

**REPORTS TO COUNCIL - FOR COUNCIL DECISION**

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<b>ITEM NUMBER</b>	13.7
<b>SUBJECT</b>	Results of Community Consultation - Popular Election of Lord Mayor and Referendum Question
<b>REFERENCE</b>	F2022/03176 - D09013532
<b>REPORT OF</b>	Executive Director Finance & Information

**CSP THEME:** Fair

**WORKSHOP/BRIEFING DATE:** 4 July 2022 and 19 June 2023

**PURPOSE:**

The report outlines the results of the community consultation on holding a constitutional referendum at the 2024 Local Government Elections, for a popularly elected Lord Mayor.

It also seeks Council's determination on holding a constitutional referendum and any changes proposed to the number of Councillors and/or wards following consideration of the possible options detailed in this report.

**RECOMMENDATION**

**That** Council consider the various options contained in this report and determines whether to proceed with a constitutional referendum to pursue any of those options.

**BACKGROUND**

1. At the Council Meeting held on 10 May 2021, Council resolved:
  - a. *That Council consult with the community on the option of a popularly elected Lord Mayor in the six (6) months after the 2021 Local Government Elections.*
  - b. *That the results of the community consultation be reported to the new term of Council to inform whether it will hold a constitutional referendum at the 2024 Local Government Elections, for the potential to implement any change at the 2028 Local Government Elections.*
  - c. *Further, that Council approve the adjustment to the Budget in Financial Year 2021/22 of \$300,000 funded from General Funds, as set out in paragraph 26 of this report.*
2. On 4 July 2022, a Councillor workshop was conducted to seek Councillors consideration on part (a) of the 10 May 2021 Council resolution, which included conducting community engagement and potential changes to the composition of Council structure. Councillors agreed at the workshop on two steps:
  - a. Step 1 – Consult with the community on a popularly elected Lord Mayor.
  - b. Step 2 – Further consultation to be conducted on Councillor numbers and/or ward boundaries if it was decided that the community

consultation demonstrated general support for the transition to a popularly elected Lord Mayor.

3. To comply with step 1 of the agreement, staff conducted three community engagements in September/October 2022, February 2023 and April-May 2023.
4. The results of step 1 were presented to the Councillors at a Councillor workshop on 19 June 2023. All three engagements indicated that the community wants of a popular elected Lord Mayor.

### **ISSUES/OPTIONS/CONSEQUENCES**

5. Step 2 of the 4 July 2022 Councillor workshop agreement will now need to be determined by the Councillors.
6. Currently, the City of Parramatta has 15 Councillors, five wards consisting of three Councillors per ward.
7. The *Local Government Act 1993* (Act) provides two methods by which the Lord Mayor can be elected.
  - a. By popular vote at an ordinary election; or
  - b. By vote among the Councillors.
8. The Lord Mayor of the City of Parramatta has traditionally been elected by a vote amongst the Councillors. However, Councillors could decide to have a popular elected Lord Mayor or retain the status quo.
9. A decision to have a popularly elected Lord Mayor could change the number of Councillors, change the number of wards or abolish wards altogether. Under section 16 of the Act all these changes need a constitutional referendum.
10. The next opportunity to hold a constitutional referendum is at the 2024 local government elections. If the majority of the eligible voters were to support a popularly elected Lord Mayor, then the new method of electing the Lord Mayor would be proposed to take effect at the 2028 local government elections.
11. As part of the referendum process Council would be required to present “for and against” arguments and a sample of these which were used at constitutional referendums in other Local Government Areas is shown in Attachment 1.
12. Council has five wards with each having three Councillors and a total of 15 Councillors. A popularly elected Lord Mayor could mean a change in the number of Councillors if Council decides to keep the five wards or determine a reduced number of wards.
13. Presented below are some possible options that Council could consider.

#### **Option 1: Receive and note the report**

Council to receive and note the report and not proceed further (status quo).

