# Supplementary Elections Policy

## 1. INTRODUCTION

To establish the District Council of Karoonda East Murray's (the Council's) position in dealing with a Casual Vacancy in the office of the Member of Council (not being the Office of Mayor) in accordance with Section 6(2)(b) of the *Local Government (Elections) Act 1999* (SA) ("the Act").

## 2. SCOPE

This Policy applies to Members of the Council (not being the office of the Mayor) and the Chief Executive Officer (or Acting Chief Executive Officer).

## 3. DEFINITIONS

In this Policy:

***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/Member of Council*** The District Council of Karoonda East Murray's 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 as void; or

A casual vacancy occurs in the office of a member of council.

## 4. POLICY STATEMENT

1.1. Council's Policy seeks to ensure the efficient allocation of Council resources in the event of a Casual Vacancy occurring and accordingly, unless required under the Act, confirms that a Casual Vacancy for a Member of Council office other than Mayor will remain vacant until the next General Election of Council. A Supplementary Election will not be held to fill that Casual Vacancy.

1.2. Further, and pursuant to the Act, a Supplementary Election will not be held if:

1. The Casual Vacancy occurs:

- 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 Periodic Election are invited under the Act; or

- Within 7 months before Polling Day for a General Election (other than

a Periodic Election) with the date of that Polling Day being known at the time of the occurrence of the Casual Vacancy; or

2. The Casual Vacancy is:

- For a Member of Council office other than the 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 Council (disregarding the office of Mayor) and
- Council's Policy not to fill such a Casual Vacancy remains in operation.

1.3. A Supplementary Election **must be held** if a Casual Vacancy has not been filled due to the operation of sub-clause 4.2(2) and another Casual Vacancy occurs in the office of a Member of Council (other than Mayor); and the other Casual Vacancy has not occurred:

- 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 Periodic Election are invited under the Act; or
- 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 Casual Vacancy

1.4. If a Casual Vacancy has occurred and a Supplementary Election is not to be held due to the operation of sub-clause 4.2 (2), any subsequent revocation or alteration of a Council Policy in force for the purposes of Part 2, section 6 (2)(b) of the Act, cannot have effect so as to require the Casual Vacancy to be filled before the next General Election.

1.5. 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. REFERENCES

*Local Government Act 1999, sections 51-57, 86*

*Local Government Act (Elections) Act 1999, section 6*

## 6. REVIEW

This Policy shall be reviewed by the Director, Corporate and Community Services in consultation with the relevant stakeholders, within 12 months of the new Council following a Periodic Election or more frequently if legislation or Council needs change.

## 7. FURTHER INFORMATION

This Policy is available for inspection at the Council Office 11 Railway Terrace, Karoonda. It is also available for viewing on Council's website www.dckem.sa.gov.au.

## 8. DOCUMENT AND ADMINISTRATION CONTROL

| COUNCIL POLICY | |
|---|---|
| **Policy title:** | Supplementary Elections Policy |
| **Policy number:** | KA48 |
| **Responsible officer:** | Council |
| **Version:** | |
| **Committee review:** | |
| **First issued/adopted:** | 14 July 2015 |
| **Review frequency:** | Within 12 months of the Periodic Council Election |
| **Last reviewed:** | September 2023 |
| **Next review date:** | September 2026 |
| **Applicable legislation/related documents:** | |