

INQUIRY INTO LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2025

Organisation: Albury City Council

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Contact: Melissa Smead
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The Chair
Standing Committee on State Development
Parliament House
Macquarie Street
SYDNEY NSW 2000

8 July 2025

Dear Chair

AlburyCity Submission on the Inquiry into Local Government Amendment (Elections) Bill 2025

Thank you for the opportunity to comment on the inquiry into the Local Government Amendment (Elections) Bill 2025. AlburyCity is pleased to provide this submission to the NSW Legislative Council's Standing Committee on State Development.

This submission primarily addresses the proposed amendments concerning the administration of council elections and the changes to how casual vacancies are filled, as outlined in Schedule 1[4], [5] of the bill.

Concerns Regarding Casual Vacancy Provisions (Clauses 4 & 5)

AlburyCity wishes to highlight concerns regarding the proposed changes to how casual vacancies are filled, specifically the repeal of section 291A (Clause 4) and the introduction of section 291B (Clause 5). These changes represent a significant shift in the management of local government electoral representation and raise questions about the democratic integrity of the process.

Clause 4 – Repeal of Section 291A (Countback Elections)

The repeal of section 291A, which currently allows for countback elections to fill casual vacancies, removes a cost-effective and efficient mechanism. Countback elections have functioned with minimal administrative burden and are crucial in preserving the integrity of voter intention, particularly where proportional representation is in place.

- Concern: The removal of countback provisions, without a robust alternative that guarantees transparency and fairness, may reduce community confidence in how representation is maintained between general elections.

Clause 5 – Proposed Section 291B (Appointment by the Governor)

The insertion of section 291B introduces a mechanism where the Governor may appoint an eligible person from the same group as the vacating councillor. While we acknowledge the potential intent to preserve party or group alignment, this process raises several significant concerns:

- Lack of Voter Involvement: Appointing a candidate without direct electoral input risks undermining democratic representation. This is particularly concerning in communities that value independent candidates or non-aligned groups. The community votes for an individual, who may or may not be in a group/ticket. To assume that a person on that ticket would automatically be invited to fill a casual vacancy when they do not have the next highest vote on a countback is worrisome.
- Governance and Fairness Concerns: This mechanism may inadvertently disadvantage ungrouped or independent councillors, especially in rural or regional areas such as the Albury LGA, where formal groups are less common. It could also lead to perceptions of bias or a lack of clarity if appointments appear to lack transparency

Concerns Regarding Electoral Administration

AlburyCity also has concerns about the proposed restriction on councils, requiring them to only utilise the Electoral Commission for administering elections. This eliminates the option of engaging electoral services providers.

- Concern: This restriction could lead to potential future cost increases for councils, with no alternative available to mitigate such rises. AlburyCity is eager to advocate for increased funding by the State Government to cover the full cost of council elections, especially if councils are limited to a single service provider.

Concerns Regarding 5 Business Day Pre-poll Period

The proposal to introduce into legislation a maximum five business days pre-poll period reduces community access to voting opportunities while costing councils more.

In 2024, pre-polling was reduced from two weeks to one week, which resulted in increased costs to AlburyCity due to the requirement for additional resourcing and venues, given the increase in pre-poll voters on site at any one time.

Concern regarding provision that a polling place for a council election must not be located outside the council's local government area.

AlburyCity has shared electoral resources with a neighbouring council in past local government elections in order to share resources and reduce costs. The proposal to limit the location of polling place within its local government area will prevent resource sharing and cost savings between neighbouring councils. This will lead to reduced efficiency and potential higher electoral costs for rate payers.

Recommendations

AlburyCity respectfully provides the following recommendations for consideration by the Standing Committee:

- Retain Section 291A: Consider retaining or revising the countback election provisions rather than repealing them entirely. Countbacks are a cost-effective and democratic means of filling casual vacancies that preserve voter intent.
- Clarify Section 291B: If section 291B is to proceed, we recommend the inclusion of:
 - Clear legislative guidance on eligibility, selection criteria, and transparency of the appointment process.
 - A requirement for councils and communities to be consulted on appointments.
 - Protections to ensure that independent councillors and smaller community groups are not disadvantaged.
 - State Government Funding for Elections: The State Government should provide increased funding to cover the full cost of council elections, particularly if councils are restricted to using only the Electoral Commission.
- Amend Section 296C (3)(a) to state up to 10 business days. This would allow each Council to determine the most appropriate pre-poll period for their community, while also considering the comparative cost of service provision.
- Remove proposed section 296C (2). This would allow councils to enter into resource sharing arrangements with neighbouring councils in order to improve efficiency and reduce the costs of conducting elections.

In closing, we advise that:

- AlburyCity does not wish to give evidence at a hearing at this time.
- AlburyCity has no objection to this submission being published.

Thank you again for the opportunity to provide input on this important Bill. Should you need to make contact with AlburyCity regarding this submission, please reach out to Melissa Smead, Team Leader Governance,

Yours sincerely,

Frank Zaknich
Chief Executive Officer