Elections – Casual Vacancies

(Supplementary Election) Policy

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

Strategic Plan:	*Good governance and leadership*
Classification:	*Executive Services – Governance – "Elections – Casual Vacancies"*
First Issued/Approved:	*23 January 2001*
Review Frequency:	*This policy will be reviewed every four years, or earlier if required due to legislative amendment or organisational requirements.*
Last Reviewed:	*August 2026*
Next Review Due:	*August 2030*
Responsible Officer(s):	*Chief Executive Officer*
Council File Reference:	*Council Policies (P)*
Applicable Legislation:	*Local Government (Elections) Act 1999 s6 and, 6A* *Local Government (Elections) Regulations 2010 r3A* *Local Government Act 1999 s54*
Relevant Policies:	*Nil*
Related Procedures:	***This policy is not subject to the requirements of Council's Community Engagement Policy as it gives effect to a legislative exemption under the Local Government (Elections) Act 1999.***
Delegations:	*Berri Barmera Council Delegations*

1. Purpose

The purpose of this policy is to establish Council's position regarding the filling of a single casual vacancy in the office of an Area Councillor and to give effect to the exemption available under section 6(2)(b) of the Local Government (Elections) Act 1999.

2. Definitions

The Act	means The *Local Government (Elections) Act 1999*
Council	means Berri Barmera Council
Casual Vacancy	Means a vacancy arising in the office of a member of the Council in accordance with section 54 of the *Local Government Act 1999*
General Election	Is an election (including a periodic election) to determine the membership of the Council in accordance with a proclamation or notice under the *Local Government Act*

	1999 or held under Section 5 of the Local Government (Elections) Act 1999.
Supplementary Election	A supplementary election is held when: - A general or periodic election wholly or partially fails to fill the offices or is declared void; or - A casual vacancy occurs in the office of a Member of Council.

3. Principles

Council may determine, in accordance with section 6(2)(b) of the Local Government (Elections) Act 1999, not to fill a single casual vacancy in the office of an Area Councillor until the next general election.

This policy does not affect any requirement under the Act relating to:

- supplementary elections;
- recounts;
- candidate replacement processes; or
- any other electoral procedure required by law.

This policy does not exempt Council from holding a supplementary election or recount where required under sections 6 or 6A of the Act.

4. Policy Statement

Section 6(2)(b) of the Elections Act provides that Council may decide to carry a vacancy or vacancies where the circumstances meet the criteria for exemption from having to hold a supplementary election. The criteria, relevant to Council's representative structure, under Section 6(2)(b) are:

- the vacancy is for an office other than Mayor; and
- the area of the council is not divided into wards; and
- there is no other vacancy in the office of a member of the council; and
- it is a policy of the council at the time the vacancy occurs that it will not fill such a casual vacancy or vacancies until the next general election.

Council has determined not to fill a single casual vacancy where the circumstances of the vacancy meet the criteria in Section 6(2)(b).

Its 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 August 2030; or earlier if required due to legislative amendments or organisational requirements.

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 www.berribarmera.sa.gov.au. Copies of

this policy may be provided upon requesting accordance with Council's Schedule of Fees and Charges.

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