

MAYORAL MINUTE

(ITEM MM22/21) POSTPONEMENT OF LOCAL GOVERNMENT ELECTIONS - NEW ARRANGEMENTS FOR EXTENDED COUNCIL TERM

File No: 21/34253

MAYORAL MINUTE BY CR JOHN FAKER (MAYOR)

Summary

The NSW Government has further postponed local government elections due to public health concerns arising from the COVID-19 pandemic. The elections previously postponed from September 2020 to September 2021 are now expected to occur on 4 December 2021. The additional three month delay means that adjustments to civic governance arrangements are required.

Operational Plan Objective

2.5.1 Provide strong leadership and advocacy on behalf of the community

I therefore move that Council:

1. acknowledge the order by the Minister of Local Government in the *NSW Government Gazette* (Number 347 – 24 July 2021) of the 3 month postponement of local government elections from 4 September 2021 to 4 December 2021 due to serious public health concerns arising from the COVID-19 pandemic – see **Attachment 1**
2. note NSW Office of Local Government advices released on 25 July about contingent arrangements for councils and the critical changes in dates with local government election management in 2021 – see **Attachments 2 and 3**
3. note that the commencement of the caretaker period for the 2021 local government election has changed from 6 August 2021 to 5 November 2021
4. reinstate the scheduling of the previously cancelled ordinary meeting of Council for 24 August 2021
5. cancel the extraordinary meeting of Council scheduled for 15 September 2021 that was to deal with inauguration matters for the newly elected body of councillors

Attachments

- 1 NSW Government Gazette_2021-347_postponement of LG elections to 4 December 2021
- 2 Message from OLG_ Council elections set for 4 December 2021
- 3 Postponement of local government elections to 4 December 2021 - OLG circular



Government Gazette

of the State of

New South Wales

Number 347–Local Government

Saturday, 24 July 2021

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website (www.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, see the Gazette page.

LOCAL GOVERNMENT ACT 1993

Order under section 318C

I, the Hon. Shelley Hancock MP, Minister for Local Government, in pursuance of section 318C of the *Local Government Act 1993* ("the Act"), do hereby revoke the Order made on 26 June 2020 which postponed the election requirements of the Act for all councils in New South Wales to 4 September 2021.

I hereby appoint 4 December 2021 as the day on which the ordinary elections for all councils in New South Wales are to be held.

I also hereby appoint 4 December 2021 as the day on which any by-elections for any council in New South Wales, which are required to be held to fill any casual vacancy in the office of a councillor or a mayor arising between the date of this Order and 4 December 2021, are to be held. For the avoidance of doubt, the effect of this order is that the casual vacancy would be filled by the ordinary election for that council to be held on 4 December 2021.

This Order does not apply in relation to elections for the Central Coast Council. I made a further order on 8 June 2021, pursuant to section 318B of the Act, further postponing the election requirements for that council for 12 months after the date of the making of that order. That order remains in force.

Dated this 24th day of July 2021.



SHELLEY HANCOCK MP

Minister for Local Government

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Office of Local
Government



Council elections set for 4 December 2021

The NSW Government announced a new date for the local government elections has been set for Saturday 4 December 2021.

The decision has been made after extensive consultation with and on advice from the NSW Electoral Commission and NSW Health to the COVID-19 situation.

A [circular is available in this email](#) that outlines what this will mean for councils.

In particular:

- **Current councillors and popularly elected mayors** will continue to hold their civic offices until council elections are held on 4 December 2021.
- **Councils will not be required to hold by-elections to fill vacancies** or to apply to the Minister to dispense with the requirement to hold a by-election before ordinary council elections are held on 4 December 2021.
- Mayoral elections must be held for [mayors elected in September 2019](#) when their two year-terms expire in September 2021.
- [Mayors elected in September 2020](#) will continue to hold office until council elections are held on 4 December 2021.
- **Chairpersons of county councils** now hold office for two years. Chairpersons of county councils elected in September 2020 will continue to hold office until council elections are held on 4 December 2021.
- The **composition of joint organisation boards** may need to change in September 2021 if mayors of member councils elected by councillors are not re-elected.
- The postponement of the next ordinary local government elections **will not affect the timing of future council elections**, and the subsequent ordinary local government elections will still proceed in September 2024.

An [Order setting the new election date](#) has been published in the Government Gazette.

More information, including a frequently asked questions document, will be available on the OLG website this week.

Important dates

ITEM NUMBER MM22/21 - ATTACHMENT 2

Message from OLG_ Council elections set for 4 December 2021

- 25 Oct 2021** Close of electoral rolls (6pm)
Candidate nominations open
- 03 Nov 2021** Close of candidate nominations (12pm)
Registration of electoral materials commences
- 05 Nov 2021** Caretaker period commences
- 22 Nov 2021** Pre-poll voting opens
- 26 Nov 2021** Registration of electoral material closes (5pm)
- 27 Nov 2021** Declared institution voting commences
- 29 Nov 2021** Postal vote applications close (5pm)
- 03 Dec 2021** Declared institution voting closes (6pm)
Pre-poll voting closes (6pm)
- 04 Dec 2021** Election day (8am-6pm)
- 17 Dec 2021** Return of postal votes closes (6pm)
- 21 – 23 Dec 2021** Results declared progressively as counts are finalised by election manager

If you have any questions about the topics covered in this email, please contact your Office of Local Government Council Engagement Manager.

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Office of
Local Government

Circular to Councils

Circular Details	21-20/ 25 July 2021
Previous Circular	20-25 <i>The date of the next ordinary local government elections is 4 September 2021</i>
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance Team/ 02 4428 4100/ olg@olg.nsw.gov.au
Action required	Information

Postponement of the local government elections to 4 December 2021

What's new or changing

- The Minister for Local Government has published an order in the Gazette under section 318C of the *Local Government Act 1993* (the Act) postponing all council elections to **4 December 2021**.
- The decision to postpone all council elections has been made in response to the escalating outbreak of the Delta variant of the COVID-19 virus in Greater Sydney and the potential for further outbreaks in regional areas.
- The decision has been made in consultation with and on the advice of the NSW Electoral Commissioner and NSW Health

What this will mean for your council

- Current councillors and popularly elected mayors will continue to hold their civic offices until council elections are held on 4 December 2021.
- The order made under section 318C continues the suspension of the requirement to hold by-elections to fill vacancies for the period specified in the order.
- Councils will not be required to hold by-elections to fill vacancies or to apply to the Minister to dispense with the requirement to hold a by-election before ordinary council elections are held on 4 December 2021.
- The making of the order will not affect the requirement to hold mayoral elections.
- Mayoral elections must be held for mayors elected in September 2019 when their two year-terms expire in September 2021.
- Mayors elected in September 2020 will continue to hold office until council elections are held on 4 December 2021.
- Chairpersons of county councils now hold office for two years.
- Chairpersons of county councils elected in September 2020 will continue to hold office until council elections are held on 4 December 2021.
- The composition of joint organisation boards may need to change in September 2021 if mayors of member councils elected by councillors are not re-elected.
- The postponement of the next ordinary local government elections will not affect the timing of future council elections, and the subsequent ordinary local government elections will still proceed in September 2024.

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Key points

- The local government elections were previously postponed to 4 September 2021 by orders made under section 318B of the Act.
- The order made under section 318C revokes the previous order and appoints 4 December 2021 as the day on which all council elections will be held.

Where to go for further information

- Further information is provided in the FAQ which is available on the Office of Local Government's website [here](#).
- For further information, please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

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