



**Function:** EXECUTIVE SERVICES (GOVERNANCE)

Adopted: 5<sup>th</sup> August 2015  
Resolution No.: C148:15

**Policy Number:** GOV023

Last Review: 1<sup>st</sup> February 2023  
Resolution No.: C38:0223

**Version Number:** 1.3

## SUPPLEMENTARY ELECTION POLICY

### 1. Introduction

- 1.1. In accordance with Section 6(2) of the Local Government (Elections) Act, a Council may implement a policy to exempt the Council from undertaking a supplementary election in the event of a single casual vacancy occurs of an elected Member of Council (other than that of the Mayor).

### 2. Scope

- 2.1. An Elected Member of Council may choose to vacate or be required to vacate their position of office for reasons outlined in Section 54 of the Local Government Act 1999.
- 2.2. Where a vacancy arises, Section 6 of the Local Government (Elections) Act 1999, sets out the circumstances in which a supplementary election will be required to be held to fill a vacant office, and in particular Part 2(b) provides exemption for the filling of a single vacancy (other than in the office of Mayor) where it is the policy of the Council that such a vacancy not be filled until the next general election.

#### **Extract from Act**

- (2) *A supplementary election will not be held to fill a casual vacancy until the next general election 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. Applicable Legislation

3.1. The following legislation applies to this Policy:

- Local Government Act 1999;
- Local Government (Elections) Act 1999.

3.2. This Policy is not a mandatory requirement but essential for good governance.

### 4. Integration with Corporate Objectives

4.1. This Policy supports Council's Strategic Plan 2019 - 2029

4.1.1. Governance Objective – Leadership

Goal 5 - To provide leadership and ensure resources are managed efficiently and effectively.

5.3 Legislation – To adhere to the requirements of the Local Government Act 1999, regulations and other legislation that influences the operations of Council.

### 5. Related Council Policies and Documents

5.1. This Policy is also designed to operate in conjunction with other Council policies.

### 6. Definitions

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

- 6.1. **Chief Executive Officer (CEO)** means the appointed Chief Executive Officer under Section 96 of the Local Government Act 1999 and includes any person acting or delegated by the Chief Executive Officer's under Sections 100 and 101 of the Local Government Act 1999.
- 6.2. **Council** means the Copper Coast Council and any delegate of the Council.
- 6.3. **General Election**, in relation to a Council, means a general election of members of the Council whether held under Section 5 of the Local Government (Elections) Act 1999 or pursuant to a proclamation or notice under the Local Government Act 1999;
- 6.4. **Periodic Election** means an election to fill offices of a Council held pursuant to Section 5 of the Local Government (Elections) Act 1999.

## 7. Application

- 7.1. It is the Policy of Copper Coast Council that, subject to Section 6(2)(b)(iv) of the Local Government (Elections) Act 1999, a casual vacancy will not be filled until the next general election.
- 7.2. In the event of a supplementary election being required under the Act, this will be held as soon as possible after the occasion for the supplementary election arises.

## 8. Complaints

- 8.1. Complaints under this Policy must be in writing to the Chief Executive Officer and lodged in accordance with Council's Complaints Policy.

## 9. Council Delegation

- 9.1. Pursuant to Section 44 of the Local Government Act 1999, Council has delegated to the Chief Executive Officer authority to administer Council's policies.
- 9.2. This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.

## 10. Adoption and Review

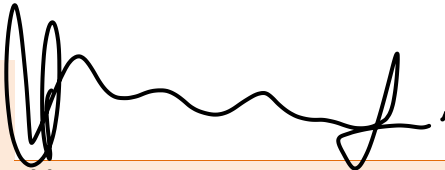

- 10.1. This Policy shall be reviewed six (6) months prior to each general election of Council, or more frequently, if legislation or Council requires by Department Corporate and Community Services and a report shall provide to Council for consideration and adoption.

## 11. Records Management

- 11.1. Official records will be managed in accordance with Council's Records Management Policy pursuant to Section 125 of the Local Government Act 1999.

## 12. Availability of Policy

- 12.1. Policies will be available for inspection without charge at Council's Principal Office and on Council's website [www.coppercoast.sa.gov.au](http://www.coppercoast.sa.gov.au).
- 12.2. A copy of this Policy may be obtained on payment of a fee in accordance with Councils' Register of Fees and Charges.

Signed		
	Mayor	Chief Executive Officer
Date	1 <sup>st</sup> February 2023	