

## Supplementary Election Policy

Issued: 19 January 2016

Review Date: January 2027

Version: 2



### 1. Purpose of this policy

The purpose of this policy is to formalise the decision of Council that has the effect of not requiring a supplementary election to fill a single casual vacancy until the next Council Election.

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) of the *Local Government (Elections) Act 1999* (The Act).

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.

### 2. Scope of this policy

2.1 An Elected Member of Council may choose to vacate or be required to vacate their position of office for reasons outlined in Section 54 of the Act.

2.2 Where a vacancy arises, Section 6 of the Act, sets out the circumstances in which a supplementary election will be required to be held to fill a vacant office, and in particular Part 2(b) provides exemption for the filling of a single vacancy (other than the office of Mayor) where it is the policy of the Council that such a vacancy not be filled until the next general elections.

#### Extract from Act

*(2) A supplementary election will not be held to fill a casual vacancy until the next general election if—*

*(a) the vacancy occurs within 12 months before polling day for—*

*(i) a periodic election; or*

*(ii) a general election (other than a periodic election) if the date of that polling day is known at the time of the occurrence of the vacancy; or*

*(b) —*

*(i) the vacancy is for an office other than mayor; and*

*(ii) the area of the council is not divided into wards; and*

*(iii) —*

*(A) if the council has 9 or more offices (excluding the office of mayor)—there is no more than 1 other vacancy in the office of a member of the council; or*

*(B) in any other case—there is no other vacancy in the office of a member of the council; and*

- (iv) 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; or
- (c) the vacancy—
- (i) is for an office of a member of the council, other than—
- (A) mayor; or
- (B) a member who was declared elected under section 25(1); and
- (ii) occurs—
- (A) within 12 months after the conclusion of a periodic election or a designated supplementary election; or
- (B) after the close of nominations for a designated supplementary election and before the conclusion of that election,  
(and can be filled in accordance with section 6A) (the subsequent vacancy).

### 3. Definitions

Casual Vacancy - The office of a Council Member becomes vacant only in accordance with the circumstances detailed in section 54 of the *Local Government Act 1999*.

Council / Member of Council – Refers to the Barunga West Council and its Elected Body, and the common usage is "Elected Member".

General Election - 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*.

Periodic Election - An election to determine the membership of the Council held at intervals of 4 years in accordance with the *Local Government (Elections) Act 1999*.

Polling Day - The day fixed as the polling day for the election.

Supplementary Election - An election 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.

### 4. Policy

Council recognises that during the four (4) year term of Council, single casual vacancies may occur.

Should a single casual vacancy occur in the office of Council, such office will not be filled until the next general election.

In the event of a supplementary election being required under the Act, this will be held as soon as possible after the occasion for the supplementary election arises.

### 5. Legislative Requirements

*Local Government Act 1999*

*Local Government (Elections) Act 1999*

This policy is not a mandatory requirement but essential for good governance.

### 6. Availability & Grievances

This policy is available for inspection at the Council office at 11 Bay Street, Port Broughton during ordinary business hours and on Council's website [www.barungawest.sa.gov.au](http://www.barungawest.sa.gov.au)

A copy of this Policy may be obtained on payment of a fee in accordance with Council's Register of Fees and Charges.

Any grievances in relation to this policy or its application should in writing to the Chief Executive Officer and lodge in accordance with Council's Complaints Policy.

### 7. Responsible Officer

Pursuant to Section 44 of the *Local Government Act 1999*, Council has delegated to the Chief Executive Officer authority to administer Council's Policies.

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.

### 8. Review

This Policy shall be reviewed every four years from the date of each adoption of the policy, or more frequently as required.

### 9. Approval and Review History

Responsible Work Area	Governance
Responsible Officer	Chief Executive Officer
Date/s Adopted	19 Jan 2016 14 Mar 2023
Date of next review	Jan 2027
Skytrust Reference	
Records Reference	