

# POLICY

|                          |                                                                 |                        |                  |
|--------------------------|-----------------------------------------------------------------|------------------------|------------------|
| <b>TITLE:</b>            | Filling Casual Vacancies (Elected Members) Policy               |                        |                  |
| <b>DIRECTORATE:</b>      | Council                                                         |                        |                  |
| <b>ADOPTED BY:</b>       | Council Resolution:                                             |                        |                  |
| <b>DATE OF ADOPTION:</b> | 29 November 2024                                                | <b>DATE OF REVIEW:</b> | 29 November 2026 |
| <b>POLICY NUMBER:</b>    | 108                                                             |                        |                  |
| <b>LEGISLATIVE REF:</b>  | <i>Local Government Act 2019; Sections 54, 55, 65 (The Act)</i> |                        |                  |

## 1. INTRODUCTION

### 1.1. Purpose

This Policy outlines how casual vacancies for the position of an ordinary member, or the position of Mayor may be filled. This Policy must be adopted by resolution of Council.

### 1.2. Responsibilities

All persons within scope of this Policy are required to adhere to this Policy and its associated procedures.

The Council is accountable for the overall management of this Policy.

## 2. POLICY STATEMENT

### 2.1 Policy

Casual vacancies will be filled in accordance with the requirements of this Policy.

Where there is any discrepancy between this Policy and legislation, legislation will prevail.

## 3. TIMELINES FOR FILLING OF CASUAL VACANCIES

Under Section 54 of the Act, Council will fill casual vacancies of an ordinary member as follows:

| Date Vacancy Occurs                                                                | Action                                                                                                               |
|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| 18 months or more before the next general election.                                | Council will hold a by-election to fill the vacancy.                                                                 |
| Less than 18 months, but not less than 6 months, before the next general election. | The Council will, by vote of existing members, appoint a person to fill the vacancy until the next general election. |
| 6 months or less, but not less than 3 months, before the next general election.    | The Council will, by vote of existing members, appoint a person to fill the vacancy until the next general election. |
| 3 months or less before the next general election.                                 | The Council may, by vote of existing members, decide to leave the office vacant.                                     |

#### 4. FILLING THE OFFICE OF AN ORDINARY MEMBER

- 1) As soon as practicable after the casual vacancy occurs in the office of an ordinary member, the CEO will advertise the vacancy for appointment by publishing in a local newspaper, on the Council website, and on Council noticeboards in the community.
- 2) The advertisement will invite applications from electors who are:
  - a. eligible under section 46 of the Act; and
  - b. enrolled in the relevant ward; and
- 3) The advertisement will invite applicants to provide either a written statement (1 page) or video submission (3 minutes) that outlines why the person wants to be a Council member and the qualities they would contribute to the Council; and advise that the written statement or video submission of the applicant may be made public by the Council.
- 4) The closing date for applications will be 14 days from the date the advertisement is published.
- 5) As soon as practicable after the closing date, the CEO will provide copies of all applicant statements to all Council members. At the next ordinary Council meeting following the closing date, the matter is to be included as an agenda item for Council's consideration.
- 6) When appointing a person to be a council 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.
- 7) Council will decide the appointment by resolution, with official commencement to take place 7 days after the date of the resolution.
- 8) The CEO is to ensure the successful applicant is advised of their appointment to Council and that an induction to the position is undertaken as soon as practicable.

#### 5. FILLING THE OFFICE OF THE MAYOR

- 1) The matter of appointing a person to fill a casual vacancy in the Office of the Mayor is to be on the agenda at the next ordinary Council meeting after the vacancy occurs.
- 2) If appointment was the basis for filling the office of the Mayor, Council will fill casual vacancies in the Office of the Mayor in accordance with Section 65 of the Act and as follows:

| Date Vacancy Occurs                                                              | Action                                                                                                                                                                                   |
|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18 months or more before the next general election.                              | Council must hold a by-election to fill the vacancy in the Office of the Mayor.                                                                                                          |
| Less than 18 months, but not more than 3 months before the next general election | Council will by vote of existing members, appoint an existing Council member to be the Mayor, or may hold a by-election                                                                  |
| 3 months or less before the next general election.                               | The Council may, by vote of existing members, appoint an existing member to fill the vacancy until the next general election, or may hold a by-election, or may leave the office vacant. |

## 6. REINSTATEMENT IF MEMBER STANDS AS A CANDIDATE

- 3) Despite the above provisions, a person is reinstated as a member of the Council if:
- the person resigns in order to stand as a candidate for election to the Legislative Assembly, the Commonwealth House of Representatives or the Senate; and
  - the resignation takes effect not more than 28 days before the close of nominations for the relevant election; and
  - the person is not elected; and
  - the person applies to the CEO to be reinstated as a member of the Council within 7 days after the result of the election is known.
- 4) Please refer to Section 55 of the Act for further information which applies to reinstatement.

## 7. RELEVANT POLICIES

Policies and procedures to be read in conjunction with this policy are:

- 1) Code of Conduct (Members & Local Authority)
- 2) Council Meeting Protocols

## 8. IMPLEMENTATION AND REVIEW

### 8.1. Implementation

Relevant personnel will be made aware of this Policy. It is not a requirement of the Act for this Policy to be published on the Barkly Regional Council website.

### 8.2. Review

This Policy will be reviewed on or before 29 November 2026.

## 9. VARIATIONS, REVOCATIONS AND/OR CHANGES

Barkly Regional Council reserves the right to revoke and/or amend this policy from time to time as is considered necessary to better manage its business and/or to comply with any legislative requirements.

## 10. APPROVAL

This policy is approved.

Chris Kelly

Chief Executive Officer

  
Signature

29 Nov 2024

Dated

END