

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 <i>Local Government Act 2019</i> (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 of filling a casual vacancy for Ordinary Member:

DATE VACANCY OCCURS	ACTION
18 months or more before the next general election:	Council will 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 may, by vote of existing members, appoint a person to fill the vacancy until the next general election.
6 months or less before the next general election:	Council may, by vote of existing members: <ol style="list-style-type: none"> 1) Appoint a person to fill the vacancy until the next general election; or 2) May 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 of filling a casual vacancy for Principal Member:

DATE VACANCY OCCURS	ACTION
18 months or more before the next general election:	Council will 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 will appoint an existing Council Member to fill the position of a Principal Member, by Council Decision in accordance with clause 4 of this policy.
3 months or less before the next general election:	Council will appoint an existing Council Member to fill the position of a Principal Member, by Council Decision in accordance with clause 4 of this policy.

- 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 Principal Member

- 4.1. If a vacancy occurs 18 months or more before the next general election, the matter of appointing an Acting Principal Member whilst a by-election takes place, will be considered at the next Ordinary Council Meeting.
- 4.2. If a vacancy occurs less than 18 months before the next general election, Council will by Council decision, appoint an existing ordinary member to the office of Principal Member until the next general election at the next Ordinary Council Meeting with appointment to commence immediately.

ASSOCIATED DOCUMENTS

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

REFERENCES AND RELATED LEGISLATION

- *Local Government Act 2019* (NT)
- *Local Government Regulations 2002* (NT)

POLICY DETAILS

OWNER	General Manager Finance and Governance	RESPONSIBLE OFFICER	General Manager Finance and Governance
APPROVAL DATE	15 April 2025	NEXT REVIEW DUE	16 April 2029
RECORDS NUMBER	632204	COUNCIL DECISION	10/1843