



SUPPLEMENTARY ELECTION POLICY

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| <i>Responsible Officer/s</i> | Director Corporate and Community Services Corporate and Community Services |
| <i>Relevant Legislation / Documents</i> | Local Government (Elections) Act 1999 Other Policy/Procedure |
| <i>Adopted</i> | 20 October 2002 |
| <i>Reviewed</i> | 18 October 2023 |
| <i>Next Review</i> | 18 October 2025 (Every 2 years) |

A. Purpose

The purpose of this policy is to outline the principles and procedures that the Council will follow regarding the calling of a supplementary election.

B. Objective

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

C. Policy

1. Principles

The principles underpinning this policy are: -

- To ensure and maintain a customer focus at all times
- That the efficient provision of resources and services are achieved

2. Procedure

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 until the next general election.

Direct reference refers to the Local Government (Elections) Act 1999 – Section 6 Supplementary Elections.

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 within 12 months before polling day for—

- (i) a periodic election; or
- (ii) a general election (other than a periodic election) if the date of that polling day is 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) —

(A) if the council has 9 or more offices (excluding the office of mayor)—there is no more than 1 other vacancy in the office of a member of the council; or

(B) in any other case—there is no other vacancy in the office of a member of the council; and

(iv) it is a policy of the council at the time the vacancy occurs that it will not fill such a casual vacancy or vacancies until the next general election; or

(c) the vacancy—

(i) is for an office of a member of the council, other than—

(A) mayor; or

(B) a member who was declared elected under section 25(1); and

(ii) occurs—

(A) within 12 months after the conclusion of a periodic election or a designated supplementary election; or

(B) after the close of nominations for a designated supplementary election and before the conclusion of that election,

(and can be filled in accordance with section 6A) (the *subsequent vacancy*).

(3) However, if—

(a) 1 or more vacancies have 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 within 12 months before polling day for—

(i) a periodic election; or

(ii) a general election (other than a periodic election) if the date of that polling day is 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.
- (4a) If, before the close of nominations for a designated supplementary election, another vacancy (the **subsequent vacancy**) occurs in the office of a member of the council (other than in the office of mayor), the subsequent vacancy may be filled by the designated supplementary election.
- (4b) If the subsequent vacancy is to be filled by the designated supplementary election—
- (a) the returning officer must give public notice that the vacancy will be filled by that election; and
 - (b) the material accompanying the voting papers to be issued under section 39 for the designated supplementary election must advise voters that the vacancy will be filled by that 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) a day for the close of the voters roll for the purposes of the election (the **closing date**); and
 - (b) the time at which voting at the election will close on polling day.
- (8) In this section—
- designated supplementary election** means—
- (a) if the area of the council is not divided into wards—a supplementary election held to fill an office or offices of the council; or
 - (b) if the area of the council is divided into wards—a supplementary election held to fill an office or offices of the ward in which the subsequent vacancy has occurred.

In the event of a supplementary election being required, this will be held as soon as possible after the occasion for the election arises.

3. Review and evaluation

The effectiveness of the Policy will be reviewed and evaluated bi-annually.

The Chief Executive Officer will report to Council on the outcome of the evaluation, and make recommendations for amendment, alteration or substitution of a new Policy.

D. Availability

This Policy will be available for inspection at the Council Offices at Loxton or Waikerie during ordinary business hours at no charge.

Copies of this Policy will also be available from Councils website: www.loxtonwaikerie.sa.gov.au or postal copies may be obtained from the Council Office free of charge.

E. Document history and version control

| Date | Version | Authorisation | Amendment Details |
|------------|---------|--|---|
| 20/12/2002 | 1.0 | Council | First version |
| 18/08/2006 | 1.0 | Council | No changes noted |
| 18/09/2009 | 1.0 | Council | No changes noted |
| 17/08/2012 | 1.0 | Council | No changes noted |
| 15/12/2014 | 1.0 | Council | No changes noted |
| 15/09/2017 | 1.1 | Council: at meeting of 15 September 2017 | The Governance Officer is noted as the responsible Officer. Addition of document and version control |
| 18/10/2023 | 1.2 | Council at meeting held 18 October 2023 | Policy updated to new template – next review due 18/10/2025 (every two years) Legislation updated in the policy -Section 6 Supplementary Elections of the Local Government (Elections) Act |