

INQUIRY INTO LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2025

Organisation: Willoughby City Council

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To: The NSW Standing Committee on State Development

Subject: Submission for Inquiry on The Local Government Amendment (Elections) Bill 2025

Thank you for the opportunity to provide feedback on the *Local Government Amendment (Elections) Bill 2025*, currently open for submissions. Council appreciates the NSW Government's commitment to improving the administration of local government elections and offers the comments below for consideration.

Please note that due to the limited period provided for public consultation on the Local Government Amendment (Elections) Bill 2025, Council as the elected body has not had the opportunity to formally consider the proposed changes. Accordingly, this submission reflects the views and analysis of the Council administration and is provided to assist in the consultation process.

1. Pre-Poll Voting Period

The challenges that candidates face in having sufficient campaigning resources to have adequate representation at pre-polling venues are acknowledged. However, a balance between the needs of the candidates and voters' needs must be achieved. The reduction of pre-polling from two weeks to seven days is supported as it is considered that this strikes a balance between the candidate's needs, costs reduction and potential disenfranchisement that voters who are unable to vote on election day may experience. There has been an increasing reliance on pre-poll voting by voters — particularly those with accessibility needs, work commitments, or travel constraints which makes the proposed reduction to five days problematic. A shorter pre-poll period may also inadvertently reduce voter participation and limit accessibility.

Maintaining accessible pre-polling is especially relevant in the Willoughby Local Government Area, which has a significant population of older residents who often rely on pre-poll voting due to mobility challenges, health considerations, or the need for assistance. Reducing the availability of pre-poll voting may inadvertently disenfranchise these voters, limit accessibility, and reduce overall participation in the democratic process.

2. Mandatory Use of NSW Electoral Commissioner

The mandatory requirement for all elections to be conducted by the NSW Electoral Commissioner is not supported. While the Commissioner delivers a professional and consistent service, removing the ability to engage alternative providers creates a non-competitive environment, which may limit councils' ability to manage costs and tailor services to local needs.

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It is acknowledged that only a limited number of councils have elected to conduct their own local government elections, and that there has been no publicly available analysis comparing the detailed costs, challenges, and outcomes of elections conducted by the NSW Electoral Commission versus those administered by councils or private providers. The absence of transparent data on these two models limits the ability of councils and stakeholders to provide informed feedback on the proposed changes. Council encourages the NSW Government to make this information publicly available, to support evidence-based decision-making and ensure that any future reforms are grounded in a clear understanding of the financial and operational implications.

However, Council notes that invoices issued by the NSW Electoral Commission for the 2024 elections were significantly higher than in previous years. Without the ability to seek competitive quotes or negotiate terms, councils may face increasing financial strain in future election cycles. This concern is compounded by the lack of publicly available data comparing the costs and challenges of elections conducted by the NSW Electoral Commission versus those run by councils or private providers. Greater transparency is needed to enable councils to assess the value and efficiency of different delivery models.

Council also recognises that government-run services can offer important benefits, including standardisation, integrity, and public accountability. However, these benefits should not preclude councils from having the option to explore alternative delivery models, particularly where local circumstances or budget constraints make flexibility and cost-efficiency essential.

This issue is especially relevant in the context of the rate pegging framework, under which council revenue is capped. In contrast, the costs associated with election delivery are not subject to similar constraints, creating a financial imbalance. Councils are expected to deliver essential services within tight budgets, and rising election costs. Without the ability to manage or mitigate costs this may place additional pressure on already stretched resources.

Mechanisms should be introduced to promote transparency, cost control, and informed choice in election delivery. This should include the potential for councils to access competitive procurement processes, where appropriate, to ensure value for money and financial sustainability.

3. Procurement and Market Competition

If the NSW Electoral Commission is to be the exclusive provider of local government election services, this arrangement effectively constitutes a significant financial transaction, with costs potentially reaching millions of dollars across the sector. It is reasonable to question why such a substantial and recurring public expense is not subject to market competition, particularly when councils are required to operate under strict financial constraints.

A competitive procurement process would help ensure:

- Transparency in evaluating service capabilities,
- Innovation and efficiency from market participants,
- Accountability in public spending,
- And ultimately, value for money in the delivery of election services.

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This concern is further amplified by the proposed removal of countback election provisions, which is expected to result in an increased number of by-elections. These elections are significantly costlier than countbacks, and without the ability to engage alternative providers, councils may face unsustainable financial pressure. If the removal of countbacks proceeds, the delivery of by-elections should also be subject to a competitive procurement process to safeguard financial sustainability and uphold public sector best practice.

4. Polling Places Within the LGA

The requirement for all polling places be located within the Local Government Area (LGA) is supported, as this change is intended to improve local accessibility and ensure that communities are adequately served during elections. Locating polling places within the LGA only can reduce confusion as well as help voters feel more confident that their voting is nearby, familiar, and relevant to their local representation.

However, this change may have unintended consequences for residents near LGA boundaries, who may have previously relied on polling places just outside the LGA that were closer or more convenient. To ensure accessibility is genuinely improved for all voters, it is recommended that border communities be considered in the planning of polling place locations, and that transport and mobility needs be factored into site selection.

5. Removal of Countback Elections

The principle of removing countback elections, particularly where it may enhance democratic representation and transparency, is supported. However, this support is conditional on the availability of competitive and cost-effective options for delivering by-elections. Ensuring that by-elections are conducted efficiently and economically is essential, and councils should retain the ability to seek alternative providers or delivery models to manage costs.

The proposed changes, particularly in relation to non-group candidates need further clarification. It is not clearly stated in the draft Bill or supporting materials whether the removal of countback provisions would apply to these candidates, which would result in mandatory by-elections in all such cases. If this is the intent, it represents a significant change in election administration that has not been adequately communicated. It is recommended that this aspect be clarified and that the financial implications be carefully considered in conjunction with the broader procurement concerns raised earlier in this submission.

6. Filling Casual Vacancies from Group Tickets

More time and consultation should be provided regarding the proposal to fill casual vacancies by appointing an eligible person from the same group as the departing councillor. While this may preserve group representation, it raises important questions about democratic legitimacy and the role of voter choice. Elected bodies should be consulted thoroughly to assess the implications of this approach and ensure it aligns with community expectations.



7. Consultation Requirements

Support is given to the inclusion of a requirement for the NSW Electoral Commission to consult with councils when preparing for elections. To ensure this is meaningful, it is recommended that the consultation process be formalised and time-bound, allowing councils adequate opportunity to provide input into election planning and logistics.

We thank you for considering our submission and welcome further dialogue on these important reforms.

Yours sincerely

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Willoughby City Council

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