

8.4. 2021 Local Government NSW Board Elections

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ATTACHMENTS:

1. LGNSW Board elections timetable [**8.4.1** - 4 pages]

PURPOSE:

To consider the nomination of Council delegates to vote in the Local Government NSW (LGNSW) Board Elections.

EXECUTIVE SUMMARY:

The LGNSW Conference was scheduled for November 2021. As a result of the delay of the 2021 Local Government election the LGNSW in-person annual conference (now called 'Special Conference') has been moved to 28 February to 2 March 2022. While Conference Motions will be dealt with at that Conference, the Fair Work (Registered Organisations) Act requires that LGNSW conduct an Annual Conference still be held this calendar year.

The Annual Conference will run for approximately 1 hour and the Financial Statements and Annual report will be presented. LGNSW still requires Councils to nominate voting delegates for this meeting. North Sydney Council is entitled to nominate five delegates.

Nominations for LGNSW Board Positions open on 7 September 2021 and close at 12pm on 5 October 2021.

FINANCIAL IMPLICATIONS:

There is no cost to Council for attendance at the one hour Annual Conference to be held on 29 November 2021.

RECOMMENDATION:

1.THAT Council nominates up to three voting delegates to participate in the LGNSW Board elections on 29 November 2021, in addition to the Mayor and Deputy Mayor (voting delegates).

2.THAT a further report be submitted to Council regarding proposed Motions for the 'Special Conference' to be held 28 February to 2 March 2022.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.1 Council leads the strategic direction of North Sydney

BACKGROUND

LGNSW has delayed the conduct of the annual conference to 2022. However, LGNSW has a legislative obligation to conduct an Annual Conference in 2021.

The Australian Electoral Commission has given formal notice to LGNSW that nominations for LGNSW Board Elections open on 7 September 2021 and close at 12pm on 5 October 2021. Attached is a full Board Election timetable.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

The LGNSW in-person annual conference (now called 'Special Conference') has been moved to 28 February to 2 March 2022. While Conference Motions will be dealt with at that Conference., the Fair Work (Registered Organisations) Act requires that an Annual Conference still be held this calendar year.

To meet their legislative obligation, LGNSW will be conducting a one hour online Annual Conference on 29 November 2021 (originally scheduled for 28 November) at which the Financial Statements and the Annual Report will be presented. LGNSW still need councils to nominate voting delegates for this meeting (which will be at no cost to councils).

LGNSW understands that this meeting will take place during pre-polling for local government elections, but advise that this was unavoidable.

A further report will be submitted to Council regarding Motions for the LGNSW 'Special Conference' on 28 February to 2 March 2022

Council is entitled to send 5 voting delegates to the Conference, which usually includes the Mayor as one of the voting delegates.



Reference: ANCFH 2021/2809

Mr Adam DANSIE
 Senior Manager Workplace Relations
 Local Government NSW
 26 – 28 October 2021
 Luna Park, Sydney

Dear Mr DANSIE

**Local Government NSW
 Scheduled Election
 E2021/98**

The Registered Organisations Commission has made arrangements with the Australian Electoral Commission (AEC) under Section 189 of the *Fair Work (Registered Organisations) Act 2009 (the Act)* to conduct the above election.

Timetable

The timetable for the election will be:

Date	Occurrence
31/08/2021	Close of Roll
01/09/2021	List of eligible members delivered to Returning Officer
07/09/2021	Returning Officer publishes Election Notice and Nomination Form via AEC website
07/09/2021	Organisation publishes Election Notice and Nomination Form via Organisation journal
07/09/2021	Nominations Open
05/10/2021	Nominations Close at 12:00pm (Australian Eastern Daylight Time (AEDT))
12/10/2021	Nomination withdrawal period closes at 12:00pm (Australian Eastern Daylight Time (AEDT))
12/10/2021	Organisation to provide details of the nominated voting delegates by 12:00 noon (Australian Eastern Daylight Time (AEDT))
12/10/2021	Member to submit the absentee voting form by 12:00 noon (Australian Eastern Daylight Time (AEDT)) to the Returning Officer.
27/10/2021	Postal Ballot Opens
24/11/2021	Postal Ballot Closes at 10:00am (Australian Eastern Daylight Time (AEDT))

Notification to Members

The Association is required to have the Election Notice and Nomination Form published via their Journal from 7/09/2021 until 24/11/2021 and posted to each Ordinary member council. Please confirm with the Returning Officer when this action has been done.

The copy of the Election Notice and Nomination Form will be sent soon.

Application of Section 193 Powers

The matters in which I have exercised the authority given to me by s.193 of the Act are:

- Due to Covid-19, the ballot cannot be conducted by attendance at the annual meeting of the federal council in accordance with the requirements of Schedule B of the rules of the Organisation. The Returning Officer will conduct the ballot by post in accordance with the requirements of the Schedule C of the rules of the Organisation.
- Rule in regard to the absentee voting according to Schedule C- 16 is not clear. To allow absentee voting, the Returning Officer will advise the members that if they are away from their current address and unable to receive ballot materials, they need to complete the Absentee application form with an alternate address and return it to the Returning Officer by email or AEC portal by a certain date.
- Rule 23 of Schedule C mentions to declare the result of the ballot within 3 days after the closing date of the voting. Due to Covid-19 and lockdown issue, the Returning Officer is not in a position to confirm the declaration period and will try to declare the result as soon as possible after the completion of the ballot counting.

