



LEGISLATIVE COUNCIL

STANDING COMMITTEE ON STATE DEVELOPMENT

# Local Government Amendment (Elections) Bill 2025

Report 54

August 2025



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Standing Committee on State Development

# **Local Government Amendment (Elections) Bill 2025**

Published on 4 August 2025 according to Standing Order 238

**New South Wales. Parliament. Legislative Council. Standing Committee on State Development.  
Report no. 54.**

Local Government Amendment (Elections) Bill 2025

"August 2025"

Chair: Hon Emily Suvaal MLC



A catalogue record for this  
book is available from the  
National Library of Australia

ISBN: 978-1-923392-04-5

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## Terms of reference

That:

- (1) the [Local Government Amendment \(Elections\) Bill 2025](#) be referred to the Standing Committee on State Development for inquiry and report.
- (2) That the committee report by 4 August 2025.

The terms of reference for the inquiry were referred to the committee by the Legislative Council on 24 June 2025.<sup>1</sup>

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<sup>1</sup> *Minutes*, NSW Legislative Council, 24 June 2025, item 15.

## Committee details

### Committee members

<b>Hon Emily Suvaal MLC</b>	Australian Labor Party	<i>Chair</i>
<b>Hon Mark Buttigieg MLC</b>	Australian Labor Party	
<b>Ms Cate Faehrmann MLC</b>	The Greens	
<b>Hon Scott Farlow MLC</b>	Liberal Party	
<b>Hon Emma Hurst MLC</b>	Animal Justice Party	
<b>Hon Stephen Lawrence MLC</b>	Australian Labor Party	
<b>Hon Nichole Overall MLC*</b>	The Nationals	
<b>Hon Peter Primrose MLC</b>	Australian Labor Party	

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\* The Hon Nichole Overall MLC substituted for the Hon Scott Barrett MLC from 1 July 2025 for the duration of the inquiry.

### Secretariat

Rhea Goundar, Principal Council Officer  
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 Madeleine Dowd, Director

## Chair's foreword

On 24 June 2025, the Legislative Council referred the Local Government Amendment (Elections) Bill 2025 to the Standing Committee on State Development for inquiry and report by 4 August 2025.

The bill proposes a range of amendments to how elections operate for local governments in New South Wales, including the removal of the option for councils to select a private provider for the delivery of elections, a shortening of the pre-poll to five days, limiting the location of polling venues to within the relevant local government area, and an amendment to the method of filling vacancies so that countbacks would be replaced with an appointment from within the group or ticket that contested the election.

The committee heard a wide range of views from the local government sector in relation to the changes proposed in the bill. Many stakeholders supported the proposal to end the use of privatised election providers due to concerns about the accountability of decisions made by private providers and the low uptake of private election services. Concerns were also raised that there was no independent appeal mechanism for decisions made by a private provider, as the NSW Electoral Commission does not consider itself an oversight body for privately run elections. However, other stakeholders shared concerns that due to the escalating costs of elections, further safeguards are required to maintain the affordability of elections for the local government sector.

Stakeholders were also split on the issue of councils being able to select their own method for the replacement of vacancies, with some highlighting the inherent risks to fair outcomes of an elected council having jurisdiction over how vacating councillors are replaced.

As there is no clear consensus from the local government sector on the best approach to take to meet the challenges of escalating election costs and the best way to ensure the integrity of elections for councils, these competing views should be balanced by the Parliament as part of the consideration of the bill.

Despite a shortened timeline for the review of the measures contained in the bill, in order to meet the terms of the resolution of the house, the inquiry received 49 submissions. The committee also heard from 15 witnesses during a public hearing. The committee is grateful to all stakeholders for their contributions, particularly given the short timeline.

The committee thanks the secretariat for their hard work in delivering an inquiry into this legislation on a very tight timeframe.

The committee has recommended that the Legislative Council proceed to debate the Local Government Amendment (Elections) Bill 2025 and that the concerns raised by stakeholders be addressed during debate in the House.



## Recommendations

### Recommendation 1

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That the Legislative Council proceed to debate the Local Government Amendment (Elections) Bill 2025, and that the concerns identified by stakeholders as set out in this report be addressed during debate in the House.

## Conduct of inquiry

The terms of reference for the inquiry were referred to the committee by the Legislative Council on 24 June 2025.

The committee received 49 submissions and one supplementary submission.

The committee held one public hearing at Parliament House in Sydney.

Inquiry related documents are available on the committee's website, including submissions, hearing transcripts and answers to questions on notice.

# Chapter 1      Background and overview

This chapter provides a brief overview of the provisions of the Local Government Amendment (Elections) Bill 2025, including the background and purpose of the bill.

## Reference

- 1.1      The Local Government Amendment (Elections) Bill 2025 (hereafter, the bill) was introduced in the Legislative Assembly by the Hon Ron Hoenig MP, Minister for Local Government (hereafter, the Minister) on 4 June 2025.
- 1.2      On 24 June 2025, the Legislative Council agreed to refer the bill to the Standing Committee on State Development for inquiry and report.

## Background and purpose of the bill

- 1.3      The bill seeks to introduce four policy reforms. The principal reform relates to the administration of council elections, namely, to proscribe the use of private election services to deliver council elections. The other proposed changes relate to the methods for filling casual vacancies, the length of the pre-poll period and the location of polling places.
- 1.4      Arguments made by stakeholders during the inquiry in relation to the reforms proposed in the bill will be explored in Chapter 2 of this report.

### Proscribing the use of private election services

- 1.5      **Schedule 1[9]** of the bill seeks to amend the *Local Government Act 1993* (hereafter, the Act) to remove the existing option for local councils to use private election services to deliver council elections. The bill seeks to implement this change by omitting the existing section 296AA–296B and **inserting a new section 296**.
- 1.6      Currently, the Act permits councils to choose to engage either the NSW Electoral Commission or a private electoral services provider to administer their elections. The amendments seek to ensure that future council elections may only be administered by the NSW Electoral Commissioner. This change would apply from the next council elections, which are scheduled to take place in September 2028.<sup>2</sup>
- 1.7      This schedule of the bill also includes a new provision (as set out in **proposed new section 296A** that the NSW Electoral Commissioner may 'prepare an election services plan for the administration of council elections, polls and referenda'.<sup>3</sup> If a plan of this kind is prepared, it must include an 'estimate of the expenses to be incurred by the Electoral Commissioner in

<sup>2</sup>      Ron Hoenig, Second reading speech: Local Government Amendment (Elections) Bill 2025, 4 June 2025.

<sup>3</sup>      Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 8.

connection with the administration of the election, poll or referendum'.<sup>4</sup> Further, the Electoral Commissioner must consult with the council in preparing an election services plan.

