



Supplementary Elections Policy

Classification:	Council Policy
Version Number:	2
Review Frequency:	Once in the term of Council
Last Reviewed:	April 2023
Review Due:	2027
Responsible Officer:	<ul style="list-style-type: none"> • Director Corporate Services • Chief Executive Officer
Applicable Legislation:	<ul style="list-style-type: none"> • Local Government (Elections) Act 1999 • Local Government Act 1999
Related Policies/Procedures:	Nil

1. PURPOSE:

- 1.1 To establish Kingston District Council's position in dealing with a casual vacancy in the office of an elected member (not being the Mayor) in accordance with section 6(2)(b) of the Local Government (Elections) Act 1999.
- 1.2 To ensure council continues to provide fair and equitable community representation and efficient allocation of council resources in the event of a casual vacancy.

2. LEGISLATIVE CONTEXT:

Local Government Act 1999, sections 51-57
 Local Government (Elections) Act 1999, sections 6, 6A and 55A

3. SCOPE:

This policy applies to Council member vacancies (excluding the office of Mayor), that may arise during the Council Term.

4. DEFINITIONS:

Act	Local Government (Elections) Act 1999
<i>Casual vacancy</i>	When the office of a council member becomes vacant in accordance with the circumstances detailed in section 54 of the Local Government Act 1999 including if the member: <ul style="list-style-type: none"> (a) dies (b) resigns by notice in writing to the Chief Executive Officer (c) is removed from office by the Governor on the ground of incapacity to carry out official duties satisfactorily (d) is removed from office by the council on the ground that he or she has been absent, without leave of the council, from three or more consecutive ordinary meetings of the council (e) becomes a member of an Australian Parliament (f) is declared bankrupt or applies for the benefit of a law for the relief of insolvent debtors (g) fails to submit a return under Part 14 of the Local Government (Elections) Act 1999 before the expiration of one month from the end of the period allowed under that Act for the submission of the return (h) is convicted on an indictable offence punishable by imprisonment (i) becomes an employee of the council (j) is disqualified from office by an order of a court or SACAT under this Act.
<i>General Election</i>	A general election of members of the council, whether a Periodic Election held under Section 5 of the Local Government (Elections) Act 1999 or pursuant to a proclamation or notice under the Local Government Act 1999.
<i>Period Election</i>	An election to fill offices of a Council held pursuant to Section 5 of the Local Government Act 1999.
<i>Supplementary Election</i>	An election subject to Section 6 of the Act that is held when: <ul style="list-style-type: none"> • A general or periodic election wholly or partially fails to fill the offices or is declared void; or • A casual vacancy occurs in the office of an elected member.

5. POLICY STATEMENT:

- 4.1 Council recognises that during the four (4) year term of council, single casual vacancies may occur.
- 4.2 Should a single casual vacancy occur in the membership of council prior to the next general election, a supplementary election will not be held. Any such vacancy will be filled at the next general election.
- 4.3 In the event that a second casual vacancy occurs during the term of office, Council will proceed to a supplementary election to fill both vacancies.
- 4.3 In the event of a supplementary election being required, this will be held as soon as possible, subject to the provision of the Local Government (Elections) Act 1999.

6. AVAILABILITY OF THE POLICY:

This policy will be available for inspection at the Council's principal office, 29 Holland Street Kingston SE, during ordinary business hours and on council's website: www.kingstondc.sa.gov.au. Copies will also be provided to interested members of the community upon request, and upon such payment of the fee set by council.