Request to supply Register of Members Information

The Roll of Voters for the above election will be those Ordinary members of the Organisation financial as at 31/08/2021 (the date the roll of voters closes) and as at 01/03/2021 (the "calculation date").

As the Returning Officer, I request you supply the following listing(s) of members of the Local Government NSW and their delegates by the dates that are specified:

Listing	Date Required
(a) Name and member information (identified below), of every member who was financial at 31/08/2021 (the date the roll of voters closes) and as at 01/03/2021 (the "calculation date") in accordance with the rules of the Organisation	01/09/2021
(b) Update(s) listing members who: <ul style="list-style-type: none"> i. were inadvertently included on a listing ii. were inadvertently omitted from a listing who are eligible iii. have changed name, address or any other personal details iv. have changed electorate/s PLEASE NOTE: any deletions [b (i)], additions [b (ii)] or electorate changes [b (iv)] must be updates to the roll as at 31/08/2021. Updates which occur after this date cannot be accepted and so, should not be provided, except where they are changes relating to b (iii) above.	06/10/2021

(c) The names of the voting delegates and Board of Directors related to membership names and council types (Metro/urban or Rural/Regional)	12/10/2021
(d) The names of members appearing on a listing who have ceased to be members by 27/10/2021.	26/10/2021

Electronic listings

Organisations are requested to submit data and documents electronically via the AEC Electoral Event Portal. A link to the portal can be found on the AEC website (www.aec.gov.au) under Elections, Industrial elections and ballots.

The List of Members is to be supplied as an Excel file.

Lists should not be emailed as Commonwealth Guidelines provide that classified information, including personal information, should not be transmitted by email.

Member Information

Name and member information (identified below) of every member, eligible to be included in the electorate/s for the election, who was financial at 31/08/2021 (the date the roll of voters closes) and as at 01/03/2021 (the "calculation date") in accordance with the rules of the Organisation.

A record for each eligible member/ voting delegate/ board of directors is to include the following information in separate fields as per the various dates in the above time table:

- Membership number,
- Voting delegates and Board of Directors surname,
- Voting delegates and Board of Directors (full) first name/s,
- Address line 1 (BUILDING NAME AND UNIT/FLAT/TOWNHOUSE NUMBER),
- Address line 2 (STREET ADDRESS OR PO BOX),
- Address line 3 (CITY/TOWN),
- STATE (Aust Post Abbrev),
- Postcode,
- COUNTRY (OUTSIDE AUST ONLY)
- Electorate Code (see below)
- "Incorrect last known address" code (see below)
- "Workplace Address" Code (see below)

Electorate code

For each member listed, include a field identifying the relevant Electorate and provide an explanatory table for the codes. As for example, electorate code for Metro/Urban as M/U and electorate code for Rural/Regional as R/R.

Incorrect last known address

Please include in the listing(s) a field for "Incorrect Last Known Address". If you have eligible members with a last known address thought to be incorrect, you should code those members as "Y" or "Yes" in this field.

Workplace addresses

Please include in the listing(s) a field for "Workplace Address". If you have eligible members with only a workplace address, you should code those members as "Y" or "Yes" in this field – otherwise, leave the field blank.

Certification of Lists

Each listing must be accompanied by a certificate signed by you in the following terms:

"I certify that the accompanying listing contains the (include appropriate details, as per the text in (a), (b), (c), or (d) above). I further declare that the register of members has been maintained as required by Section 230(2) of the Fair Work (Registered Organisations) Act 2009.

The total number of eligible members listed is [include number] at 31/08/2021."

The listings and certificates as described above must be supplied to me by NO LATER THAN 12:00pm on the date(s) specified.

Confidentiality of Information

Regulation 131 of the *Fair Work (Registered Organisations) Regulations 2009* (the Regulations) requires that the Returning Officer must make a copy of the roll available for inspection and copying by members, and other persons authorised by the Returning Officer. However, sub-regulation 6 provides:

(6) If a copy of a roll, or a copy of part of a roll, is made or supplied under this regulation, a person must not use information in the roll for a purpose other than:

- (a) a purpose in connection with the election; or*
- (b) to monitor the accuracy of the information contained in the roll.*

Penalty: 10 penalty units.

Other Legislative Provisions

I wish to draw your attention to the following:

- Regulation 145 of the Regulation which provides that, where an election or ballot is conducted by the AEC, no steps in the election may be taken by any person without the Returning Officer's authority or direction.
- Section 190 is an offence provision of the Act and a contravention of it constitutes an irregularity. Section 190 of the Act states:

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Maximum penalty: 100 penalty units.

If you have any queries or concerns regarding any of the above please do not hesitate to contact me on IEEvents@aec.gov.au or 02 9375 6331.

Yours sincerely

Ishtiaq Ahmed
Returning Officer
Australian Electoral Commission
12/08/2021