- 1.8** In its submission, the OLG stated that this part of the provision will facilitate better planning for council elections.<sup>5</sup>
- 1.9** Finally, the bill also includes amendments that 'provide that expenses in connection with the administration of an election, poll or referendum...must be met by the council and are recoverable from the council as a debt owed to the NSWEC'.<sup>6</sup> The OLG explained that these amendments 'allow significant flexibility'<sup>7</sup> in how electoral expenses are met and 'allow the Government to continue to contribute to the cost of council elections'.<sup>8</sup>

### Methods for filling casual vacancies

- 1.10** **Schedule 1[5]** of the bill inserts a **new section 291B** which proposes a new system to regulate the filling of casual vacancies in local councils.
- 1.11** Currently, Section 291A of the Act gives councils the option of using a 'countback of the votes cast at the ordinary election to fill vacancies in councillors' civic offices that occur in the first 18 months of their terms instead of holding a by-election'.<sup>9</sup> A countback uses a 'recount of the ballot papers from the last ordinary election instead of requiring an attendance by election'.<sup>10</sup>
- 1.12** The amendments proposed in the bill seek to remove the countback option and replace it with a new method to fill casual vacancies, which would be in effect from the September 2028 local government elections.
- 1.13** In its submission, the OLG set out the rationale for removing the countback option, noting that:
- countback elections have the potential to change the political composition of a council, impacting on its stability. There are examples where the balance of power has shifted in a council due to a councillor vacancy and a countback election throwing up a councillor with different political intents.<sup>11</sup>

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<sup>4</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 8.

<sup>5</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 8.

<sup>6</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 8.

<sup>7</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 9.

<sup>8</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 9.

<sup>9</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 12.

<sup>10</sup> NSW Electoral Commission, *Countback elections*, available [here](#).

<sup>11</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 12.

- 1.14** Under the new method proposed by the bill, if the 'vacating councillor was a member of a group of candidates at the election at which they were elected, the vacancy is to be filled by the appointment of a person from the same group as the vacating councillor'.<sup>12</sup> This replacement method would be utilised to fill casual vacancies occurring at any time during the council term.
- 1.15** In the scenario that there are no available or eligible persons remaining in the group, the bill provides that a by-election will be held to fill the vacancy.
- 1.16** Further, in the circumstance that the vacating councillor is not a member of a group, a by election will be held to fill the vacancy.

### **The length of the pre-poll voting period**

- 1.17** **Schedule 1[9]** of the bill seeks to amend the Act by inserting a **new section 296C(3)**, which proposes to 'restrict the availability of pre-poll voting at council elections to the period commencing on the Monday before election day, to remove barriers to participation in council elections'.<sup>13</sup> In other words, the bill seeks to restrict the pre-poll voting period for council elections to five days from the current seven days.
- 1.18** In its submission, the OLG explained that this reduction in the pre-poll period will encourage candidates who have other work and community commitments to participate in council elections, given that potential candidates will now be required to spend less time campaigning during the pre-poll period. It was argued that that this change will be particularly meaningful for independent candidates, who do not have the resources of a major party to support a presence during a length pre-poll period.<sup>14</sup>

### **The location of polling places**

- 1.19** **Schedule 1[9]** of the bill proposes inserting a **new section 296C(2)** into the Act which seeks to ensure that a 'polling place for an election in relation to an area must not be located outside the area other than as provided for by the regulations'. In other words, the bill seeks to require that all polling places for council elections be located within the local government area holding the election.
- 1.20** In its submission, the OLG explained that this amendment is intended to 'increase formal voting and address confusion that has arisen where electors have sought to vote outside their local government area and are provided "how to vote" material that is not relevant to them'.<sup>15</sup>

<sup>12</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 13.

<sup>13</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 10.

<sup>14</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 11.

<sup>15</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 11.

- 1.21** Currently, the Local Government (General) Regulation 2021 (hereafter, the Regulation) allows a 'single polling place to be appointed for two or more local government areas. It also allows a polling place to be appointed for an area whether or not the place is within or outside the area concerned'.<sup>16</sup> OLG submitted to the committee that the 'existing measures to allow multi-council polling places makes it difficult to distinguish the election material for the individual's council'<sup>17</sup> and contributes to confusion and potential informal voting by electors.

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<sup>16</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 11.

<sup>17</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 11.

## Chapter 2      Key issues

This chapter discusses the key issues identified by stakeholders during this inquiry regarding the four main policy reforms proposed in the Local Government Amendment (Elections) Bill 2025.

### Proposed measures relating to the administration of council elections

- 2.1**      The 'principal purpose' of the Local Government Amendment (Elections) Bill 2025 (hereafter, the bill), is to amend the Local Government Act 1993 to remove the option for local councils to use private election services to deliver council elections.<sup>18</sup> This proposed measure would ensure that from the next council elections, which are scheduled to be held in September 2028, all election administration would be delivered by the NSW Electoral Commission.<sup>19</sup>

#### **Arguments for proscribing the use private electoral service providers for council elections**

##### *Low uptake and a failure to deliver significant cost savings*

- 2.2**      In its submission, the OLG explained that the current provisions in the Act to allow councils to use a private electoral services provider to administer council elections were intended to 'drive down councils' election costs by introducing contestability'.<sup>20</sup> However, according to the OLG 'giving councils a choice in the providers they can use to administer their elections has failed to deliver the promised benefits and there is no longer any compelling policy reason for retaining this option for councils'.<sup>21</sup>
- 2.3**      In supporting this claim, the OLG said that over the 13-year period that the option has existed, only one private provider has made electoral services available, meaning that the competitive market the legislation intended to create did not materialise. Further, the OLG explained that councils' have been increasingly less likely to use a private provider, with 14 councils using a service of this kind at the 2012 local government election, but only two councils utilising private providers at the 2021 and 2024 local government elections.<sup>22</sup>

<sup>18</sup> Ron Hoenig, Second reading speech: Local Government Amendment (Elections) Bill 2025, 4 June 2025.

<sup>19</sup> Ron Hoenig, Second reading speech: Local Government Amendment (Elections) Bill 2025, 4 June 2025.

<sup>20</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 7.

<sup>21</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 7.

<sup>22</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 7.

- 2.4** The OLG concluded that given 'the low number of councils prepared to engage the only existing private electoral services provider', there has been no economy of scale for private providers to administer elections with genuine costs savings.<sup>23</sup>
- 2.5** In supporting this claim the OLG said that broadly speaking, there has been no reduction in the costs of delivering elections. While the cost of the 2012 election (the first election following the introduction of the private provider option in 2011) was slightly less than the cost of the 2008 election, 'each successive local government election have seen an increase in councils' election costs'. For example, the OLG noted that the '2024 local government elections cost approximately \$122.8 million (up from \$108.3 million at the 2021 local government elections)'.<sup>24</sup>
- 2.6** At an individual council level, the OLG referred to Penrith City Council which had engaged a private provider to administer the 2021 council election. However:
- ...when Council obtained quotes from the private provider and the NSWEC for its 2024 election, the private provider's quote (\$1,475,387.02) exceeded the quote provided by the NSWEC (\$1,276,230). As a result, Penrith City Council engaged the NSWEC instead of the private provider to conduct its election in September 2024, the first time it had done so in the 13 years the option of using another provider has been available.<sup>25</sup>
- 2.7** That the private provider option has not led to a cost reduction of council elections was noted by other stakeholders. For example, Cr Phyllis Miller OAM, President, Local Government NSW, who when asked if being able to use a private provider had helped lower the costs of elections, said 'not at all'.<sup>26</sup>
- 2.8** Similarly, Mr George Simon, Assistant General Secretary, NSW Labor, said that while the intention of introducing private providers into local council elections was to reduce the costs for council, there 'has been no evidence to date to indicate that that has been the case'.<sup>27</sup>
- 2.9** However, it is important to note that Fairfield Council told the committee that in its experience, elections administered by private providers had cost less than elections administered by the NSW Electoral Commission.<sup>28</sup> This evidence is examined later in this Chapter.

