

DISTRICT COUNCIL OF KAROONDA EAST MURRAY
Supplementary Elections Policy

Policy No	48
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PURPOSE

1. PURPOSE

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 Council's (not being the office of 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 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

- 4.1. 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.

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4.2. 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.

4.3. 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

4.4. 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.

4.5. 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 Director, Corporate and Community Services in consultation with the relevant stakeholders, within 2 years of the new Council following a Periodic Election or more frequently if legislation or Council needs change.

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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.

Any grievances in relation to this Policy or its application should be forwarded in writing addressed to the Chief Executive Officer, PO Box 58, Karoonda SA 5307.

Signed.....Dated.....
Mayor Kevin Burdett