

Name:	Elected Member Casual Vacancies		
Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Governance and Strategy Manager		
Adopted Date:	1/07/2021	Next Review Date:	1/07/2025
Records Number:	466097	Council Decision:	9/1690
Legislation Reference:	Section 54 and 65 of the <i>Local Government Act 2019</i>		

1 PURPOSE

This policy outlines how casual vacancies for the position of an Elected Member and Mayor may be filled.

2 PRINCIPLES

Council must be closely connected to its community, working in partnership to deliver what is needed to support people's lives. In doing so, Council is actively pursuing its communities' trust through being open transparent and accountable. Filling casual vacancies will ensure fair representation of members in the Council.

3 DEFINITIONS

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

Term	Definition
Elected Member	means a person elected as a member of the Council to make decisions on behalf of the Community.
Ordinary Member	means an Elected Member of the Council, excluding the Mayor.
Casual Vacancies	means when an Elected Member or Mayor leaves their position during the course of a Council Term.
By-election	means an election held outside of the normal general election timetable due to a casual vacancy occurring.

4 POLICY STATEMENT

4.1. Requirement of a By-Election

A by-election is required if the vacancy falls within the timeframe as determined by the *Local Government Act* for a casual vacancy.

4.1.1. 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 ordinary member.
Less than 18 months, but not less than 3 months, before the next general election	Council will appoint a person to fill the vacancy until the next general election in accordance with clause 4.2 of this policy.
3 months or less before the next general election	Council will leave the vacancy of ordinary member vacant.

4.1.2. Timeframe of filling a casual vacancy for Mayor

Date Vacancy Occurs	Action
18 months or more before the next general election	Council will hold a by-election to fill the vacancy of Mayor.
Less than 18 months, but not less than 3 months, before the next general election	<p>Council will appoint an existing Council Member to fill the office of Mayor, by Council Decision in accordance with clause 4.3.2 of this policy.</p> <p>Council will appoint a person to fill the vacancy of ordinary member in accordance with clause 4.2 of this policy.</p>
3 months or less before the next general election	<p>Council will appoint an existing Council Member to fill the office of Mayor, by Council Decision in accordance with clause 4.3.2 of this policy.</p> <p>Council will leave the office of ordinary member vacant.</p>

4.2. Filling the office of an Ordinary Member

4.2.1. 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, 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;
- (d) closing submissions 14 days from the date of advertisement.

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

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

4.2.4. 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.

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

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

4.3. Appointment of Mayor

4.3.1. If a vacancy occurs 18 months or more before the next general election, the matter of appointing an Acting Mayor whilst a by-election takes place, will be considered at the next Ordinary Council Meeting.

4.3.2. 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 Mayor until the next general election at the next Ordinary Council Meeting with appointment to commence immediately.

5 ASSOCIATED DOCUMENTS

- 5.1. *Breach of Code of Conduct by Elected Member*
- 5.2. *Register of Declared Conflicts*
- 5.3. *Community Plan*

6 REFERENCES AND RELATED LEGISLATION

- 6.1. *Local Government Act*
- 6.2. *Local Government Regulations*