ul style="list-style-type: none"> • Pack and deliver office and cardboard material for RO Office and polling places • Engage courier service for RO Office and polling place equipment and other election materials • Supply of hire furniture for RO Office and polling places • Engage warehousing services required for election material • Engage mailing and distribution services for election material
10	Media, communications & advertising	<p>Statutory announcements The NSW Electoral Commission is responsible for the accurate placement of a series of statutory messages to support the election. These messages include:</p> <ul style="list-style-type: none"> • Enrolment • Nominations • Notice of election/uncontested election • Results <p>These statutory announcements will appear within the regulated timeframe on the NSW Electoral Commission website. Additional announcements may appear in local newspapers at Council’s discretion and Council’s cost.</p> <p>Elector brochure option The NSW Electoral Commission can provide an elector brochure option at an additional cost to Council. Councils who wish to employ the use of a brochure should discuss options and costs with the NSW Electoral Commission.</p> <p>State-wide campaign The service details in this Schedule include a state-wide advertising campaign to support the election through press, TV, radio, social media and online including advertising targeted towards equal access to democracy for electors with disabilities, CALD electors and Aboriginal and Torres Strait Island electors.</p>

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		<p>As part of the state-wide campaign, the NSW Electoral Commission will create and publish educational material on its website and consult with our reference groups including:</p> <ul style="list-style-type: none"> • Equal Access to Democracy (Electors with disability) • Electors from culturally and linguistically diverse communities (CALD) <p>Where appropriate, the NSW Electoral Commission will respond to media enquiries concerning the administration of the 2024 Ordinary Election.</p> <p>Voter awareness and education resources will be available in a minimum of seven key languages on the NSW Electoral Commission website.</p>
1 1	IT Infrastructure & applications support	<ul style="list-style-type: none"> • Provide and instal equipment in RO offices • Provide and install equipment in NSWEC centralised count centre • Provide and install equipment in NSW Electoral Commission call and email escalation centre
1 2	Call centres	<ul style="list-style-type: none"> • Recruit and train call centre staff • Engage an outsourced professional call centre
1 3	Ballot paper production, allocation & distribution	<ul style="list-style-type: none"> • Design, develop and print ballot papers • Create secure copies of ballot papers • Process and secure delivery of ballot papers to Returning Officers • Organise storage of used ballot papers until the completion of the relevant retention period, after which they may be destroyed.
1 4	Nominations & How-to-Vote	<ul style="list-style-type: none"> • Process candidate nominations • Provide candidate enquiry line • Process registrations of how-to-vote material <p>Where Council has agreed to receive candidate nominations, Council will provide sufficient staff to be trained by the NSW Electoral Commission to receive nominations and forward them onto the Electoral Commissioner for assessment.</p>
1 5	External reporting & evaluation	<ul style="list-style-type: none"> • Develop post-election surveys of election stakeholders • Conduct surveys, undertake analysis, write and distribute post-election reports
1 6	Election business systems	<ul style="list-style-type: none"> • Develop, test and document all business systems to be used during the course of the election • Develop, test and support software for displaying election results on the Virtual Tally Room (VTR)
<p>In order to provide the services detailed in this Schedule efficiently and economically, the Electoral Commissioner may decide that a number of services may be utilised by other local government councils who have resolved to enter into an election arrangement with the Electoral Commissioner.</p>		

B. Additional information

1	The election method is attendance (face-to-face) voting with the addition of postal and pre-poll voting.
2	Voting at an election is set out in the LG Act, in particular Chapter 10, Part 3 of the LG Act, as well as in the regulations made under the LG Act.
3	The Electoral Commissioner is head of the NSW Electoral Commission Staff Agency. The Staff Agency may assist the Electoral Commissioner and the NSW Electoral Commission in exercising their functions.

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**SCHEDULE 2 - Costs and any agreed basis for variation of costs
for 2024 Ordinary Election and Constitutional Referendum**

1. The parties agree that:
 - a) the costs to be charged and invoiced by the Electoral Commissioner for administering the 2024 Ordinary Election and Constitutional Referendum are specified in the table below and are based on prices provided by approved suppliers as at the Commencement Date, and
 - b) the costs in the table below have been prepared on the information available as at the Commencement Date and may vary by the time an Election is to be held, and
 - c) the Electoral Commissioner may vary such costs if:
 - i. a variation is in accordance with this Contract, or
 - ii. there is any change to the law that impacts on the administration of the election, or
 - iii. there is any change to the service details specified in Schedule 1, or
 - iv. there is any change to prices after the Commencement Date or there is any change to an approved supplier or price provided by an approved supplier; and
 - d) the estimate of costs in this Schedule does not include costs associated with a recount of ballot papers and/or a Countback Election, if either or both are required those costs will be calculated separately and are payable by Council; and
 - e) the estimated costs in this Schedule are limited to the service details in Schedule 1, any additional costs associated with the provision of services not already accounted for in Schedule 1 will be calculated separately and are payable by Council; and
 - f) the Council shall be informed of any material costs variance as soon as practicable.





**2024 Local Government Election - Cost Estimate 2
as at 6 May 2024**

Uralla Shire Council

Projects / Deliverables	Amount
<i>Ballot Papers</i>	908
<i>Call Centre</i>	1,550
<i>Counting and Results - Centralised</i>	-
<i>Counting and Results - Declaration Voting</i>	918
<i>Event Staffing</i>	38,387
<i>Information Technology</i>	1,631
<i>Logistics</i>	3,420
<i>Postal Voting Services</i>	1,664
<i>Venues</i>	13,269
<i>Voter Awareness</i>	2,886
<i>Financial Services</i>	325
<i>Constitutional Referendum</i>	6,496
<i>Council Poll</i>	-
TOTAL (excluding GST)	71,456
GST	7,146
TOTAL (including GST)	78,602

Note

This estimate is based on the Council election being fully contested

Shared resources will be utilised where practical

10 COMMUNICATION OF COUNCIL DECISIONS

11 CONCLUSION OF MEETING