

INQUIRY INTO LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2025

Name: Mr Ben Raue

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Standing Committee on State Development
Legislative Council
Parliament House
Macquarie Street
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Inquiry into the Local Government Amendment (Elections) Bill 2025 – supplementary submission

Thank you for the opportunity to make this submission regarding the Local Government Amendment (Elections) Bill 2025.

I have already provided a submission to this inquiry specifically addressing the issue of ending the practice of councils contracting private election providers.

However my attention has now been drawn to other provisions in this bill that would effectively end countback elections in New South Wales, instead using a procedure that would automatically replace a departing councillor with someone else in their group, or otherwise using a by-elections.

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.

By-elections are a poor method of filling vacancies for a proportional electoral system, with or without groups. While a minority of voters would have voted for the vacating councillor, all voters have their say on choosing a replacement. They should only be used in circumstances where a countback cannot provide a replacement.

In most circumstances where elections are dominated by groups, you would expect the next person in a group to fill the vacancy. When that is not the case, it is precisely because voters have chosen to not vote for the next candidate in that group, and that choice should be respected. Those are exactly the circumstances where a countback is important.

Political stability on a local council is important. Countbacks are far more likely to produce a replacement of the same political colour as the departing councillor than by-elections are. But that shouldn't be a guarantee – it should depend on the voters actually casting their votes using this method.

I also strongly disagree with the suggestion that, in the case of councils that don't use groups, countbacks would go away. They work just as well in those circumstances, and reflect how voters actually marked their preferences. The democratic issues with by-elections are just as much of a problem in these sorts of councils.

I have previously urged the Joint Standing Committee on Electoral Matters to hold a full inquiry into local government elections, and one of the main points I wished to address at

such an inquiry was the inadequacy of only using countback elections for the first 18 months of a council term, and only for councils that have opted in to the procedure. The Parliament should legislate that countbacks are the standard way to fill all vacancies.

In the meantime, the changes proposed in this bill would be a backwards step. I urge the Legislative Council to amend this legislation to remove the clauses changing the way that casual vacancies are treated. If this proposal cannot be removed from the bill, I would urge members to vote against the Bill. While I am a strong supporter of ending the use of private election providers, this is more important.

Recommendation 1: The bill should be amended to require countbacks to be used for all casual vacancies in New South Wales local government. By-elections should only be used when countbacks are not possible.

Recommendation 2: If this amendment cannot be passed, the bill should be amended to remove the change that would replace casual vacancies with an automatic replacement of a councillor by the next candidate in their group.

Regards,

Ben Raue
5 July 2025