

## Elections – Casual Vacancies

### (Supplementary Election) Policy

**Keywords:** *Supplementary Elections, Vacancy, Vacancies, Elected Members, Councillors*

<b>Corporate Plan:</b>	N/A
<b>Classification:</b>	<i>Executive Services – Governance – “Elections – Casual Vacancies”</i>
<b>First Issued/Approved:</b>	<i>23 January 2001</i>
<b>Review Frequency:</b>	<i>This policy will be reviewed every four years, however, will be reviewed as required by any legislative changes which may occur prior</i>
<b>Last Reviewed:</b>	<i>October 2023</i>
<b>Next Review Due:</b>	<i>2026</i>
<b>Responsible Officer(s):</b>	<i>Chief Executive Officer</i>
<b>Council File Reference:</b>	<i>Council Policies (P)</i>
<b>Applicable Legislation:</b>	<i>Local Government (Elections) Act 1999 s6, 6A Local Government (Elections) Regulations 2010 r3A Local Government Act 1999 s54</i>
<b>Relevant Policies:</b>	<i>In accordance with Local Government (Elections) Act, 1999</i>
<b>Related Procedures:</b>	<i>This Policy is not subject to Public Consultation</i>
<b>Delegations:</b>	<i>Berri Barmera Council Delegations</i>

#### 1. Purpose

The purpose of this policy is to confirm the position of this Council with respect to holding a supplementary election to fill any single vacancy in office other than the office of the Mayor.

#### 2. Definitions

<b><i>The Local Government (Elections) Act 1999</i></b>	<i>The Local Government (Elections) Act 1999 contains the requirements for council elections. It sets out how the elections are to be conducted, who can nominate, who can vote, and how the votes are counted.</i>
<b>Council</b>	<i>means Berri Barmera Council</i>

#### 3. Principles

Council may determine to have a policy not to fill a single casual vacancy in an office (other than that of the Mayor) giving effect to an exemption contained in Section 6(2)(b) of the Local Government (Elections) Act 1999 (“Act”) to the filling of a single Area Councillor vacancy.

This policy does not apply to exempt the holding of a supplementary election or a recount as may otherwise be required under Section 6 or 6A of the Act.

#### **4. Policy Statement**

Section 54 of the Local Government Act 1999 sets out the circumstances in which a casual vacancy may arise in the office of a member.

Sections 6 and 6A of the Act set out the circumstances in which a supplementary election or recount will be held to fill a vacant office, and provides an exemption for the filling of a single vacancy (other than in the office of Mayor) during the period greater than 12 months prior (or after) the next (or last) election, where it is the policy of the Council that such a vacancy not be filled until the next general election.

It is the policy of this Council that, where if a single casual vacancy occurs in the office of Area Councillor, such office will not be filled until the next general election unless a subsequent vacancy occurs.

It is noted that pursuant to Section 6(3) of the Local Government (Elections) Act 1999, where two (2) or more vacancies (or a vacancy in the office of Mayor) occur greater than 12 months before polling day of a periodic election or known general election, a supplementary election may need to be held.

#### **5. Review & Evaluation**

This Policy is scheduled for review by Council in December 2026; however, will be reviewed as required by any legislative changes which may occur prior.

#### **6. Availability of Policy**

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website [berribarmara.sa.gov.au](http://berribarmara.sa.gov.au). Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

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