

10.4. 2024 Elections - Constitutional Referendum and Poll Questions

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ATTACHMENTS	Nil
CSP LINK	5. Our Civic Leadership 5.1 Lead North Sydney's strategic direction

PURPOSE:

The purpose of this report is to advise Council of the process for submitting a constitutional referendum or poll question for the 2024 local government elections.

EXECUTIVE SUMMARY:

- The NSWEC has reminded all NSW Councils about the conduct for a poll, or a constitutional referendum, at the elections in September.
- A council may take a poll of electors for its information and guidance on any matter.
- A constitutional referendum is a poll initiated by a council in order to give effect to four matters specified under the Local Government Act.
- Based upon advice from the electoral office, the cost of a referendum or poll is \$73,977.00.

RECOMMENDATION:

1. THAT Council notes any constitutional referendum, or poll questions, intended for the 2024 local government elections will need to be considered by Council by no later than the 24 June 2024 Council meeting.

Background

The NSW Electoral Commission (NSWEC) has been engaged by Council to run the local government elections in North Sydney on 14 September 2024.

The NSWEC has reminded all NSW Councils that they may wish to conduct a poll or a constitutional referendum at these elections.

Report

A council can decide to conduct a poll. A poll can be on any issue and is used to guide the council in its decisions. For example:

- Whether to introduce fluoride into the drinking water
- Whether to construct a roundabout in the main street

For a council poll to pass a majority of voters must have voted in support of the proposal.

The council can decide whether to poll all voters in the council area or only a portion of voters. As such not all voters may be eligible to vote in a council poll.

A constitutional referendum is a poll initiated by a council in order to give effect to the following matters:

- dividing an area into wards, or abolishing all wards (note, this is not the same as amending the existing Ward boundaries, which had to be done by 5 October 2023);
- changing the method for electing the Mayor;
- increasing or decreasing the number of councillors; or
- changing the method of election of councillors for an area divided into wards (see section [280](#) and [281](#) for further details of how these methods may vary).

Voting at a poll is not compulsory. Voting at a constitutional referendum is compulsory.

In order to plan to have the right number of staff and materials at North Sydney venues to handle the additional counts, the NSWEC is asking for the final referendum and poll questions to be with them by the end of June 2024. They then go through a proofing process before printing the ballot papers.

All referendum and poll questions need to be authorised by a resolution of Council. The last scheduled Council meeting before the end of June is 24 June, so any referendum or poll question would have to have been considered by Council on or before that date.

Consultation requirements

Community engagement is not required to prepare a constitutional referendum or poll question. Should such a referendum or poll be approved by the NSWEC, it will then be put to the voters at the September elections.

Financial/Resource Implications

Based upon advice from the electoral office, the cost of a referendum will be an additional 10% on top of ordinary election costs. Our current estimated election cost is \$739,775.00, therefore the estimated cost of a referendum is \$73,977.00.

Legislation

Section 16 of the Local Government Act 1993 provides for the four matters on which a constitutional referendum can be held.