

Elections – Casual Vacancies (Supplementary Election) Policy

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Corporate Plan:	N/A
Classification:	<i>Executive Services – Governance – “Elections – Casual Vacancies”</i>
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Last Reviewed:	8 August 2017
Next Review Due:	Annually - 2018
Responsible Officer(s):	CEO
Council File Reference:	<i>Council Policies (P)</i>
Applicable Legislation:	<i>Part 2, 6 of the Local Government (Elections) Act 1999</i>
Relevant Policies:	<i>In accordance with Local Government (Elections) Act, Section 6</i>
Related Procedures:	<i>This Policy is not subject to Public Consultation</i>
Delegations:	<i>Berri Barmera Council Delegations</i>

Purpose

The purpose of this policy is to outline the principles and procedures that the Council will follow in regard to the calling of a supplementary election as set out in Part 2, 6 of the Local Government (Elections) Act 1999.

Objectives

The objective of Councils Supplementary Election Policy is to comply with the requirements of the Act, and to ensure the efficient allocation of Council resources in the event of a vacancy occurring.

Policy

Council has resolved (Council Meeting date) that:

- (a) If one vacancy occurs in the membership of Council prior to the next general elections, then no Supplementary Election will be held.
- (b) If two or more vacancies should occur at any one time, then a Supplementary Election will be held to fill both/all vacancies.

Council's policy has been formed in accordance with the Local Government (Elections) Act 1999, in particular **Pt 6 – Supplementary Elections** (as follows):

6 – Supplementary elections

- (1) Subject to this section, if-
 - (a) an election (other than a supplementary election) wholly or partially fails or is declared void; or
 - (b) a casual vacancy occurs in the office of a member of a council,
a supplementary election will be held to fill the office or offices not filled by the election, or the office that has become vacant.
- (2) A supplementary election will not be held to fill a casual vacancy if-
 - (a) the vacancy occurs
 - (i) on or after 1 January of a year in which a periodic election is due to be held and before the date on which nominations for that election are invited under section 18; or
 - (ii) within seven (7) months before polling day for a general election (other than a periodic election)(the date of that polling day being 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) there is no other vacancy in the office of a member of the council (disregarding the office of mayor); and
 - (iv) it is a policy of the council that it will not fill such a casual vacancy until the next general election.
- (3) However; if –
 - (a) a vacancy has not been filled due to the operation of subsection (2)(b); and
 - (b) another vacancy occurs in the office of a member; and
 - (c) the other vacancy has not occurred -
 - (i) on or after 1 January of a year in which a periodic election is due to be held and before the date on which nominations for that election are invited under section 18; or
 - (ii) within 7 months before polling day for a general election (other than a periodic election) (the date of that polling day being known at the time of the occurrence of the vacancy),

Then a supplementary election must be held to fill the vacant offices.
- (4) If –
 - (a) a casual vacancy has occurred; and
 - (b) a supplementary election is not to be held by virtue of the operation of subsection (2)(b)

any subsequent revocation or alteration of a policy of the council in force for the purposes of Part 2)(b) cannot have effect so as to require the casual vacancy to be filled before the next general election.
- (5) Subject to this Act, a supplementary election must be held as soon as practicable after the occasion for the election arises.
- (6) The returning officer must, by public notice, fix a day as polling day for the supplementary election.

- (7) A notice under subsection (6) must also fix a day for the close of the voters roll for the purposes of the election (the **closing date**).
- (8) Voting at a supplementary election will close at 12 noon on polling day.

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