**Option 2: Proceed with Popular Election of Lord Mayor with Undivided Wards (Nil Wards)**

The Council would have to conduct a constitutional referendum in September 2024 asking a question similar to the wording below:

*“Do you favour the election of the Lord Mayor by electors for a four (4) year term, with the abolishment of wards, and XX Councillors elected across the entire City of Parramatta Council?”*

Section 224 (1) of the Act states that a Council must have at least 5 and not more than 15 Councillors (one of whom is the Lord Mayor).

Council could have between 5 and 15 Councillors (including the Lord Mayor); however, other options and examples are set out in Attachment 2.

**Option 3: Proceed with Popular Election of Lord Mayor with Wards**

The Council would have to conduct a constitutional referendum in September 2024 asking a question similar to the wording below:

*Do you support a popularly elected Lord Mayor where the voters of the City of Parramatta elect the Lord Mayor for a four (4) year term, thereby adopting a XX Councillor model (including the Lord Mayor) comprising of XX wards with XX Councillors per ward?*

Section 280 (2) of the Act prescribes that the same number of Councillors is to be elected for each ward. The Lord Mayor is to be excluded when determining that number if the Lord Mayor is to be elected by all the electors for the area.

Council could keep the same total number of Councillors (15) and have two wards of 7 councillors plus a popularly elected Lord Mayor.

Alternatively, Council could have more than two wards, but such an arrangement would mandate a decrease in the total number of Councillors from 15. Examples are included in Attachment 3.

**Option 4: Proceed with Popular Election, the number of Councillors but delay decision of wards**

Under section 224(2) of the Act not less than 12 months before the next ordinary election, the Council must determine the number of Councillors for the following term.

Council could proceed with a referendum for a popularly elected Lord Mayor which would reduce the number of Councillors to an agreed total number but delay the decision on the number of wards until later in the year or before March 2024.

For example, Council could determine a total number of 12 Councillors but delay a decision on whether those Councillors were distributed across 2, 3 or 4 wards until later in 2024. However, due to the lack of certainty, this option is likely to create confusion in the community and is not recommended.

Should this option be pursued, a question similar to the wording below could be asked:

*Do you support a popularly elected Lord Mayor where the voters of the City of Parramatta elect the Lord Mayor for a four (4) year term?*

**Option 5: Proceed with detailed consultation on Popular Election of Lord Mayor but not proceed with constitutional referendum in September 2024**

Council could proceed with further consultation on a popularly elected Lord Mayor but no constitutional referendum to be held in September 2024. The following similar wording could be asked:

*“Do you support a popularly elected Lord Mayor where the voters of the City of Parramatta elect the Lord Mayor for a four (4) year term, thereby adopting a XX Councillor model (including the Lord Mayor) comprising of XX wards with XX Councillors per ward?”*

As the change to electing a Lord Mayor may decrease the number of Councillors. Council must resolve 12 months before the next term on the number of Councillors.

14. An option for popularly elected Lord Mayor could change the number of Councillors. Strong accountability to the public is crucial in ensuring trust in democratic leadership. As part of the consultation process, Council is responsible for the preparation and publicity of the required explanatory material and must ensure that the material presents a balanced case both for and against any proposition to be put to a constitutional referendum.
15. A proposed timeline is shown below should Council determine to proceed to consultation on having a popularly elected Lord Mayor.

