

Casual Vacancies (Supplementary Elections) Policy

Classification	Council Policy		
Responsible Officer	Chief Executive Officer		
Relevant Legislation	<i>Local Government Act 1999</i> <i>Local Government (Elections) Act 1999</i>		
Record Number	POL202359986		
Council Resolution Number	CNC68/23-24		
Approval Date	16/10/2023	First Approved	24/11/2014
Last Reviewed	26/11/2018	Next Review	16/10/2027

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1. Purpose

The purpose of this policy is to outline the principles and procedures that the Council will follow when it is required to call a Supplementary Election pursuant to Part 2, 6 of the *Local Government (Elections) Act 1999* (the **Act**).

2. Definitions

Casual Vacancy	<p>means a vacancy that occurs in the membership of Council where a member(s) either:¹</p> <ul style="list-style-type: none"> • dies; • resigns their position; • is removed from office by the Governor on the ground of incapacity to carry out official duties satisfactorily; • is removed from office by the Council on the ground that he or she has been absent, without leave of the council, from three or more consecutive ordinary meetings of the council; • becomes a member of an Australian Parliament; • is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors; • fails to submit a return under Part 14 of the <i>Local Government (Elections) Act 1999</i> before the expiration of one month from the end of the period allowed under that Act for the submission of the return; • is convicted of an indictable offence punishable by imprisonment; • becomes an employee of the Council; or • is disqualified from office by an order of a court or SACAT under this Act
Periodic Election	An election to determine the membership of a Council held at four-yearly intervals, with voting closing at 5 pm on the second to last business day before the second Saturday of November in 2026, and so on. ²
Public Notice	A notice which appears in the South Australian Government Gazette, and in a newspaper circulating in the area advising of the Supplementary Election. ³
Supplementary Election	An election held in accordance with this Policy and section 6 of the Act to fill a vacant position within the membership of Council.

¹ *Local Government Act 1999* s 54(1).

² *Local Government (Elections) Act 1999* s 5.

³ *Local Government (Elections) Act 1999* s 4.

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3. Policy

- 3.1. Should one or more casual vacancy occur during a financial year, a Supplementary Election will be held in the following financial year, with any/all associated costs being factored into the respective budget process.
- 3.2. In accordance with the provisions of section 6 of the Act, a Supplementary Election will be held to fill positions:
 - 3.2.1. if a periodic election wholly or partially fails or is declared void; or
 - 3.2.2. a casual vacancy occurs within the membership of Council.
- 2.3 A Supplementary Election will not be held to fill a casual vacancy if the vacancy occurs:
 - 2.3.1 within 12 months before the polling day of a periodic election;
 - 2.3.2 within 12 months after the conclusion of a periodic election or a Supplementary Election; or
 - 2.3.3 after the close of nominations for a Supplementary Election and before the conclusion of that election.
- 2.4 Should, before the close of nominations for a Supplementary Election, another subsequent vacancy occur, the subsequent vacancy may be filled as part of the scheduled Supplementary Election in accordance with section 4(2)(b) of the Act.
- 2.5 If a casual vacancy occurs for the position of Mayor, a member chosen by the council may act in the position until the conclusion of a periodic election if that vacancy occurs on or after 1 January of a year in which a periodic election is due to be held and before polling day for that periodic election.
- 2.6 For the purposes of administering a Supplementary Election, the returning officer must, by Public Notice, fix a day as polling day, explicitly specify a day for the close of the voters roll, and the time at which voting at the election will close on polling day.

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4. Availability of Policy

- 4.1. This Policy will be available for inspection at Council's principal office during ordinary business hours and on Council's website www.walkerville.sa.gov.au
- 4.2. Copies will also be provided to interested members of the community upon request and payment of associated fees in accordance with Council's schedule of fees and charges.

5. Review

- 5.1. This Policy will be reviewed within 12 months following the conclusion of periodic election.