



DISTRICT COUNCIL OF
OROROO/CARRIETON
Southern Flinders Ranges • Established 1997

ELECTED MEMBERS RESIGNATION – SUPPLEMENTARY ELECTION POLICY

Version 3.0

DISTRICT COUNCIL OF ORROROO CARRIETON

Elected Members Resignation – Supplementary Election Policy

Policy Reference	
Strategic Reference	
File reference	
Responsibility	Chief Executive Officer
Revision Number	Version 3
Original; Adoption	12 December 2006
Effective date	21 November 2018
Last revised date	6 December 2010
Minutes reference	MB Page 669 Motion 025/1118
Next review date	November 2022
Applicable Legislation	Local Government (Elections) Act 1999 – Section 6
Related Policies	
Related Documents:	

1. Purpose

The purpose of this policy is to document the District Council of Orroroo Carrieton's position should a single causal vacancy occur within the membership of the elected body. Such a vacancy may occur for one or more of the following reasons.

The office of a member of a council becomes vacant if the member—

- (a) dies; or
- (b) resigns by notice in writing to the chief executive officer; or
- (c) is removed from office by the Governor on the ground of incapacity to carry out official duties satisfactorily; or
- (d) is removed from office by the council on the ground that he or she has been absent, without leave of the council, from three or more consecutive ordinary meetings of the council; or
- (e) becomes a member of an Australian Parliament; or
- (f) is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors; or
- (g) fails to submit a return within statutory timeframes as required under the Local Government Act 1999 or the *Local Government (Elections) Act 1999*; or

- (i) is convicted of an indictable offence punishable by imprisonment; or
- (j) becomes an employee of the council; or
- (k) is disqualified from office by a court order under the Local Government Act.

2. Legislation

The provisions relevant to the conduct of supplementary elections are as outline in section 6 of the Local Government (Elections) Act 1999 and are reproduced as follows:

- (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 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; 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 subsection (2)(b) cannot have effect so as to require the casual vacancy to be filled before the next general election.

3. Definitions

General Election, in relation to a Council, means a general election of members of the Council whether held under Section 5 of the Local Government (Elections) Act 1999 or pursuant to a proclamation or notice under the Local Government Act 1999.

Periodic Election means an election to fill offices of a Council held pursuant to Section 5 of the Local Government (Elections) Act 1999 – to determine members of a Council at intervals of 5 years.

4. Policy Statement

Pursuant to Section 6(2)(b)(iv) of the Local Government Elections Act 1999 Council resolves that supplementary elections will not be conducted if a single Councillor casual vacancy occurs.

5. Review Approach

This Policy will be reviewed by the Council following each Periodic Election or as otherwise determined by the Council.

6. Consultation

No consultation required on the Policy.

7. Risk Management

Financial – this policy supports Council's commitment to ensure that Council's resources are used fairly, effectively and efficiently.

8. Implementation/Delegations

The Chief Executive Officer is delegated authority to implement this Policy.