

## **INQUIRY INTO LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2025**

**Organisation:** Singleton Council

**Date Received:** 8 July 2025

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Note: This submission has been prepared by Council staff due to the tight timeframe for submissions. It does not reflect an endorsed position of the elected Council.

Singleton Council welcomes the opportunity to provide feedback on the Local Government Amendment (Elections) Bill 2025 and wishes to express serious concerns regarding the proposed repeal of section 291A of the Local Government Act 1993, which enables countback elections to fill certain casual vacancies.

As a small council composed primarily of independent Councillors, with only two elected via grouped tickets, we believe the proposed amendments will negatively affect our governance, financial sustainability, and community representation.

### Key Concerns

#### 1. Countbacks are essential for independent-dominated councils

In our council area, as in many small or regional councils, the majority of candidates are independents and do not stand on grouped tickets. The proposed section 291B only provides a process for filling vacancies for councillors elected on grouped tickets, rendering it inapplicable in our circumstances. This means that nearly all future casual vacancies would necessitate a by-election.

#### 2. Cost of by-elections is unsustainable

By-elections conducted through the NSW Electoral Commission are extremely costly. For small councils with limited budgets and resources, the financial burden of even a single by-election is considerable. The current countback process provides a cost-effective, timely, and democratic way to fill vacancies where funding for unplanned elections is rarely available.

#### 3. Loss of local control and flexibility

Mandating the use of the NSW Electoral Commission (NSWEC) for all election matters and casual vacancy management limits council flexibility and increases costs. The NSWEC model may suit metropolitan or large-scale elections, but it does not scale appropriately or affordably for smaller local governments. The lack of an alternative model or choice removes the ability of councils to manage vacancies in a more efficient and locally appropriate manner.

#### 4. Reduced electoral competition and innovation

The exclusive use of the NSWEC removes any scope for market competition in the delivery of election services. Without alternatives, there is no competitive pressure to improve efficiency, reduce costs, or tailor services to the needs of small or regional councils.

#### 5. Delays in representation and risks to governance

The removal of countback elections means councils will often operate with reduced representation for extended periods while by-elections are organised. This can impact quorum, disrupt decision-making, and reduce community confidence in the representativeness of council decisions.

#### 6. Structural inequity across councils

This reform disproportionately affects small, rural, and regional councils that are not structured around political parties or ticket-based campaigns. The proposed amendments appear to assume a model of grouped candidates that does not reflect the diversity of council compositions across NSW.

#### 7. Lack of cost certainty with the NSW Electoral Commission

If councils are required to use the NSW Electoral Commission exclusively, it is essential that NSWEC adheres to its original quotes and does not impose additional fees or variations beyond the agreed amount. Unanticipated cost escalations have a disproportionate impact on small councils with limited budgets and undermine financial planning and accountability. Councils must be able to rely on the accuracy and finality of NSWEC pricing in order to responsibly manage resources. Our final invoice cost was significantly higher than our quoted cost. This puts an unreasonable burden on small regional councils.

#### Recommendation

Singleton Council strongly recommends that:

- Section 291A (countback elections) be retained for all councils, regardless of candidate groupings; or
- A new or revised countback mechanism be developed that is inclusive of independent and ungrouped candidates; and
- Councils be provided with greater flexibility or options outside of the exclusive use of the NSW Electoral Commission to manage vacancies and electoral processes in a way that reflects local needs and resources, and reintroduces competition and choice into electoral service delivery; and
- If the NSW Electoral Commission remains the sole provider of election services, it must commit to honouring original quotes and refrain from imposing additional or unexpected costs after agreement.