

| | |
|---------------------------------|--|
| Policy Reference Number: | 1.37 |
| Classification: | General |
| First Issued/Approved: | 18 November 2014 (Res. 173/2015) |
| Review Frequency: | After the general election – every 4 years |
| Last Reviewed: | 18 December 2018 (Res 247/2019) |
| Next Review Date: | December 2019 |
| Responsible Officer: | Chief Executive Officer |
| Applicable Legislation: | <i>Local Government (Elections) Act 1999</i> |
| Relevant Policies: | |
| Related Procedures: | |
| Compliance Standard: | Part 2 Section 6 Local Government (Elections) Act 1999 |

1. 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 (2) of the Local Government (Elections) Act 1999.

2. Power to Make the Policy

Council is empowered to make this Policy pursuant to Section 6 of the Local Government (Elections) Act 1999

3. Principles

The principle underpinning this policy is:-

- To ensure fair and equitable Community representation.

4. Objectives

The objective of Council's Supplementary Election Policy is to ensure the efficient allocation of Council resources in the event of a vacancy occurring.

5. Policy

It is a policy of Council that subject to the provisions of the Local Government (Elections) Act 1999 it will not fill a casual vacancy for the position of councillor until the next general election if the vacancy occurs within the last 18 months of a four year general term. A Supplementary Election will also not be held 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 of the Local Government (Elections) Act 1999; 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); 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.

However, if-

- (a) a vacancy has not been filled due to the operation of subsection (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 of the Local Government (Elections) Act 1999; 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.

If a casual vacancy has occurred; and a supplementary election is not to be held by virtue of the operation of (b) above, any subsequent revocation or alteration of a policy of the council in force for the purposes of Part 2, 6 (2) (b) of the Local Government (Elections) Act 1999 cannot have effect so as to require the casual vacancy to be filled before the next general election.

In the event of a supplementary election being required, this will be held as soon as possible after the occasion for the election arises (subject to the provisions of the Local Government (Elections) Act 1999).

FURTHER INFORMATION

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: www.robe.sa.gov.au

Royal Circus, Robe SA 5276

Copies will be provided to interested parties upon request. Email council@robe.sa.gov.au

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

POLICY REVIEW

This policy may be amended at any time and must be reviewed at least every four years since its adoption (or latest amendment).