

FILLING CASUAL VACANCIES POLICY

Type:	Council – Elected Members		
Owner:	Council		
Responsible Officer:	Chief Executive Officer		
Approval Date:	27/06/2023	Next Review:	27/10/2025
Records Number:	179556	Council/CEO Decision:	Council OCM-052-2023
Legislation Reference:	Sections 54 and 65(3) of the <i>Local Government Act 2019</i>		

1 PURPOSE

This policy outlines how casual vacancies for the position of an ordinary member and an elected Mayor may be filled in accordance with sections 54 and 65(3) of the *Local Government Act 2019* (the Act).

2 SCOPE

This policy applies to Mayor and elected members with Katherine Town Council.

3 DEFINITIONS

Appointment means the appointment of a qualified individual, by majority vote of Council, to fill a vacancy on Council.

By-election means an election, other than a regular election, held to fill a vacancy on Council and that is conducted in accordance with the Act.

Council means Katherine Town Council

Casual vacancy means a vacancy in the office of a member of the council under Section 50 of the *Local Government Act 2019*.

Mayor means the Principal Member of Katherine Town Council.

Member means a member of the council.

Ordinary member or Councillor means an Elected Member of Katherine Town Council.

Vacancy means when a seat on council becomes vacant in a manner prescribed by Chapter 4 of the *Local Government Act 2019*.

Casual vacancies – ordinary member

Council will fill casual vacancies in the office of an ordinary member as follows:

Date vacancy occurs	Action	Section of the Act
18 months or more before the next general election.	Council will hold a by-election to fill the vacancy	54(2)(c)
Less than 18 months, but not less than 4 months, before the next general election.	Council will appoint <u>a person</u> to fill the vacancy until the next general election (in accordance with clause 3 of this policy).	54(2)(a)
4 months or less before the next general election.	Council will leave the office of the ordinary member vacant.	54(2)(b)(i)

Filling the office of an ordinary member

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 and on the council's website.

The advertisement will:

- (a) invite applications from electors who are:
 - (i) eligible under section 46 of the Act; and
 - (ii) enrolled in the relevant ward; and
- (b) invite applicants to provide a statement of no more than 1 page that outlines why the person wants to be a council member and the qualities they would contribute to the council; and
- (c) advise that the statement of the applicant may be made public by the council.

The closing date for applications will be 14 days from the date the advertisement is published in the local newspaper and on the council's website.

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 meeting of council following the closing date, the matter is to be included as an agenda item for Council's consideration.

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.

Council will decide the appointment by resolution, with official commencement to the office of ordinary member to take place 7 days after the date of the resolution.

Unless the council decides unanimously to take a vote by secret ballot, voting is to be by show of hands.

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.

Casual vacancies – Mayor

As election was the basis for filling the office of the Mayor, Council will fill casual vacancies in the office of the Mayor as follows:

Date vacancy occurs	Action	Section of the Act
18 months or more before the next general election.	Council will hold a by-election to fill the vacancy in the office of the <i>Mayor</i> .	65(3)(a)
Less than 18 months, before the next general election.	Council will appoint <u>an existing council member</u> to be the <i>Mayor</i> , by vote of existing members (in accordance with clause 5 of this policy).	65(3)(b)(i)

Appointing a Mayor

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.

Unless the council decides unanimously to take a vote by secret ballot, voting is to be by show of hands. At the ordinary meeting of council, Council will, by vote of existing members, resolve to:

- (a) appoint an existing member to fill the vacancy in the office of the *Mayor* until the next general election;
 - and
- (b) for the appointment to commence immediately.

The vacancy in the office of the ordinary member (appointed to Mayor) will be filled in accordance with clause 3 of this policy.

Summary of Casual vacancies actions

Time to next general election	Mayor	Ordinary Member
	<i>Council will always fill a casual vacancy of the office of Mayor by:</i>	<i>Council will only not fill a casual vacancy of an ordinary member when there is 4 months or less before the next general election</i>
18 months or more before the next general election	Council will hold a by-election to fill the vacancy.	Council will hold a by-election to fill the vacancy.
Less than 18 months, but not less than 4 months, before the next general election.	Council will appoint <u>an existing council member</u> to be the <i>Mayor</i> , by vote of existing members (in accordance with clause 5 of this policy).	Council will appoint <u>a person</u> to fill the vacancy of the ordinary member until the next general election (in accordance with clause 3 of this policy).
4 months or less before the next general election.		Council will leave the office of the ordinary member vacant.

Local Government Act 2019

Revision History

Version	Approval date	Details of change	Responsible officer
1	30/10/2020	Created and Adopted	Policy Review Committee
2	19/06/2023	Reviewed – changed to new template, minor administrative amendments	Governance and Executive Officer
3			