***Maintaining the integrity and quality of the electoral system in New South Wales***

- 2.10** The committee heard from stakeholders who supported proscribing the use of private election service providers in council elections on the basis that it would improve integrity, quality and consistency in the NSW electoral system.

<sup>23</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 7.

<sup>24</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 7.

<sup>25</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 7.

<sup>26</sup> Evidence, Cr Phyllis Miller OAM, President, Local Government NSW, 15 July 2025, pp 5-6.

<sup>27</sup> Evidence, Mr George Simon, Assistant General Secretary, NSW Labor, 15 July 2025, p 11.

<sup>28</sup> Evidence, Mr Lachlan Gunn, Acting General Manager, Fairfield City Council, 15 July 2025, p 24.



- 2.11** For instance, some councils, including Wagga Wagga City Council and Penrith City Council, argued that requiring that all council elections be delivered by the NSW Electoral Commission would result in 'standardised administration across all councils'<sup>29</sup> and 'consistency in conduct'<sup>30</sup>. Both councils noted that by ensuring consistent and high-quality service delivery, overall public trust in the administration of council elections would be increased.<sup>31</sup>
- 2.12** This evidence was echoed by Councillor Danielle Maltman, Port Macquarie Hastings Council, who described this measure as a 'sensible and practical reform' which would 'establish a uniform, impartial election framework across NSW'.<sup>32</sup> Councillor Maltman also submitted that utilising a 'centralised administration is a vital step towards instilling trust in the local democratic process'.<sup>33</sup>
- 2.13** The committee heard evidence from NSW Labor that the measures contained in the bill also address the 'significant risks to the integrity, transparency, and public trust in democratic institutions'<sup>34</sup> that are a consequence of 'private, for-profit providers'<sup>35</sup> administering elections. NSW Labor said that the NSW Electoral Commission, as an independent statutory authority that is 'subject to parliamentary oversight and other transparency measures that just don't apply to private providers when conducting elections'<sup>36</sup> is best placed to deliver election services in an impartial way.
- 2.14** Mr Ben Raue, Independent Election Analyst, The Tally Room, similarly said that council elections 'should be dealt with by best practice by the State Electoral Commission'.<sup>37</sup>
- 2.15** Mr Raue also expressed a view that having all council elections administered by the NSW Electoral Commission ensures better communication and connectivity within the electoral system. He explained that when elections have been conducted by private providers, 'they are effectively disconnected from the rest of the State'<sup>38</sup> and treated as happening in isolation, which impacts the quality of the information and makes it 'harder for people to understand what's going on in their local councils'.<sup>39</sup>

### *Oversight of private election providers*

- 2.16** The committee heard competing views from stakeholders as to whether there was adequate oversight over private election providers from independent sources. In particular, the committee received evidence of a decision of the returning officer at Fairfield Council's privately-run election that was disputed by NSW Labor.

<sup>29</sup> Submission 10, Penrith City Council, p 3.

<sup>30</sup> Submission 12, Wagga Wagga City Council, p 3.

<sup>31</sup> Submission 10, Penrith City Council, p 3; Submission 12, Wagga Wagga City Council, p 3.

<sup>32</sup> Submission 16, Cr Danielle Maltman, p 1.

<sup>33</sup> Submission 16, Cr Danielle Maltman, p 1.

<sup>34</sup> Submission 38, NSW Labor, p 1.

<sup>35</sup> Submission 38, NSW Labor, p 1.

<sup>36</sup> Evidence, Mr George Simon, Assistant General Secretary, NSW Labor, 15 July 2025, p 11.

<sup>37</sup> Evidence, Mr Ben Raue, Independent election analyst, The Tally Room 15 July 2025, p 20.

<sup>38</sup> Evidence, Mr Ben Raue, Independent election analyst, The Tally Room 15 July 2025, p 20.

<sup>39</sup> Evidence, Mr Ben Raue, Independent election analyst, The Tally Room 15 July 2025, p 20.

- 2.17** On the issue of an appeal to that decision, Fairfield Council's evidence to the committee was that it was open to NSW Labor to 'escalate the issue to the NSW Electoral Commission'.<sup>40</sup>
- 2.18** In evidence, however, Mr George Simon stated that: 'We could not raise those concerns with the Electoral Commission. The Electoral Commission had no jurisdiction in Fairfield and Liverpool councils to deal with those matters'.<sup>41</sup>
- 2.19** The NSW Electoral Commissioner's evidence in relation to the conduct of election providers was that 'there isn't a particular oversight body in relation to that service' beyond a referral to a court to challenge the outcome of the election.<sup>42</sup>
- 2.20** NSW Labor argued that this incident reinforces their submission that private providers are 'not subject to the same transparency and oversight mechanisms as the NSW Electoral Commission'.<sup>43</sup>

**Arguments against proscribing the use of private electoral service providers for council elections**

- 2.21** The committee heard from a range of stakeholders, including councils and councillors, opposed to the proposal in the bill to proscribe the use of private providers being used to administer council elections.

*Avoiding a service monopoly and rising costs*

- 2.22** Murray River Council opposed this amendment because in its view, 'the creation of a monopoly situation, without the inclusion of price protections, will always result in price increases due to the lack of competition'.<sup>44</sup> Similarly, Willoughby Council argued that: 'Competition compels all providers, public or private, to deliver high service standards and competitive pricing. A statutory monopoly risks cost escalation and service complacency'.<sup>45</sup>
- 2.23** The risk of increased costs due to a service monopoly was raised by a number of other councils including MidCoast Council, Sutherland Shire Council, Berrigan Shire Council and Singleton Council. While not all of these councils necessarily opposed the provision contained in the bill, they did state that without competitors, it is possible that there will be less pressure on the NSW Electoral Commission to keep costs down.<sup>46</sup>
- 2.24** Some stakeholders suggested that, should this provision become law, there should be a renewed commitment to address the costs of local government elections. Sutherland Shire Council argued that if the bill were to pass, there should be a requirement on the NSW Electoral

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<sup>40</sup> Additional information from Fairfield City Council, received 22 July 2025, p 2.

<sup>41</sup> Evidence, Mr George Simon, Assistant General Secretary, NSW Labor, 15 July 2025, p 16.

<sup>42</sup> Evidence, Ms Rachel McCallum, NSW Electoral Commissioner, NSW Electoral Commission, 15 July 2025, p 49.

<sup>43</sup> Answers to questions on notice from NSW Labor, received 22 July 2025, p 2.

<sup>44</sup> Submission 33, Murray River Council, p 3.

<sup>45</sup> Submission 14, Wollondilly Shire Council, p 1.

<sup>46</sup> Submission 2, Berrigan Shire Council, p 1; Submission 6, Sutherland Shire Council, pp 1-2; Submission 11, Dubbo Regional Council, p 1; Submission 15, Singleton Council, p 2..

