

<b>Circular Details</b>	Circular No 18-47 / 19 December 2018 / A632441
<b>Previous Circular</b>	18-43 <i>Council decisions on the administration of the September 2020 elections</i>
<b>Who should read this</b>	Councillors / General Managers / Council governance staff
<b>Contact</b>	Council Governance Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Information

## Amendments to the election provisions of the Local Government (General) Regulation 2005

### What's new or changing

- Amendments have been made to the *Local Government (General) Regulation 2005* (the Regulation) to:
  - give effect to the Government's response to the recommendations of the Joint Standing Committee on Electoral Matters (JSCEM) in relation to preference counting in local government elections by:
    - introducing the weighted inclusive Gregory method of preference allocation with respect to council elections using the proportional voting system (recommendations 1 and 2)
    - removing the cap of four digits for a decimal fraction when calculating transfer values (recommendation 10) and
    - removing the option for candidates to pay for a recount (recommendation 8)
  - give effect to the 2014 amendments to the *Local Government Act 1993* that gave councils the option of holding a countback election to fill casual vacancies in the first 18 months of their terms instead of holding a costly by-election and prescribe the administrative requirements for countback elections
  - prescribe the administrative requirements for universal postal voting elections (currently, only the City of Sydney has the option of holding elections exclusively by postal voting because of its high number of non-residential electors who, unlike other council elections, are required to vote at council elections)
  - update other provisions of the Regulation to align with contemporary electoral practice as prescribed with respect to State elections under the *Electoral Act 2017* and to make a number of other amendments that are consequential to that Act and the *Electoral Funding Act 2018*
  - make other minor changes to improve the efficiency of the administration of council elections.

### What this will mean for your council

- The amendments make the counting of votes at council elections fairer and more accurate and transparent by removing the random sampling method of preference allocation and replacing it with a fractional transfer system known as the weighted inclusive Gregory method. In a fractional transfer system, all ballot papers of the elected candidate are used to distribute the surplus. The ballot papers are distributed at a reduced rate by applying a transfer value.
- The new counting rules take effect on 11 September 2020, immediately before the next ordinary council elections.

- The prescription of the weighted inclusive Gregory method and the removal of the cap of four digits for a decimal fraction when calculating transfer values mean that it will no longer be possible to use manual counts for council elections.
- The prescription of the weighted inclusive Gregory method also means that the count will now be reproducible on a recount making countback elections possible.
- Following the September 2020 ordinary council elections, councils will be able to fill casual vacancies in civic office that arise in the first 18 months following the election by a countback election, saving councils the cost of a by-election. In the last 18 months of councils' terms, they retain the option of applying to the Minister for Local Government to dispense with a by-election.
- Countback elections are not available for elections using the optional preferential voting system (including the election of a popularly elected mayor).
- To exercise the option of filling casual vacancies in the first 18 months using a countback election, councils must resolve at their first meeting following the ordinary election to fill vacancies using countback elections. OLG will provide further guidance on this closer to the relevant time.

### Key points

- A number of other amendments have been made to align the electoral provisions of the Regulation with the *Electoral Act 2017* thereby reflecting the more contemporary electoral practices that apply at State elections. Key amendments include:
  - allowing the election manager to appoint centralised ballot counting centres to improve the efficiency of the administration of elections and reduce costs
  - allowing polling places for multiple wards or areas (thereby allowing, for example, voting in the Sydney CBD for other council areas). This is in addition to the existing requirement for polling places in each area and ward.
  - removing the requirement for the returning officer's office to be a polling place (reflecting the fact that these are also used to warehouse electoral materials and are often located in industrial areas)
  - allowing the early opening of postal ballot envelopes in the presence of scrutineers (but not early counting) so as to speed up the count on election night (this is consistent with the practice at State elections)
  - allowing candidates' nominations and the payment of deposits to be made electronically
  - allowing the election manager to provide candidates' statistical information sheets directly to OLG (rather than via councils' general managers) to improve the efficiency and speed of OLG's post-election research used to inform its strategies to promote greater diversity in candidates standing at the next council elections.

### Where to go for further information

- For more information, contact the Council Governance Team by telephone on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).



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