

1.18 CASUAL COUNCILLOR VACANCIES

Policy Number	1.18	Date Commenced	17/02/2015
Date Adopted	17/02/2015	Resolution Number	17/02/2015/009
Review Timeframe	4 Years		
Last Review Date	19/02/2019	Next Scheduled Review Date	February 2023
Policy Responsibility	Chief Executive Officer		

Document History

Version	Date Amended	Details Comments e.g. Resolution Number
	February 201	19/02/2019/016

INTRODUCTION

Section 39 of the Local Government Act refers to procedures to be implemented if a person ceases to hold office as a Councillor.

Clause 5 governs the filling of casual vacancies. If a casual vacancy occurs:

- (a) Within 12 months of or less before the next General Election the Council may (in accordance with its policy) co-opt a person to fill the vacancy until the next General Election.
- (b) More than 12 months before the next General Election, a By Election is to be held to fill the vacancy.

The cost of a By-Election is borne by Council and is in the order of \$10,000. The election process can take up to 8 weeks to implement. The newly elected Councillor may only sit for 1 or two meetings before the Caretaker period commences for the next General Election.

This policy deals strictly with the situation of a Councillor vacancy occurring within 12 months of the next scheduled General Election.

OBJECTIVE

The objective of the policy is to clearly outline Council policy in relation to a casual vacancy occurring with 12 months of the next General Election.

POLICY STATEMENT

Should a Councillor vacancy occur within 12 months of the next scheduled general election Council will hold a special meeting within 10 working days of the vacancy occurring to determine Councillor Representation.

Process

The Council will at the Meeting after the vacancy occurs decide by a simple vote whether to either:

- i. Hold a By-Election or
- ii. Appoint an eligible voter as a Councillor until the next General Election.
- iii. Not appoint any person.

Conduct of an Election

If council decides to hold a By-Election than the Council shall engage the Australian Electoral Commission to hold the election.

Appointment of a Councillor

If the Council decides at the meeting to appoint a person as a Councillor until the next General Election, Council will consider the appointment in a section of the meeting closed to the public. Councillors may nominate eligible persons for consideration.

Either

- i. Council will elect a person by an absolute majority vote. In the case of a tied vote the President will exercise a casting vote.
- ii. If an absolute majority is not obtained in each voting round the nomination with the lowest number of votes is eliminated. In the case that two candidates have the same lowest number of votes, the President will exercise a casting vote.

Or

Council will elect a person by a unanimous vote of the Council. If a unanimous vote is not achieved Council will hold a By-Election.

Acceptance by the Nominated Person

The CEO will invite the nominated person to accept the role of Councillor. The person will become a Councillor on the written acceptance of the preferred nominee within 72 hours.

If a person declines or does not accept the invitation in writing within 72hrs of the offer then the invitation lapses.

In the event of a decline Council will consider the other nominated people. The voting will be by an out of session Council meeting of all Councillors. The vote will be conducted using the same process as the original vote.

Council may at any time during the process resolve by a vote to conduct a By-Election.