Commission to be subject to efficiency targets and 'prevent the transfer of escalated costs to local government'.<sup>47</sup>

- 2.25 Similarly, while supportive of the provision, Local Government NSW explained that if the proposal were enacted, there would be a need for greater oversight of the NSW Electoral Commission's pricing. Local Government NSW suggested that this oversight be undertaken by IPART or another independent body undertaking price determination.<sup>48</sup>

*Quality of election administration delivered by private service providers*

- 2.26 Some stakeholders told the committee that private electoral service providers delivered high-quality, flexible and innovative election administration, and on that basis, did do not support removing the option to use such services.
- 2.27 Fairfield Council told the committee about its experience using a private electoral services provider to administer the 2012, 2016, 2021 and 2024 Fairfield local council elections.<sup>49</sup>
- 2.28 Mr Lachlan Gunn, Acting General Manager, Fairfield City Council, explained that the private provider delivered an 'accessible, connected and tailored service that meets the community's needs'.<sup>50</sup> Mr Gunn said that this included polling places being in well-located, appropriate facilities and a dedicated returning officer for the local government area who was able to 'dynamically respond to community needs'.<sup>51</sup>
- 2.29 In addition to identifying the service benefits experienced when using a private provider, Fairfield Council told the committee that by using the private provider, election costs have been \$50,000 to \$100,000 less per election than the approximate cost of an election administered by the NSW Electoral Commission.<sup>52</sup>
- 2.30 Mr Gunn explained that this cost saving was delivered as a result of the private provider giving Fairfield Council a detailed quote that included opportunities for savings. This meant that council was given service delivery options and was able to make choices that resulted in cost savings. It was stated that this process was not available in relation to the quote from the NSW Electoral Commission.<sup>53</sup>
- 2.31 The committee also heard from stakeholders who expressed a view that private providers were able to deliver services that were more tailored, flexible and community led. For example, Willoughby Council said that being able to engage private providers meant that a council can 'tailor services to local needs' and retain the ability to make decisions locally.<sup>54</sup>

<sup>47</sup> Submission 6, Sutherland Shire Council, p 1.

<sup>48</sup> Submission 3, Local Government NSW, p 7.

<sup>49</sup> Submission 5, Fairfield City Council, p 2.

<sup>50</sup> Evidence, Mr Lachlan Gunn, Acting General Manager, Fairfield City Council, 15 July 2025, p 24.

<sup>51</sup> Evidence, Mr Lachlan Gunn, Acting General Manager, Fairfield City Council, 15 July 2025, p 24.

<sup>52</sup> Evidence, Mr Lachlan Gunn, Acting General Manager, Fairfield City Council, 15 July 2025, p 24.

<sup>53</sup> Evidence, Mr Lachlan Gunn, Acting General Manager, Fairfield City Council, 15 July 2025, p 27.

<sup>54</sup> Submission 4, Willoughby City Council, p 1.

- 2.32** Similarly, Cr Ally Dench, Wollondilly Shire Council, said that removing the option for councils to engage alternative providers could effectively stifle the flexibility, innovation and local responsiveness that may otherwise inform election service delivery.<sup>55</sup>

## Reforms to the filling of casual vacancies

- 2.33** The bill seeks to amend the Local Government Act 1993 to establish a new system for filling casual vacancies on councils. The following section sets out how this new system will operate, what it is intended to address and some of the potential issues identified with the proposal from stakeholders during the inquiry.

### How will casual vacancies be filled under the measures proposed in the bill?

- 2.34** The amendments proposed in the bill seek to remove the existing option for councils to use a countback to fill a casual vacancy occurring in the first 18 months of a councillor's term. When a council decides to use a countback, the vacancy on council is filled via a recount of the ballot papers from the last ordinary election, rather than being filled via a by-election.<sup>56</sup>
- 2.35** The bill proposes replacing the countback option with a new method to fill casual vacancies, which would be in effect from the September 2028 local government elections. The new method is summarised below:
- **If the vacating councillor was a member of a group of candidates** at the election at which they were elected, the vacancy will be filled by the appointment of a person from the same group as the vacating councillor.
  - **If there are no available or eligible persons remaining in the group**, the vacancy will be filled via by-election.
  - **If the vacating councillor is not a member of a group**, the vacancy will be filled via by-election.<sup>57</sup>
- 2.36** The OLG told the committee that this change was necessary to better reflect 'voters intentions in filling casual vacancies'.<sup>58</sup> In its submission, the OLG said that countback elections can change the political composition of a council, in that the councillor elected to fill the vacancy via countback may be from a different party to the vacating councillor. The OLG said that there have been circumstances where the balance of power has shifted due to this scenario which has impacted on the stability of council.<sup>59</sup>

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<sup>55</sup> Submission 20, Cr Ally Dench, p 43.

<sup>56</sup> Section 291A of the Local Government Act 1993 establishes the option for councils to use a 'countback'. More information about how countbacks operate is available [here](#).

<sup>57</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 13.

<sup>58</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, pp 12-13.

<sup>59</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, pp 12-13.

- 2.37** Mr Brett Whitworth, Deputy Secretary, Office of Local Government, summarised the rationale for this provision of the bill:

The policy proposition is that the countback has a risk of creating instability if you end up with an adverse outcome. The community thought they were voting for someone but, because of the operation of quotas and preferences and so on, they've ended up [with] someone entirely different. If you're voting for a group ticket, it's quite clear who you're voting for. You're voting for that group ticket. If you end up with different people, then it does destabilise.<sup>60</sup>

### **Arguments in support of retaining the countback option**

- 2.38** The committee heard from stakeholders who did not support the proposed removal of the countback option, and instead advocated for its benefits and retention. This section identifies those arguments.

#### ***Countbacks are more reflective of voter intention***

- 2.39** Mr Ben Raue, Independent Election Analyst, The Tally Room, advocated strongly for the retention of countbacks for filling council casual vacancies. When referring to the proposal in the bill, Mr Raue said that:

This would be a backwards step for local democracy. Countbacks are a procedure that ensures that the wishes of the voters are maintained, and they are a procedure that works either with groups or without groups.<sup>61</sup>

- 2.40** When comparing countbacks to by-elections, Mr Raue said that 'by-elections are a poor method of filling vacancies for a proportional electoral system',<sup>62</sup> given the fact that while 'a minority of voters would have voted for the vacating councillor, all voters have their say on choosing a replacement'.<sup>63</sup>
- 2.41** Councillor Rodney Pryor echoed this sentiment and said that in effect, holding a by-election rather than using a countback gives 'the community a second bite at the cherry to get another councillor of their choice on and exclude that representational voice that was quite successfully won to the council'.<sup>64</sup>
- 2.42** The view that countbacks best preserve the intent of the voter was put forward by a number of councils, including Hornsby Shire Council and Berrigan Shire Council.<sup>65</sup> Albury City Council

<sup>60</sup> Evidence, Mr Brett Whitworth, Deputy Secretary, Office of Local Government, Department of Planning, Housing and Infrastructure, 15 July 2025, p 58.

<sup>61</sup> Submission 1a, Mr Ben Raue, p 1.

<sup>62</sup> Submission 1a, Mr Ben Raue, p 1.

<sup>63</sup> Submission 1a, Mr Ben Raue, p 1.

<sup>64</sup> Evidence, Cr Rodney Pryor, Councillor, Mid-Western Regional Council, 15 July 2025, p 40.

