

Item 4.5

Determination of Number of Councillors

File No: X001937

Memorandum by the Chief Executive Officer

To Council:

Section 224 of the Local Government Act 1993 requires that:

- (1) A council must have at least five and not more than 15 councillors (one of whom is the mayor).
- (2) Not less than 12 months before the next ordinary election, the council must determine the number, in accordance with subsection (1), of its councillors for the following term of office.
- (3) If the council proposes to change the number of councillors, it must, before determining the number, obtain approval for the change at a constitutional referendum.

Council is therefore required by section 224 of the Local Government Act 1993 to determine the number of councillors for the term of office to follow the elections to be held in September 2021.

I am not aware of any reason why Council would wish to increase or decrease the number of councillors.

Accordingly, it is not proposed to take any action in respect of the holding of a constitutional referendum to seek approval for such a change.

On 9 September 2019, Council determined that the number of councillors be maintained at 10 for the following term of office of the City of Sydney Council, commencing in September 2020.

In March 2020, the Minister for Local Government announced that the September 2020 local government elections would be postponed to address the risks posed by the Covid-19 pandemic. The Local Government Act 1993 (the Act) has been amended to confer on the Minister, a time-limited power to postpone council elections.

The official Order under the Local Government Act 1993 deferring the local government election from 12 September 2020 for twelve months was made on 12 June 2020. The NSW Government has announced that the local government elections will be held on 4 September 2021.

As the determination made in 2019 made specific mention of the term of office commencing in September 2020, given the deferral of the local government elections, and the absence of a provision that automatically extends the determination to the new election date, it is considered prudent for a new determination to be made referring to the new date.

Recommendation

It is resolved that Council determines that the number of councillors be maintained at 10 for the following term of office of the City of Sydney Council, commencing following the next ordinary local government election.

MONICA BARONE

Chief Executive Officer