

THE BAROSSA COUNCIL

SUPPLEMENTARY ELECTIONS POLICY



Corporate Plan Link:	6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.		
Policy Owner:	Chief Executive Officer	Previous Approval Date(s):	20/11/2012 18/11/2014
Document Control Officer:	Governance Advisor	Current Approval Date:	26/11/2018
HPE Content Manager Ref:	14/54373	Next Review Date:	Next Periodic Elections

1. Purpose

To establish The Barossa 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*.

2. Scope

This Policy applies to Elected Members (excluding the office of Mayor) and the Chief Executive Officer (or Acting Chief Executive Officer).

3. Definitions

Act	<i>Local Government (Elections) Act 1999</i>
Casual Vacancy	The office of an Elected Member becomes vacant in accordance with the circumstances detailed in Section 54 of the <i>Local Government Act 1999</i> .
Elected Member	Elected Members of The Barossa Council.
General Election	A general election of members of the council, whether a Period Election held under Section 5 of the <i>Local Government (Elections) Act 1999</i> or pursuant to a proclamation or notice under the <i>Local Government Act 1999</i> .
Periodic Election	An election to fill offices of a council held pursuant to Section 5 of the <i>Local Government (Elections) Act</i> .
Polling Day	The day fixed as the polling day for the election, in accordance with Section 4(2) of the <i>Local Government (Elections) Act 1999</i> .
Supplementary Election	An election that is held when: - 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

4. Policy Statement

4.1 Council's Policy seeks to ensure the efficient allocation of Council resources in the event of a Casual Vacancy occurring. Accordingly, unless required under the Act, a

Supplementary Elections Policy approved by Council on 26 November 2018

This electronic copy is the approved version and is stored in Council's Record Management System (TRIM). Printed copies are considered uncontrolled. Before using a printed copy please verify that it is the current version.

Casual Vacancy for the office of an Elected Member other than Mayor will remain vacant until the next General Election. A Supplementary Election will not be held to fill that Casual Vacancy.

4.2 Further, and pursuant to the Act, a Supplementary Election will not be held if:

4.2.1 the Casual Vacancy occurs:

- (i) between 1 January of a year in which a Periodic Election is expected, and the date nominations open for that Periodic Election, in accordance with the Act; or
- (ii) within a period of 7 months before Polling Day for a General Election (that is not a Periodic Election), and the date of that Polling Day is known at the time the Casual Vacancy occurred; or

4.2.2 the Casual Vacancy is:

- (i) for the office of an Elected Member other than Mayor; and
- (ii) the area of the Council is not divided into wards; and
- (iii) there is no other vacancy for the office of an Elected Member (disregarding the office of Mayor); and
- (iv) Council's Policy not to fill such a Casual Vacancy remains in operation.

4.3 However, a Supplementary Election will be held if:

4.3.1 a Casual Vacancy has occurred, but the vacancy has not been filled due to the operation of sub-clause 4.2.2; and

4.3.2 an additional Casual Vacancy for the office of an Elected Member (other than the Mayor) has occurred (i.e. in addition to the vacancy described in sub-clause 4.3.1); and

4.3.3 the Casual Vacancy has not occurred:

- (i) between 1 January of a year in which a Periodic Election is expected, and the date nominations are open for that Periodic Election, in accordance with the Act; or
- (ii) within a period of 7 months before Polling Day for a General Election (that is not a Periodic Election), and the date of that Polling Day is known at the time the Casual Vacancy occurred.

4.4 Pursuant to Section 6(4) of the Act, if a Casual Vacancy has occurred and a Supplementary Election is not held due to the operation of sub-clause 4.2.2, this Policy cannot be altered or revoked to effectively require that the Casual Vacancy be filled before the next General Election.

Supplementary Elections Policy approved by Council on 26 November 2018

**This electronic copy is the approved version and is stored in Council's Record Management System (TRIM).
Printed copies are considered uncontrolled. Before using a printed copy please verify that it is the current version.**

4.5 In the event that the Act requires for a Supplementary Election to be held, the Supplementary Election will be held as soon as possible after the requirement arises.

5. Supporting Process

Nil

6. Related Policies

Nil

7. Legislation and References

Local Government Act 1999, sections 51-57, 86
Local Government (Elections) Act 1999, section 6

8. Review

This Policy will be reviewed by the Document Control Officer in consultation with the relevant stakeholders, within 2 years of the new Council following a Periodic Election or more frequently if legislation or Council requires.

9. Further Information

9.1 This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.

9.2 Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council's *Complaints Handling Policy* (see clause 9.1 above for availability).

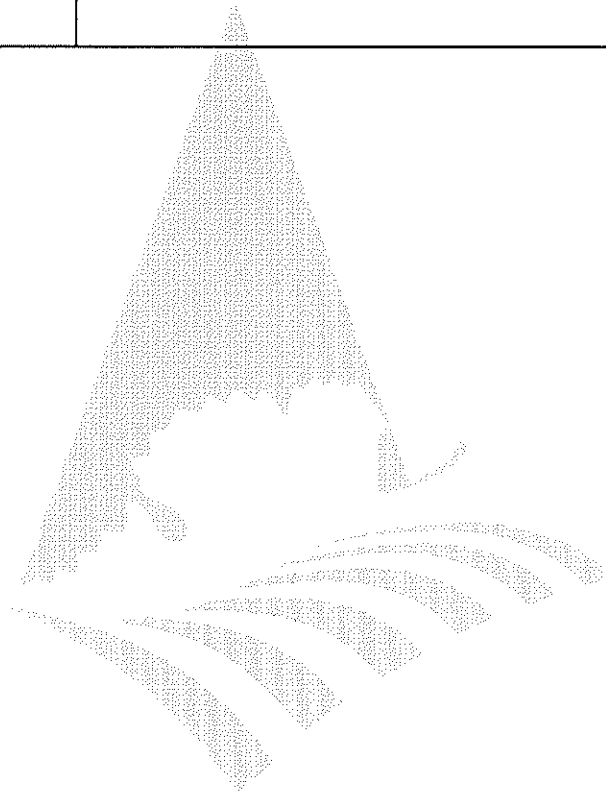
Signed:  Dated: 26 November 2018
Mayor Michael Lange

Supplementary Elections Policy approved by Council on 26 November 2018

This electronic copy is the approved version and is stored in Council's Record Management System (TRIM).
Printed copies are considered uncontrolled. Before using a printed copy please verify that it is the current version.

10.	Policy Version History
------------	-------------------------------

Version No:	Approval Date:	Description of Change:
1.0	20/11/2012	New Policy
2.0	18/11/2014	Policy reviewed following Periodic Elections
3.0	26/11/2018	Policy reviewed following Periodic Elections



The Barossa Council

Supplementary Elections Policy approved by Council on 26 November 2018

This electronic copy is the approved version and is stored in Council's Record Management System (TRIM).
Printed copies are considered uncontrolled. Before using a printed copy please verify that it is the current version.

A handwritten signature in black ink, located in the bottom right corner of the page.