



New South Wales

# Local Government (General) Amendment (Countback Elections) Regulation 2025

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Local Government Act 1993*.

RON HOENIG, MP  
Minister for Local Government

## **Explanatory note**

The object of this regulation is to amend the *Local Government (General) Regulation 2021* to make provision for the conduct of a countback election for a casual vacancy in an office of councillor of Brewarrina Shire Council.

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### **1 Name of regulation**

This regulation is the *Local Government (General) Amendment (Countback Elections) Regulation 2025*.

### **2 Commencement**

This regulation commences on the day on which this regulation is published on the NSW legislation website.

## **Schedule 1      Amendment of Local Government (General) Regulation 2021**

### **Schedule 9A Countback elections**

Insert after Part 3—

## **Part 4      Brewarrina 2025 countback election**

### **12      Application of part**

- (1) This part applies to a countback election held to fill a casual vacancy in an office of councillor of Brewarrina Shire Council that occurred before 31 December 2024.
- (2) For the Act, section 291A, the countback election must be carried out in accordance with this schedule, subject to this part.
- (3) To avoid doubt, the provisions of this part have effect despite the other provisions of this schedule.
- (4) This schedule, section 2 does not apply to the countback election.

### **13      Electoral Commissioner to determine countback election date**

The Electoral Commissioner must, by written notice published on the Electoral Commission's website within 28 days after the commencement of this section, declare that the countback election will be conducted and determine the date for conducting the countback election.

### **14      Appointment of returning officer**

The Electoral Commissioner must appoint a returning officer to administer the countback election within 14 days of publishing the written notice referred to in this schedule, section 13.

### **15      Notice of casual vacancy**

- (1) The following must give notice of the casual vacancy within 14 days of the appointment of the returning officer—
  - (a) Brewarrina Shire Council, on the council's website,
  - (b) the Electoral Commissioner on the Electoral Commission's website.
- (2) The returning officer must, within 14 days of being appointed, give notice to each person, at the person's last known address or by email to an email address specified by the person for the giving of notice of this kind, who, in the opinion of the returning officer, may be entitled to make an application under this schedule in relation to the vacancy.
- (3) The notices under subsections (1) and (2) must—
  - (a) declare that a casual vacancy in the office of a specified councillor exists that must be filled by a countback election, and
  - (b) advise that a person may apply to be a candidate in accordance with this schedule, and
  - (c) specify the date and time that applications close, and
  - (d) specify the date, time and place for the conduct of the countback election, and

- (e) advise that an eligible candidate is entitled to appoint scrutineers for the countback election, and
- (f) give the contact details of the returning officer.

**16 Application to be candidate in countback election**

- (1) An application to be a candidate in the countback election must be lodged with the returning officer before midday on the 10th day after the notice under this schedule, section 15(1) was given (the *close of applications*).
- (2) To avoid doubt—
  - (a) this schedule, section 3(3) does not apply to the countback election, and
  - (b) for the countback election, a reference to the close of applications is a reference to the time and day specified in subsection (1).

**17 Repeal**

This part is repealed on 1 September 2025.