<sup>65</sup> Submission 21, Albury City Council, p 3; Submission 42, Hornsby Shire Council, p 1; Submission 2, Berrigan Shire Council, pp 4-5.

explained that countbacks are 'crucial in preserving the integrity of voter intention, particularly where proportional representation is in place'.<sup>66</sup>

- 2.43** Similarly, Wagga Wagga City Council stated that filling casual vacancies with the next person on a group ticket, where the vacating councillor was part of a group, 'risks undermining the democratic intent of voters'.<sup>67</sup>
- 2.44** In response to the argument that countbacks create political instability by changing the makeup of a council, Mr Raue said that in fact, 'countbacks are far more likely to produce a replacement of the same political colour as the departing councillor than by-elections are'.<sup>68</sup>
- 2.45** Evidence was received from the NSW Electoral Commission relating to countbacks held since the 2024 local government elections. It was explained that since that election, 11 countbacks had been held to replace vacating councillors who were part of a group ticket. Of these 11, 10 countbacks resulted in a councillor from the same group being elected. In the context of the remaining one countback, the remaining candidate from that group did not seek election.<sup>69</sup>
- 2.46** While noting that generally speaking, countbacks elect a councillor of the same grouping as the vacating councillor, Mr Raue made the point that if this does not occur, 'it is precisely because voters have chosen to not vote for the next candidate in that group, and that choice should be respected'.<sup>70</sup> He explained that these are 'exactly the circumstances where a countback is important'.<sup>71</sup>

***The benefits of countbacks for independent candidates***

- 2.47** The committee heard that removing the countback option could have a disproportionately negative impact on independent candidates.
- 2.48** In its submission, Albury City Council described this proposal as 'particularly concerning in communities that value independent candidates or non-aligned groups'<sup>72</sup>, given a person on a group ticket could 'automatically be invited to fill a casual vacancy when they do not have the next highest vote'.<sup>73</sup>
- 2.49** Some stakeholders suggested that when a casual vacancy arises, an independent candidate is less likely to be elected via by-election than through a countback. For example, the Georges River Residents and Ratepayers Party said that by-elections can unfairly impact independent candidates and favour major political parties and argued that removing the countback option could reduce representative diversity on councils.<sup>74</sup>

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<sup>66</sup> Submission 21, Albury City Council, p 1.

<sup>67</sup> Submission 12, Wagga Wagga City Council, p 3.

<sup>68</sup> Submission 1a, Mr Ben Raue, p 1.

<sup>69</sup> Submission 47, NSW Electoral Commission, p 10.

<sup>70</sup> Submission 1a, Mr Ben Raue, p 1.

<sup>71</sup> Submission 1a, Mr Ben Raue, p 1.

<sup>72</sup> Submission 21, Albury City Council, p 2.

<sup>73</sup> Submission 21, Albury City Council, p 2.

<sup>74</sup> Submission 36, Georges River Residents and Ratepayers Party, p 2.

*Cost of by-elections compared to countbacks*

- 2.50** The committee also heard that removing the countback option and mandating the use of by-elections to fill a casual vacancy created by an independent councillor will inevitably lead to an increase in costs for councils, rate payers, candidates and political parties.
- 2.51** The NSW Electoral Commission stated that the cost of a countback election is approximately \$10,000.<sup>75</sup> Comparatively, Councillor Rod Pryor told the committee that the Mid-Western Regional Council by-election held in December 2024 cost approximately \$300,000.<sup>76</sup>
- 2.52** Concerns about the cost of holding more regular by-elections were raised by a large number of diverse councils, including Lake Macquarie City Council, Inverell Shire Council, Gunnedah Shire Council, Singleton Council, Albury City Council, Cessnock City Council, Cumberland City Council and Clarence Valley City Council.<sup>77</sup>
- 2.53** Finally, stakeholders such as Berrigan Shire Council and Albury City Council explained that this change would have a particularly significant impact on regional councils, where there are more independent councillors. Under the model proposed in the bill, replacing a councillor who was not elected as part of a group would automatically be done via by-election, meaning that councils with a high number of independent councillors could be subject to more regular by-elections.<sup>78</sup>

**Other electoral reforms proposed in the bill**

- 2.54** In addition to the two significant reforms outlined earlier in this chapter, the bill also proposes two further reforms relating to election administration. The first is the proposal to restrict the pre-poll voting period for council elections to five days from the current seven days. The second is to ensure that polling places for council elections are located within the relevant local government area holding the election.
- 2.55** This section summarises the evidence received from stakeholders relating to these two policy measures.

**Reduction of local council pre-poll period to five days**

- 2.56** The OLG explained that reducing the pre-poll period from seven calendar days to five business days for council elections (i.e., the Monday-Friday prior to the election) is intended to 'remove

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<sup>75</sup> Submission 47, NSW Electoral Commission, p 13.

<sup>76</sup> Evidence, Cr Rodney Pryor, Councillor, Mid-Western Regional Council, 15 July 2025, p 40.

<sup>77</sup> Submission 7, Lake Macquarie City Council, p 2; Submission 8, Inverell Shire Council, p 1; Submission 13, Gunnedah Shire Council, p 2; Submission 15, Singleton Council, p 1; Submission 21, Albury City Council, p 21; Submission 40, Cessnock City Council, p 1; Submission 43, Cumberland City Council, p 2; Submission 48, Clarence Valley Council, p 1.

<sup>78</sup> Submission 2, Berrigan Shire Council, pp 4-5; Submission 21, Albury City Council, p 2.

barriers to participation in council elections'<sup>79</sup> by limiting the time and resources candidates invest in campaigning during the pre-poll period.<sup>80</sup>

- 2.57** In its submission, the OLG stated that the demands of a seven-day pre-poll period on candidates with other work, family and community commitments are significant. It was noted that these demands are more pronounced for independent candidates and may impact their ability to compete with candidates endorsed by political parties who have access to more resources. The OLG submitted that reducing the pre-poll period would have the effect of addressing this potential barrier to participate in council elections.<sup>81</sup>
- 2.58** Local Government NSW expressed support for the reduction in the length of the pre-poll period and explained that this measure may have the effect of encouraging people with full-time jobs or other commitments to be more involved in local government. However, Local Government NSW said that the proposed pre-poll period of five days may be too short, and recommended pre-poll also be made available on the Saturday prior to the council election.<sup>82</sup>
- 2.59** The broad support for a reduction in the pre-poll period was echoed by Mr Chris Stone, State Director, The Liberal Party of Australia – NSW Division, who said that pre-poll voting should be an option on the Saturday before election day.<sup>83</sup> Similarly, Mr Seamus Lee, Registered Officer, NSW Greens said that 'having a shorter pre-poll but retaining the Saturday before would be helpful'.<sup>84</sup>
- 2.60** The Liberal Party of Australia's submission also proposed that 'Pre-poll voting is an important provision to assist voters who are legitimately unable to vote on election day'. However, it should not be a means of allowing all voters to simply get voting 'out of the way' at a more convenient time.<sup>85</sup>
- 2.61** However, the committee also heard from a number of councils and councillors who expressed an objection to this provision of the bill and argued that it 'may disproportionately affect voters who rely on flexible voting options due to work, travel, health, or caregiving responsibilities'.<sup>86</sup>
- 2.62** Berrigan Shire Council explained that for smaller, regional communities with an ageing population, reducing the pre-poll period could have the effect of disenfranchising voters and lowering voter turnout overall.<sup>87</sup> Similarly, Councillor Ally Dench, Wollondilly Shire Council,

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<sup>79</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 11.

<sup>80</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, pp 10-11.

<sup>81</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, pp 10-11

<sup>82</sup> Submission 3, Local Government NSW, pp 8-9.