If going ahead with Constitutional Referendum	
Community Engagement	12 July – 11 August 2023
Review of the results of community engagement and preparation of Report	14-21 August 2023
Councillor Workshop – Outcomes of Community Engagement	30 August 2023
Resolution of Council to determine the number of Councillors	11 September 2023 Council Meeting
NSW Electoral Commission to be advised of constitutional referendum	Before 14 September 2023

**CONSULTATION & TIMING**

**Stakeholder Consultation**

16. On the question of ‘Which option for electing the Lord Mayor would you prefer?’, below the results:

Date	Stakeholder	Stakeholder Comment	Council Officer Response	Responsibility
September/ October 2022	Intercept Survey Questionnaires	<ul style="list-style-type: none"> <li>44% (72 responses) – By Popular Vote</li> <li>41% (67 responses) – Unsure/Don't care</li> <li>15% (25 responses)– By Councillors</li> </ul>	Results presented to Councillors at the 19 June 2023 workshop.	Executive Director, Finance and Information
February 2023	Two online workshops Engagement	<ul style="list-style-type: none"> <li>57% (34 responses) – By popular vote</li> <li>28% (17 responses) – By Councillors</li> <li>15% (9 responses) - Unsure</li> </ul>	Results presented to Councillors at the 19 June 2023 workshop.	Executive Director, Finance and Information
April/May 2023 (after NSW State Election)	LGA-wide public campaign	<ul style="list-style-type: none"> <li>64% (2,451 responses) – By popular vote</li> <li>34% (1,302 responses) – By the Councillors</li> <li>2% (77 responses) were unsure</li> </ul>	Results presented to Councillors at the 19 June 2023 workshop.	Executive Director, Finance and Information

### Councillor Consultation

17. The following Councillor consultations were undertaken in relation to this matter:

Date	Councillor	Councillor Comment	Council Officer Response	Responsibility
4 July 2022	Councillor Workshop	<p>Councillors agreed to two steps:</p> <p><b>Step 1:</b> Consult with the community on a popularly elected Lord Mayor.</p>	Step 1 is completed. Staff undertook three community engagements.	Executive Director, Finance and Information

		<b>Step 2:</b> Further consultation to be conducted on councillor numbers and/or ward boundaries if it was decided that the community consultation demonstrated general support for the transition to a popularly elected Lord Mayor.		
19 June 2023	Councillor Workshop	No decision on the presentation of the results and popular options provided.	A report to Council on 10 July 2023 on next steps.	Executive Director, Finance and Information

## LEGAL IMPLICATIONS FOR COUNCIL

18. Council must, not less than 12 months before the next ordinary election on 14 September 2024, determine the number of its Councillors for the following term. There is a tight deadline should Council decide to proceed with a referendum on having a popularly elected Lord Mayor.

## FINANCIAL IMPLICATIONS FOR COUNCIL

19. At the 10 May 2022 Council Meeting, Council approved \$300,000 to be set aside for the community engagement and constitutional referendum. After the consultations in September/October 2022, February 2023 and April-May 2023 approximately \$154,000 has been utilised.
20. Should the decision be made to hold a constitutional referendum, the unspent budget from the \$300,000 set aside for the consultation will fund the next round of community engagement.

	FY 22/23	FY 23/24	FY 24/25	FY 25/26
<b>Revenue</b>				
Internal Revenue				
External Revenue				
<b>Total Revenue</b>	N/A			
<b>Funding Source</b>				
<b>Operating Result</b>				
External Costs				
Internal Costs				
Depreciation				
Other				
<b>Total Operating Result</b>	N/A			

<b>Funding Source</b>				
<b>CAPEX</b>				
CAPEX				
External				
Internal				
Other				
<b>Total CAPEX</b>	N/A			

John Angilley  
**Executive Director Finance & Information**

Gail Connolly  
**Chief Executive Officer**

**ATTACHMENTS:**

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|----------|--|-----------|
| <b>1</b> | Case for and Case Against Popular Elected Mayor from Other Councils                              | 1<br>Page |
| <b>2</b> | Potential Options for Undivided Ward   | 1<br>Page |
| <b>3</b> | Potential for Divided Wards  |           |
| <b>4</b> | First and Second Community Consultations - SeptemberOctober 2022 February 2023 Consultations.pdf |           |
| <b>5</b> | Third Community Consultation - AprilMay 2023 Consultation.pdf                                    |           |

**REFERENCE MATERIAL**