



GENERAL MANAGER'S REPORT

14th August 2007

GM4	CONSTITUTIONAL REFERENDUMS
FILE: *	AVB {Folio No. *} }

SUMMARY:

To advise Council of the opportunity to hold Constitutional Referendums in conjunction with the Ordinary Election of Councillors in 2008.

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DESCRIPTION:

The NSW Electoral Commission has the responsibility to conduct referendums. Approval from electors at a constitutional referendum is required for any proposal that –

1. divides a Council area into wards or abolishes wards. The division of a Council's area into wards must not result in a variation of more than 10 per cent between the number of electors in each ward in the area. A ward boundary plan needs to be prepared and exhibited and submissions invited.
2. changes the number of Councillors. A Council must have at least 5 and not more than 15 Councillors (one of whom is the Mayor). Not less than 12 months before the next ordinary election, the Council must determine the number of its Councillors for the following term of office.
3. changes the method of electing the Mayor to either direct election by its electors every 4 years or election by the Councillors every year. The Mayor elected for an area is one of the Councillors of the Council for the area. Councils with areas that are divided into wards exclude a popularly elected Mayor from consideration when determining the number of Councillors to be elected for each ward.
4. changes the method by which Councillors are elected where the Council's area is divided into wards. The same number of Councillors are to be elected for each ward unless a decision is made at a constitutional referendum to elect Councillors –
 - a. as to some of them – each by an electorate comprising all the electors for a ward; and
 - b. as to the others – by an electorate comprising all the electors for the area

In all of the above any changes would not come into affect until the 2012 election. The Electoral Commission would charge additional fees to hold a referendum.

REPORT IMPLICATIONS:

- *Environmental*

Nil

- *Social*

Nil

- *Economic (Financial)*

Additional funds will need to be set aside to conduct a constitutional referendum. Conducting a referendum in conjunction with an ordinary election would be much cheaper than conducting it separately.

- *Policy or Statutory*

Nil

- *General Manager's Review*

Nil

RECOMMENDATION:

1. That Council determine whether it wishes to conduct a Constitutional Referendum in conjunction with the 2008 Ordinary election.
2. That Council determine the number of its Councillors for the 2008 - 2012 term.

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A V Burgess
GENERAL MANAGER