<sup>83</sup> Evidence, Mr Chris Stone, State Director, The Liberal Party of Australia, NSW Division, 15 July 2025, p 12.

<sup>84</sup> Evidence, Mr Seamus Lee, Registered Officer, NSW Greens, 15 July 2025, p 15.

<sup>85</sup> Submission 44, Liberal Party of Australia – NSW Division, p 2.

<sup>86</sup> Submission 2, Berrigan Shire Council, p 4.

<sup>87</sup> Submission 2, Berrigan Shire Council, p 4.



told the committee that reducing the pre-poll period could have a disproportionate impact on smaller councils who are already struggling with significant barriers to participation.<sup>88</sup>

### **Requirement for polling places to be located within the relevant council area**

- 2.63** The bill proposes an amendment to require all polling places for council elections to be located within the local government area holding the election. The OLG said that this proposal is intended to reduce voter confusion, referring to circumstances where electors have sought to vote outside their local government area and have inadvertently been provided with 'how to vote' material that is not relevant to them.<sup>89</sup>
- 2.64** Currently, a single polling place can be appointed for two or more local government areas for a council election. A polling place can also be appointed for an area whether or not it is within the area holding the election. In its submission, the OLG said that having 'multi-council polling places makes it difficult to distinguish the election material for the individual's council' and may contribute to an increase in informal voting.<sup>90</sup>
- 2.65** To ensure that this change would not disenfranchise voters, the OLG explained that the bill would allow for some flexibility via an amendment to the Local Government (General) Regulation 2021 (hereafter, the Regulation). This amendment would enable 'the Regulation to prescribe circumstances in which electors can vote at a polling place outside their area. The Regulation could permit, for example, centralised multi-council polling places in major centres such as the Sydney or Parramatta CBDs' which would provide an option for people who were unable to vote in their area on election day but who could get to a more central location.<sup>91</sup>
- 2.66** Stakeholders in regional areas, such as Berrigan Shire Council, expressed concern with this proposal. In its submission, Berrigan Shire Council explained that this change may impact people in regional areas who actually reside closer to a polling place in another local government area and would be required to travel long distances should they only be able to vote within their own area.<sup>92</sup>
- 2.67** Similarly, the Riverina and Murray Joint Organisation, which is comprised of eleven local government areas (Albury, Berrigan, Balranald, Edward River, Federation, Griffith, Leeton, Murray River, Murrumbidgee, Narrandera and Wentworth) said that requiring polling places for to be located within the local government area holding the election would significantly impact people in regional communities who regularly travel across local government boundaries. It said that this change risks reducing voter engagement, particularly in these areas.<sup>93</sup>

<sup>88</sup> Evidence, Cr Ally Dench, Councillor, Wollondilly Shire Council, 15 July 2025, p 38.

<sup>89</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 11.

<sup>90</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 11.

<sup>91</sup> Submission 45, Office of Local Government, NSW Department of Planning, Housing and Infrastructure, p 11.

<sup>92</sup> Submission 2, Berrigan Shire Council, p 4.

<sup>93</sup> Submission 34, Riverina & Murray Joint Organisation (RAMJO), p 2.

- 2.68** The NSW Electoral Commission explained some of the benefits of multi-centre polling places, including elector convenience and the availability of accessible polling places in a nearby local government area that may not otherwise be available.<sup>94</sup> However, it was also acknowledged that there is a 'public policy balancing exercise'<sup>95</sup> when weighing those potential benefits against the rationale identified by OLG for introducing this measure.

## **Committee comment**

- 2.69** In order for the public to maintain trust in its electoral system, elections must be administered in a fair, transparent, accessible and efficient way, thus enhancing faith in the democratic system.
- 2.70** The committee supports the intention of the Government to address issues relating to the administration of local government elections by introducing the measures proposed in the Local Government Amendment (Elections) Bill 2025.
- 2.71** While it was clear during the course of the inquiry that significant concerns are held across the local government sector around the escalating costs of election provision, these concerns are separate to the measures contained in the bill, which focus on improving public trust and faith in the conduct of local council elections.
- 2.72** The committee also heard evidence that the policy of allowing councils to select private providers has not seen the uptake expected in the local government sector, with only two councils choosing to employ a private election provider in the last two local government elections. This indicates that private elections have not succeeded at their policy goals and should be reconsidered by the Parliament.
- 2.73** The committee also heard from multiple witnesses that the ability of councillors to determine their own method of replacing vacancies is open to manipulation. An amendment is necessary to close off the ability of councils to determine at their own discretion whether countbacks or by-elections will be used to replace vacancies.
- 2.74** It is clear to the committee that there are diverse and competing views on how any issues relating to local government election administration should be best addressed.
- 2.75** On this basis, the committee supports the bill proceeding to debate in the Legislative Council and recommends that the issues identified by stakeholders and set out in this report be considered by members during the second reading debate.

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### **Recommendation 1**

That the Legislative Council proceed to debate the Local Government Amendment (Elections) Bill 2025, and that the concerns identified by stakeholders as set out in this report be addressed during debate in the House.

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<sup>94</sup> Submission 47, NSW Electoral Commission, p 6.

<sup>95</sup> Evidence, Ms Rachel McCallum, Electoral Commissioner NSW, NSW Electoral Commission, 15 July 2025, p 48.

## Appendix 1 Submissions

No.	Author
1	Mr Ben Raue
1a	Mr Ben Raue
2	Berrigan Shire Council
3	Local Government NSW
4	Willoughby City Council
5	Fairfield City Council
6	Sutherland Shire Council
7	Lake Macquarie City Council
8	Inverell Shire Council
9	Forbes Shire Council
10	Penrith City Council
11	Dubbo Regional Council
12	Wagga Wagga City Council
13	Gunnedah Shire Council
14	Wollondilly Shire Council
15	Singleton Council
16	Cr Danielle Maltman
17	Cr Rodney Pryor
18	Name suppressed
19	Cr Robert Samuel
20	Cr Ally Dench
21	Albury City Council
22	Cr Mitchell Griffin
23	Ms Anna Greco
24	Ms Kylie Smith
25	Confidential
26	Warwick Senjak and William Luu
27	Ms Karress Rhodes
28	Name suppressed
29	Name suppressed
30	Mr Maxwell Menzies

<b>No.</b>	<b>Author</b>
31	Ms Claire Campbell
32	Mr Benjamin Speechly
33	Murray River Council
34	Riverina & Murray Joint Organisation (RAMJO)
35	Name suppressed
36	Georges River Residents and Ratepayers Party
37	Christina Jamieson
38	Australian Labor Party (NSW Branch)
39	MidCoast Council
40	Cessnock City Council
41	Narrandera Shire Council
42	Hornsby Shire Council
43	Cumberland City Council
44	Liberal Party of Australia - NSW Division
45	Office of Local Government, NSW Department of Planning, Housing and Infrastructure
46	Cr David Porter
47	New South Wales Electoral Commission
48	Clarence Valley Council
49	Confidential

