

ADDITIONAL ITEM



Item No: 1.5
Title: Administrator's Minute - Question for Referendum
Department: Administrator

23 March 2021 Ordinary Council Meeting

Reference: F2019/00086 - D14550990

Author: Dick Persson, AM, Interim Administrator

At the meeting held 3 February 2021, Council resolved as follows:

- 1 *That Council resolve to conduct a Constitutional Referendum for the reduction of Councillors (from 15 to 9) in conjunction with the September 2021 Local Government Elections.*
- 2 *That Council undertake community consultation to include: whether to reduce the ward structure from 5 to 3; have no wards; maintain the status quo with 15 councillors and 5 wards, and provide a report back to Council before mid April 2021.*
- 3 *That Council request the Acting Chief Executive Officer to notify the NSW Electoral Commission of this Administrator's Minute and resolution within 21 days as required under Schedule 10 of the Local Government (General) Regulation 2005.*
- 4 *That Council settle the proposed Constitutional Referendum question and provide this wording to the NSW Electoral Commission before mid April 2021 for the election.*
- 5 *That Council make provision in the 2021/22 budget for the additional costs of the NSW Electoral Commission running a Referendum in conjunction with the September 2021 Local Government Elections and the cost of Council fulfilling its obligations in relation to the explanatory material.*

In response to the resolution of Council, the NSW Electoral Commission was advised of Council's intent to conduct a Referendum in conjunction with the 2021 Local Government election.

In addition, Council undertook community consultation as resolved.

Report

As part of my 30 Day report into the Central Coast Council's financial I formed the view that that fifteen Councillors is too many for the effective operation of a Council. I stated that this large number does not facilitate collaborative and effective decision making, and often results in an adversarial environment which does not benefit the Central Coast Community.

As a result, I resolved that a referendum be held at the September 2021 Local Government Election to reduce the number of Councillors from 15 to 9.

To pass, the question would need to be supported by a majority of Central Coast electors. Should the referendum be passed, the changes would take effect for the next local government election for the Central Coast to be conducted in 2024.

Consultation was undertaken on two issues being:

- 1 Reduction of Councillors
- 2 Ward structure

The consultation report is attached.

1 Reduction of Councillors

In response to the consultation, the 78% of 613 survey participants wanted to reduce the number of Councillors from 15 to 9.

As a result, I plan to proceed with a Referendum question to reduce the number of Councillors from 15 to 9.

2 Change in Wards

It is a requirement that there be an equal number of Councillors elected from each Ward where a ward structure is in place.

Prior to determining this question for the referendum, community consultation was conducted to ascertain community sentiment on whether to reduce the Wards from five to three or abolish wards..

[Section 16](#) and [Section 210 of the Local Government Act 1993](#) provides that if the Council proposes to alter, abolish or change the number of wards it must conduct a Referendum. Should it be determined through the Referendum that the wards should be reduced, then the boundaries will be changed in accordance with [Section 210A of the Local Government Act 1993](#).

The process for determining the revised ward boundaries includes the Council ensuring there is no greater than 10% difference in electors between any two wards (based on Census Collection Districts and approved by the NSW Electoral Commission), public exhibition of proposed ward boundaries for not less than 28 days, accepting submissions on proposed ward boundaries for not less than 42 days and consideration of submissions received prior to making a determination. This process would be undertaken should the Referendum be passed and twelve months before the following local government election.

In response to the community consultation 55% of 465 survey participants wanted to abolish Wards and have all Councillors represent the whole Central Coast.

Potential question

The deadline to submit final wording for any question is 12noon on the closing date for the election in accordance with Clause 4(b), Schedule 10 of the Local Government (General) Regulation 2005 which is 4 August 2021. However, the NSW Electoral Commission has requested the wording be submitted as soon as possible but prior to the end of June 2021.

