

INQUIRY INTO LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2025

Organisation: MidCoast Council

Date Received: 7 July 2025

Att: Director, Standing Committee on State Development

Inquiry into Local Government Amendment (Elections) Bill 2025

MidCoast makes the following submission in relation to two sections of the proposed Local Government (Amendment Elections) Bill 2025, being the NSW Electoral commission as sole provider of election services and by-elections replacing countback provisions.

1. Proposed section 296 requires an election, poll or referendum to be administered by the Electoral Commissioner and provides for the Electoral Commissioner's expenses to be met by the council.

The Bill would prevent councils engaging other electoral service providers thereby creating a monopoly for the NSW Electoral Commission (NSWEC). While the majority of councils engage the NSWEC, the removal of competition would not assist in reducing costs.

For MidCoast, the cost of running 2024 local government election was over \$900,000, which was approximately \$20,000 above the estimated cost. This represents a substantial increase compared to the 2021 election at a cost of over \$700,000, as well as the election cost of over \$520,000 for the 2017 local government election.

Given that NSWEC would be the only provider of electoral services, there would be little incentive to impart efficiency means aimed at reducing costs.

These proposed changes cannot be supported and councils should continue to have the ability to retain a provider other than NSWEC.

(ii) Proposed section 291B applies to casual vacancies created after the next ordinary election held after the commencement of the proposed Act. The proposed section provides that, if there is a casual vacancy and the name of the person who caused the vacancy was included in a group on the ballot-papers at the election at which the person was elected, the Governor must appoint another eligible person included in the group to fill the vacancy. If the Governor is not able to appoint a person, a by-election must be held to fill the vacancy.

The proposed removal of countback provisions for ungrouped candidates is not supported. By providing an advantage to a grouped candidate over an ungrouped or below the line candidate would result in unfair and undemocratic outcomes.

Further, this change would result more frequent by-elections, particularly for rural/regional councils that tend to have fewer grouped candidates.

As Council currently sets aside funds for one election per term, additional funds would need to be reserved for by-elections if the countback provisions are unable to be utilised. Relevantly, Council recently applied, through the NSWEC, the countback provisions following the retirement of a Councillor, with the cost of the countback being approximately \$11,000. As you would appreciate, that cost is considerably less than the cost of conducting a by-election.

Regards
Adrian

Adrian Panuccio | General Manager

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We acknowledge the traditional custodians of the land on which we work and live, the Gathang-speaking people and pay our respects to all Aboriginal and Torres Strait Islander people who now reside in the MidCoast Council area. We extend our respect to Elders past and present, and to all future cultural-knowledge holders.