## Appendix 2 Witnesses at hearings

Date	Name	Position and Organisation
Tuesday, 15 July 2025 Macquarie Room Parliament House, Sydney	Cr Phyllis Miller OAM	President, Local Government NSW
	Mr David Reynolds	Chief Executive, Local Government NSW
	Mr George Simon	Assistant General Secretary, NSW Labor
	Mr Chris Stone	State Director, The Liberal Party of Australia, NSW Division
	Mr Seamus Lee	Registered Officer, NSW Greens
	Mr Ben Raue	Independent election analyst, The Tally Room
	Mr Lachlan Gunn	Acting General Manager, Fairfield City Council
	Mrs Sonja Drca	Executive Manager, Fairfield City Council
	Dr Julia Cornwell McKean	Mayor, Berrigan Shire Council
	Ms Karina Ewer	Chief Executive Officer, Berrigan Shire Council
	Cr Rodney Pryor	Councillor, Mid-Western Regional Council
	Cr Ally Dench	Councillor, Wollondilly Shire Council
	Ms Rachel McCallum	Electoral Commissioner NSW, NSW Electoral Commission
	Ms Andrea Summerell	Executive Director Elections, NSW Electoral Commission
	Mr Brett Whitworth	Deputy Secretary, Office of Local Government, Department of Planning, Housing and Infrastructure

## Appendix 3 Minutes

### Minutes no. 35

Friday 27 June 2025

Standing Committee on State Development

Room 1043, Parliament House, Sydney and via videoconference at 4.20 pm

#### 1. Members

Ms Suvaal, *Chair*

Mr Barrett (*Deputy Chair*) (via videoconference)

Mr Buttigieg

Ms Faehrmann (via videoconference)

Mr Farlow

Ms Hurst

Mr Lawrence

Mr Primrose

#### 2. Apologies

Mr Borsak (participating for the inquiry into the Game and Feral Animal Legislation Amendment (Conservation Hunting) Bill 2025)

Ms Higginson (substituting for Ms Faehrmann for the inquiry into the Game and Feral Animal Legislation Amendment (Conservation Hunting) Bill 2025)

#### 3. Draft minutes

Resolved, on the motion of Mr Farlow: That draft minutes no. 34 be confirmed.

#### 4. Correspondence

Committee noted the following items of correspondence:

##### ***Received:***

- 21 February 2025 – Letter from the Hon Ron Hoenig MP, Minister for Local Government, advising that the government will not be in a position to provide a government response to the inquiry into the ability of local governments to fund infrastructure and services by the due date 28 February 2025
- 23 April 2025 – Letter of appreciation from Mr Adrian Butler, General Manager, Federation Council, for the committee's report into the ability of local governments to fund infrastructure and services
- 6 May 2025 – Letter from the Hon Ron Hoenig MP, Minister for Local Government, attaching the Government's response to the report into the ability of local governments to fund infrastructure and services
- 25 June 2025 – Email from Office of Cate Faehrmann, to Secretariat, advising that Ms Higginson will be substituting for Ms Faehrmann for the duration of the inquiry into the Game and Feral Animal Legislation Amendment (Conservation Hunting) Bill 2025
- 25 June 2025 – Email from Hon Robert Borsak MLC, to Secretariat, advising that he will be a participating member of the inquiry into Game and Feral Animal Legislation Amendment (Conservation Hunting) Bill 2025, and will also make a submission.

#### 5. Inquiry into Local Government Amendment (Elections) Bill 2025

##### **5.1 Terms of reference**

The committee noted the following resolution of the House establishing the committee, which reads as follows:

- (1) That the Local Government Amendment (Elections) Bill 2025 be referred to the Standing Committee on State Development for inquiry and report.

(2) That the committee report by 4 August 2025.

### **5.2 Proposed timeline**

Resolved, on the motion of Mr Farlow: That the committee adopt the following timeline for the administration of the inquiry:

- 8 July 2025 – closing date for submissions
- 15 July 2025 – hearing
- 28 July 2025 – circulation of chair's draft report
- 31 July 2025 – report deliberative
- 4 August 2025 – report tabling.

### **5.3 Stakeholder list**

Resolved, on the motion of Ms Hurst: That the following stakeholders be invited to make a submission:

- Local Government New South Wales (LGNSW)
- NSW Electoral Commission
- Office of Local Government NSW
- Local governments in New South Wales
- Registered political parties for Local Government Elections (available on the NSW Electoral Commission website)
- Country Mayors Association.

Resolved, on the motion of Ms Hurst: That:

- members be provided with the opportunity to nominate additional stakeholders to make a submission within 24 hrs from circulation of the stakeholder list and
- the committee agree to additional stakeholders by email, unless a meeting of the committee is required to resolve any disagreement.

### **5.4 Hearing witness list**

Resolved, on the motion of Ms Faehrmann: That the following stakeholders be invited to appear as a witness to give evidence:

- Local Government New South Wales (LGNSW)
- NSW Electoral Commission
- Office of Local Government NSW
- Panel of NSW Labor, NSW Liberal, NSW Greens.

Resolved, on the motion of Ms Faehrmann: That:

- members be provided with the opportunity to nominate further hearing witnesses within 24 hrs from circulation of the witness list and that the committee agree to additional witnesses by email, unless a meeting of the committee is required to resolve any disagreement
- additional witnesses nominated by members be kept to a minimum.

### **5.5 Post hearing responses**

Resolved, on the motion of Mr Farlow: That:

- transcript corrections, clarifications to evidence and additional information be provided within 48 hours of the receipt of the transcript by the witness
- questions taken on notice be provided within 48 hours of the receipt of the transcript by the witness
- there be no supplementary questions lodged by members.

### **5.6 Chairs draft report**

Resolved, on the motion of Mr Farlow: That, owing to the timeframes:

- the secretariat prepare a limited report
- the report be distributed less than 7 days prior to the deliberative.

## 6. Inquiry into the Game and Feral Animal Legislation Amendment (Conservation Hunting) Bill 2025

### 6.1 Terms of reference

The committee noted the following resolution of the House establishing the committee, which reads as follows:

- (1) That the Game and Feral Animal Legislation Amendment (Conservation Hunting) Bill 2025 be referred to the Standing Committee on State Development for inquiry and report.
- (2) That the committee report by 10 October 2025.

### 6.2 Stakeholder list

Resolved, on the motion of Ms Hurst: That:

- the secretariat circulate to the members the Chair's proposed list of stakeholders to be invited to make a submission
- members have two days from when the Chair's proposed list is circulated to make amendments or nominate additional stakeholders
- the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

### 6.3 Proposed timeline

Resolved, on the motion of Mr Lawrence: That the committee adopt the following timeline for the administration of the inquiry:

- 4 August 2025 – closing date for submissions
- 8 and 11 August 2025 – hearings
- 8 September 2025 – report deliberative.

## 7. Adjournment

The committee adjourned at 4.51 pm, *sine die*.

Jessie Halligan  
Committee Clerk

## Minutes no. 36

Tuesday 15 July 2025

Standing Committee on State Development

Macquarie Room, Parliament House, Sydney at 9.04 am

### 1. Members present

Ms Suvaal, *Chair*

Ms Faehrmann (from 9.27 am until 11.40 am, from 4.52 pm)

Mr Lawrence (until 10.23 am, from 12.49 pm until 1.00 pm, from 2.36 pm until 2.50 pm)

Mr Nanva (via videoconference, substituting for Mr Buttigieg)

Mr Primrose

Mrs Overall (substituting for Mr Barrett for the duration of the inquiry into Local Government Amendment (Elections) Bill 2025) (from 9.12 am)

Mr Tudehope (substituting for Mr Farlow) (until 3.34 pm)

### 2. Apologies

Ms Hurst

### 3. Previous minutes

Resolved, on the motion of Mr Lawrence: That draft minutes no. 35 be confirmed.