The Office of Local Government issued a Circular to Councils on 30 November 2020 regarding Constitutional referendums. In that circular the OLG advised that:

It is of critical importance that the referendum question or questions are carefully framed to ensure that workable decisions are achieved. All questions put at a referendum should be clear, concise, and capable of being responded to with a 'yes' or 'no' answer. If more than one referendum question is being asked on a particular subject, then extra care needs to be taken to ensure that the possible combinations of 'yes' and 'no' answers do not produce a conflicting decision.

The following wording is proposed for the conduct of the Referendum:

Do you favour a reduction in the number of Central Coast Councillors, from fifteen to nine, and the removal of wards? This will result in nine Councillors with all electors voting for all nine Councillors, and all nine Councillors representing the whole Central Coast.

Advice on the efficacy of the question has been sought and obtained from Local Government NSW who advise that should the question receive the majority of votes it will result the abolition of wards with a reduction in Councillors from 15 to nine.

Consultation

The attached report details the consultation undertaken and the results.

Financial Considerations

The most cost-effective way of conducting this Referendum is that it be held in conjunction with the September 2021 Local Government Elections, as oppose to a standalone Referendum.

The cost of a Referendum has been estimated by the NSW Electoral Commission as 10% of the costs of the Local Government Election, when run at the same time as an ordinary Election.

At this stage the NSW Electoral Commission has indicated that the costs to run the September 2021 Local Government Election for the Central Coast is \$2,147,083. The additional cost of the Referendum would be \$214,700 and will need to be budgeted for. This additional cost is based on one question being asked.

Council is also responsible for the preparation and publicity of the required explanatory material for the Referendum (which Council must ensure presents a balanced case both for and against any proposition to be put). It is proposed that \$15,000 be allocated in the 2021/22 Budget for this purpose.

I formally move:

- 1 *That Council resolve to conduct a Constitutional Referendum in conjunction with the conduct of the 2021 Local Government Election as follows:*

Do you favour a reduction in the number of Central Coast Councillors, from fifteen to nine, and the removal of wards? This will result in nine Councillors with all electors voting for all nine Councillors, and all nine Councillors representing the whole Central Coast.

- 2 *That Council advise the NSW Electoral Commission of the Referendum question.*

Attachments

- 1 Constitutional Referendum engagement summary D14542593

Constitutional Referendum

Engagement Summary

Central
Coast
Council

Summary

In response to a resolution of Council on 3 February 2021 between 1 March and 15 March 2021 Central Coast Council's administrator Dick Persson AM sought community feedback on a Constitutional Referendum for the reduction of Councillors (from 15 to 9) in conjunction with the September 2021 Local Government Elections.

The consultation provided an opportunity for the community to submit feedback on the options proposed, which will help Council understand community sentiment on how the numbers may be reduced in order to finalise the proposed referendum questions.

We presented the community with an information package and invited them to participate in an online poll.

Engagement Results

Participants were asked if they would like Councillors reduced from 15 to 9:

Do you want Councillors reduced from 15 to 9?

78% Yes

22% No

(status quo to remain)

(613 participants total)

Those that selected yes to a reduction in Councillors were then asked to let us know what their preferences for ward structure was:

Reducing Councillors from 15 to 9 requires a change in the Ward Structure. Please let us know which of the following options you prefer:

45%

5 Wards reduces to 3 Wards

55%

Abolish the Wards, 9 Councillors represent the whole Central Coast

(465 participants total)

How you connected



1,625 visits to the Your Voice Our Coast website.



7,112 people reached and 1,623 interactions, comments and shares.



11,194 stakeholders were kept up-to-date through e-news.



613 people participated in the online poll

What's next?

Councils administrator Dick Person AM will use the results of the poll to finalise the proposed referendum questions.

The referendum questions will be asked at the next Local Government Election being held on Saturday, 4 September 2021 however the change to the Council structure will not be enacted until the following Council election in 2024.

Find out more and stay up to date at yourvoiceourcoast.com

March 2021

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