# ELECTED MEMBER CASUAL VACANCIES

## COUNCIL POLICY

## PURPOSE

This policy outlines how casual vacancies for the position of an Elected Member and Principal Member may be filled when they become vacant.

## PRINCIPLES

Council is committed to acting with transparency and accountability. The Elected Member Casual Vacancies policy ensures the process undertaken by Council to fill a casual vacancy complies with the requirements of the *Local Government Act 2019* (NT).

## DEFINITIONS

For the purposes of this policy, the following definitions apply:

| TERM | DEFINITION |
|---|---|
| By-election | means an election held outside of the normal general election timetable due to a casual vacancy occurring. |
| Casual Vacancies | means when an Elected Member or Principal Member vacates their position during the course of a Council Term. |
| Elected Member | means an elected member of Council. |
| Ordinary Member | means an Elected Member of the Council, excluding Principal Members. |
| Principal Member | means an Elected Member who is the Mayor in accordance with the *Local Government Act 2019* (NT). |

## POLICY STATEMENT

### 1. Casual vacancies

1.1. Section 50 of the *Local Government Act 2019* (NT) (the Act) sets out when a casual vacancy will arise, such as:

(a) The death of an Elected Member,

(b) An Elected Member is disqualified from office in line with section 47 of the Act or

(c) The Elected Member resigns by written notice to the CEO.

1.2. Depending on the position of the Elected Member, whether they are an Ordinary Member or a Principal Member and the length of time until the next general election, will determine whether a by-election is required to fill the vacancy.

1.3. The CEO will present a report to Council at the first available meeting following a casual vacancy arising.

## 2. Requirement of a by-election

2.1. Section 54 of the Act provides time frames for the filling of casual vacancies of an Ordinary Member, determined by the length of time until the next general election.

2.2. Timeframe for filling a casual vacancy for Ordinary Member:

| DATE VACANCY OCCURS | ACTION |
|---|---|
| 18 months or more before the next general election: | Council must hold a by-election to fill the vacancy of an ordinary member. |
| Less than 18 months, but not less than 6 months, before the next general election: | Council must, by vote of existing members, do one of the following:<br>a) Decide to appoint a person to fill the vacancy until the next general election; or<br>b) Hold a by-election. |
| 6 months or less before the next general election: | Council must, by vote of existing members, do one of the following:<br>a) Appoint a person to fill the vacancy until the next general election; or<br>b) Leave the office vacant. |

2.3. Section 65 of the Act provides time frames for the filling of casual vacancies of a Principal Member, determined by the length of time until the next general election.

2.4. Timeframe for filling a casual vacancy for Principal Member:

| DATE VACANCY OCCURS | ACTION |
|---|---|
| 18 months or more before the next general election: | Council must hold a by-election to fill the vacancy of a Principal Member. |
| Less than 18 months, but not less than 3 months, before the next general election: | Council must, by vote of existing members, do one of the following:<br>a) Appoint a person to fill the vacancy until the next general election; or<br>b) Hold a by-election. |

| DATE VACANCY OCCURS | ACTION |
|---|---|
| 3 months or less before the next general election: | Council must, by vote of existing members, do one of the following:<br>a) Appoint a person to fill the vacancy until the next general election;<br>b) Hold a by-election; or<br>c) Leave the office vacant. |

2.5. Should a casual vacancy be created by an Ordinary Member being appointed to the position of Principal Member it will be filled in accordance with Clause 3 or, if less than 6 months before the next General Election, Council may resolve to leave the office vacant.

## 3. Filling the office of an Ordinary Member

3.1. Should a casual vacancy occur for appointment, the Chief Executive Officer (CEO) will advertise by:

(a) publishing the vacancy in a local newspaper, on the Council website and on Council noticeboards in the community,

(b) inviting applicants to provide either a one-page written statement and optional resume, or a three-minute video submission that outlines why the person wants to be an Elected Member,

(c) advising that any application received may be made public by the Council, and

(d) closing submissions 14 days from the date of advertisement.

3.2. As soon as practicable after the closing date, the CEO will provide copies of all applicant submissions to all Elected Members.

3.3. At the next Ordinary Council Meeting following the closing date, the CEO will include the matter as an agenda item for Council's consideration.

3.4. When appointing a person to be an Elected Member, Council will give due consideration to:

(a) the person's level of community involvement,

(b) the person's suitability for the role, and

(c) any other relevant matters.

3.5. Council will decide the appointment by resolution, with official commencement to the office of Elected Member being seven days after the date of resolution.

3.6. The CEO is to ensure the successful applicant is advised of their appointment to Council and that an induction to the position is undertaken.

## 4. Appointment of Acting Principal Member

4.1. If a vacancy occurs in the Principal Member role, the matter of appointing an Acting Principal Member whilst an appointment or by-election process takes place will be considered at the next Ordinary Council Meeting.

4.2.

# ASSOCIATED DOCUMENTS

- Breach of Code of Conduct by Elected Member
- Community Plan

# REFERENCES AND RELATED LEGISLATION

- *Local Government Act 2019* (NT)
- *Local Government (General) Regulations 2021* (NT)

# POLICY DETAILS

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|---|---|---|---|
| OWNER | General Manager Finance and Governance | RESPONSIBLE OFFICER | General Manager Finance and Governance |
| APPROVAL DATE | 7 October 2025 | NEXT REVIEW DUE | 8 October 2029 |
| RECORDS NUMBER | 632204 | COUNCIL DECISION | 11/32 |