#### 4. Correspondence

The committee noted the following items of correspondence:

##### *Received:*

- 1 July 2025 – Email from Cooper Gannon, Opposition Whip's Advisor, advising that the Hon Nichole Overall MLC will substitute for the Hon Scott Barrett MLC the duration of the inquiry into Local Government Amendment (Elections) Bill 2025
- 10 July 2025 - Email from Mr Stephen Bendle, Advocacy Advisor, Alannah & Madeline Foundation, advising the committee that the Foundation would like to appear at a public hearing, and are available to appear at Game and Feral Animal Legislation (Conservation Hunting) Bill 2025 public hearing scheduled for Friday 8 August 2025
- 12 July 2025 – Email from Councillor Danielle Maltman, Port Macquarie Hastings Council, to the secretariat, declining an invitation to appear at a public hearing on Tuesday 15 July 2025 for the inquiry into Local Government Amendment (Elections) Bill 2025
- 14 July 2025 – Email from Mr Scott Gray, Chief Operating Officer, Wagga Wagga City Council, to the secretariat declining an invitation to appear at a public hearing on Tuesday 15 July 2025 for the inquiry into Local Government Amendment (Elections) Bill 2025
- 14 July 2025 – Email from Jade Setter, Executive Assistant to General Manager, Cumberland City Council, to the secretariat declining an invitation to appear at a public hearing on Tuesday 15 July 2025 for the inquiry into Local Government Amendment (Elections) Bill 2025.

#### 5. Inquiry into Local Government Amendment (Elections) Bill 2025

##### 5.1 Election of Deputy Chair

The Chair called for nominations for Deputy Chair for the duration of the hearing.

Mr Tudehope moved: That Mrs Overall be elected Deputy Chair of the committee for the duration of the hearing.

There being no further nominations, the Chair declared Mrs Overall elected Deputy Chair.

##### 5.2 Public submissions

The committee noted the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 1-23 and 26-48.

##### 5.3 Public hearing

Resolved, on the motion of Mr Tudehope: That the allocation of questions to be asked at the hearing be left in the hands of the Chair.

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Cr Phyllis Miller OAM, President, Local Government NSW
- Mr David Reynolds, Chief Executive, Local Government NSW

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr George Simon, Assistant General Secretary, NSW Labor
- Mr Chris Stone, State Director, The Liberal Party of Australia, NSW Division
- Mr Seamus Lee, Registered Officer, NSW Greens

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Ben Raue, Independent election analyst, The Tally Room

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Lachlan Gunn, Acting General Manager, Fairfield City Council (via videoconference)
- Mrs Sonja Drca, Executive Manager, Fairfield City Council (via videoconference)

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Dr Julia Cornwell McKean, Mayor, Berrigan Shire Council (via videoconference)
- Ms Karina Ewer, Chief Executive Officer, Berrigan Shire Council (via videoconference)

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Cr Rodney Pryor, Councillor, Mid-Western Regional Council (via videoconference)
- Cr Ally Dench, Councillor, Wollondilly Shire Council

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Rachel McCallum, Electoral Commissioner NSW, NSW Electoral Commission
- Ms Andrea Summerell, Executive Director Elections, NSW Electoral Commission

The following witness was sworn and examined:

- Mr Brett Whitworth, Deputy Secretary, Office of Local Government, Department of Planning, Housing and Infrastructure

The evidence concluded and the witness withdrew.

The public hearing concluded at 4.17 pm.

The public and the media withdrew.

## **6. Next meeting**

10.00 am Thursday 31 July Room 1136, Parliament House (inquiry into the Local Government Amendment (Elections) Bill 2025 report deliberative).

## **7. Adjournment**

The committee adjourned at 4.17 pm, *sine die*.

Madeleine Dowd  
**Committee Clerk**

## **Draft minutes no. 37**

Thursday 31 July 2025

Standing Committee on State Development

Room 1136, Parliament House, Sydney at 10.01 am

## **1. Members present**

Ms Suvaal, *Chair*

Mr D'Adam (via videoconference, substituting for Mr Buttigieg)

Ms Faehrmann (via videoconference)

Mr Farlow

Ms Hurst

Mr Primrose (via videoconference)

**2. Apologies**

Mrs Overall

**3. Previous minutes**

Resolved, on the motion of Ms Faehrmann: That draft minutes no. 36 be confirmed.

**4. Correspondence**

The committee noted the following items of correspondence:

***Received:***

- 16 July 2025 - Email from Tony Robinson to the secretariat regarding the inquiry into Local Government Amendment (Elections) Bill 2025.
- 22 July 2025 – Email from Mrs Sonja Drca, Executive Manager, Fairfield City Council, providing transcript corrections for the inquiry into Local Government Amendment (Elections) Bill 2025.
- 22 July 2025 – Letter from Mr Chris Stone, State Director, The Liberal Party of Australia, NSW Division, providing transcript corrections for the inquiry into Local Government Amendment (Elections) Bill 2025.

**5. Inquiry into Local Government Amendment (Elections) Bill 2025****5.1 Public submission**

The committee noted that the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: submission no. 24.

**5.2 Confidential submissions**

Resolved, on the motion of Ms Hurst: That the committee keep submission nos. 25 and 49 confidential, as per the request of the author.

**5.3 Answers to questions on notice**

The committee noted that the time frame to provide transcript corrections, clarifications to evidence and additional information, and answers to questions taken on notice was extended to 22 July 2025, as agreed by the committee to via email.

The committee noted that the following answers to questions on notice and additional information were published by the committee clerk under the authorisation of the resolutions appointing the committee:

- answers to questions on notice from Mr George Simon, Assistant General Secretary, NSW Labor, received 22 July 2025.
- answers to questions on notice from Ms Rachel McCallum, Electoral Commissioner NSW, NSW Electoral Commission, received 22 July 2025.
- answers to questions on notice from Mr Mark Dupe, Interim Chief Executive Officer, Berrigan Shire Council, received 22 July 2025.
- answers to questions on notice from Councillor Ally Dench, Wollondilly Shire Council, received 23 July 2025.
- additional information from Mrs Sonja Drca, Executive manager, Fairfield City Council and Mr Lachlan Gunn, Acting General Manager, Fairfield City Council, received on 22 July 2025.

**5.4 Consideration of Chair's draft report**

The Chair submitted her draft report, entitled *Local Government Amendment (Elections) Bill 2025*, which having been previously circulated, was taken as being read.

Resolved, on the motion of Mr Farlow: That:

The draft report be the report of the committee and that the committee present the report to the House;

The transcripts of evidence, submissions, tabled documents, answers to questions on notice and correspondence relating to the inquiry be tabled in the House with the report;

Upon tabling, all unpublished attachments to submissions be kept confidential by the committee;

Upon tabling, all unpublished transcripts of evidence, submissions, tabled documents, answers to questions on notice and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;

The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;

The report be tabled on 4 August 2025;

The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

**6. Next meeting**

Friday 8 August 2025, Macquarie Room, Parliament House (public hearing for the inquiry into the Game and Feral Animal Legislation Amendment (Conservation Hunting) Bill 2025).

**7. Adjournment**

The committee adjourned at 10.03 am.

Madeleine Dowd  
**Committee Clerk**



