

INQUIRY INTO LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2025

Organisation: Murray River Council

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Ms. Emily Suvaal MLC
Chair
Inquiry into The Local Government Amendment (Elections) Bill 2025
NSW Parliament House 6 Macquarie Street
Sydney NSW 2000

Dear Ms. Suvaal

INQUIRY INTO THE LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2025 - SUBMISSION

Thank you for the opportunity to make a submission to this important inquiry.

Councils' submission is attached.

Should you require further information, please contact the undersigned on

Yours sincerely,

Cr John Harvie
MAYOR



INQUIRY INTO LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2025

The Bill proposes:

(a) to amend the Local Government Act 1993 (the Act)

(i) to require an election, poll or constitutional referendum of a council to be administered by the Electoral Commissioner rather than by either the Electoral Commissioner or an electoral services provider engaged by the council, and

(ii) to provide that pre-poll voting may only occur during the 5 business days immediately before the date of an election, and

(iii) to provide that a polling place for a council election must not be located outside the council's local government area,

(b) to make consequential amendments

RESPONSE FROM MURRAY RIVER COUNCIL



Council would like to thank the committee for providing an opportunity to respond to the proposed amendment.

However, we assert that the timeframe provided for councils to respond is inadequate and unacceptable given the possible consequences of the proposed amendments if adopted and further, the timing of the inquiry coincides with the end of financial year and councils busy reporting period.

The Bill proposes:

- (i) *to require an election, poll or constitutional referendum of a council to be administered by the Electoral Commissioner rather than by either the Electoral Commissioner or an electoral services provider engaged by the council*

Murray River Council is opposed to the requirement for council elections to be conducted by the New South Wales Electoral Commission to the exclusion of other electoral services providers.

Our reasoning is simply that the creation of a monopoly situation, without the inclusion of price protections, will always result in price increases due to the lack of competition.

We are fearful that the bill as it reads now, may lead to the unfettered growth of another bureaucracy that will become a further cost burden on local governments that are already significantly underfunded.

The committee should identify and recommend the inclusion of price growth protections, that protect local government, in the legislation should it proceed in its present form.

- (ii) *to provide that pre-poll voting may only occur during the 5 business days immediately before the date of an election*

Murray River Council covers an area of almost 12,000 square kilometres and has nine towns and villages and numerous other communities. To participate in pre-poll voting, for many of our constituents requires travelling up to ninety minutes to a pre-poll centre. It is impossible for constituents who are employed to get to a prepoll centre on business days.

Council does not oppose the change to 5-day pre-poll voting period provided one of those days must be a Saturday or a Sunday or preferably Saturday and Sunday.

If this proposed amendment is adopted in its current form, members of rural communities may be denied the right to vote and could be fined.

- (iii) *to provide that a polling place for a council election must not be located outside the council's local government area*

Council is opposed to this amendment and believes that the adoption of this proposed amendment will deny rural voters the right to an absentee vote.

If adopted and combined with amendment (ii) above, it will make it more difficult for rural constituents to cast a vote.

Democracy relies on it being easier to vote in any election or referendum, not more difficult.

Also

Under the proposed section 291B, if a councillor resigns or vacates their seat and was elected as part of a group (e.g., a political party or registered group on the ballot), the Governor must appoint another eligible person from the same group to fill the vacancy. If no such person is available, a by-election must be held.

This provision appears to be designed to protect the balance of power in councils that have councillors who are aligned to political parties.

Murray River Council consists of independent councillors and does not vote along party lines. It is also rare to have candidates stand for election in groups in rural areas.

Council does not support the principal of countback elections. As required under the NSW Local Government Act 1993 – 291A, Murray River Council resolved that should a casual vacancy occur within 18 months after the date of the last ordinary election, that the vacancy will be filled by way of a by-election.

If the committee has any questions in relation to this submission, please direct them to:

Cr John Harvie

Mayor

admin@murrayriver.nsw.gov.au