

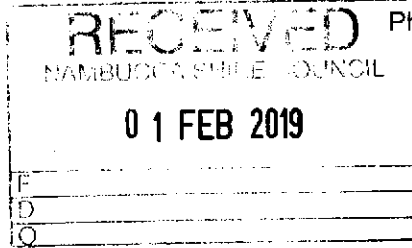


Office of
Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference:
Your Reference:
Contact:
Phone:

A633374
Doug Friend
02 4428 4201



Mr Michael Coulter
General Manager
Nambucca Shire Council
PO Box 177
MACKSVILLE NSW 2447

Email: council@nambucca.nsw.gov.au
CC: Michael.coulter@nambucca.nsw.gov.au; Robert.hunt@nambucca.nsw.gov.au

Dear Mr Coulter

Thank you for your letter of 18 December 2018 to the Minister for Local Government, the Hon. Gabrielle Upton MP, regarding Nambucca Shire Council's resolution of 13 December 2018 requesting action to avoid the need for councils to conduct by-elections to fill vacancies occurring in the middle 12 months of a council's term. The Minister has asked that I respond to you on her behalf.

The new regulations commencing the countback provisions of the *Local Government Act 1993* give councils the option of resolving that any vacancy that occurs in the first 18 months of the councils term be filled by way of countback rather than a by-election. Prior to the commencement of the new regulations, councils were required to conduct by-elections to fill any casual vacancies that occurred in the first 30 months of a council's term. The new regulations significantly reduce the time period during which a by-election must occur to a 12 month period in the middle of a council term.

The current position strikes an appropriate balance between avoiding the costs of by-elections in certain circumstances with the democratic right of the community to vote for its elected representatives.

Thank you for raising this matter with the Minister. I hope this information is of assistance to you and the Council.

Yours sincerely

Tim Hurst
Chief Executive
Office of Local Government

25/1/19

