

Filling Casual Vacancies Policy

Council Policy



Policy Name	Filling Casual Vacancies Policy		
Type	Council Policy		
Owner	Elected Members		
Responsible Officer	Chief Executive Officer		
Decision Number	22763	Approval Date	26/09/2023
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1 Purpose

The purpose of this policy is to outline how casual vacancies for the Mayor and Ordinary Members may be filled.

2 Definitions

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

Term	Definition
By-election	An election held outside of the normal general election timetable due to a casual vacancy occurring.
Casual vacancy	When a Councillor or the Mayor leaves their position during the course of a Council term.
Next general election	The fixed date (Election Day) where votes are taken.
Ordinary member	An Elected Member of the Council, excluding the Mayor.

3 Policy Statement

3.1 Casual vacancies – Ordinary Member

Council will fill casual vacancies in the office of an Ordinary Member as follows:

Date Vacancy Occurs	Action	Section of <i>Local Government Act 2019</i>
18 months or more before the next general election.	Council will hold a by-election to fill the vacancy until the next general election, as per the <i>Electoral Act (2004)</i> .	54(2)(c)
Less than 18 months, but not less than 6 months, before the next general election.	Council may appoint a person to fill the vacancy until the next general election, in accordance with clause 3.2 of this policy.	54(2)(a)

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Date Vacancy Occurs	Action	Section of <i>Local Government Act 2019</i>
6 months or less, but not less than 3 months, before the next general election.	Council may either: <ul style="list-style-type: none">• appoint a person to fill the vacancy until the next general election, in accordance with clause 3.2 of this policy; or• leave the office vacant.	54(2)(b)(i) 54(2)(b)(ii)
3 months or less before the next general election.	Council may leave the office of the Ordinary Member vacant.	54(2)(b)(ii)

3.2 Appointing a Person to Fill the Office of an Ordinary Member

As soon as practicable after the casual vacancy occurs in the office of an Ordinary Member, the Chief Executive Officer (CEO) will advertise the vacancy for appointment by publishing the vacancy through a local media source, on Alice Springs Town Council's website, and through various communication methods to the community.

The advertisement will:

- 3.2.1 invite applications from electors who are:
 - 3.2.1.1 eligible under section 46 of the Act; and
 - 3.2.1.2 enrolled to vote in the Municipality of Alice Springs; and
- 3.2.2 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 Alice Springs Town Council; and
- 3.2.3 advise that the written statement or video submission of the applicant may be made public by Alice Springs Town Council.

The closing date for applications will be 14 days from the date the advertisement is published.

As soon as practicable after the closing date, the Chief Executive Officer 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.

When appointing a person to be a Council member, Council will give due consideration to:

- 3.2.4 the person's level of community involvement;
- 3.2.5 the person's suitability for the role; and
- 3.2.6 any other relevant matters.

Council will decide the appointment by resolution, with official commencement to the office of Ordinary Member to take place seven (7) days after the date of the resolution.

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.

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3.3 Casual Vacancies – Mayor

As an election is the basis for filling the office of the Mayor for Alice Springs Town Council, Council will fill casual vacancies in the office of the Mayor as follows:

Date vacancy occurs	Action	Section of the <i>Local Government Act 2019</i>
18 months or more before the next general election.	Council will hold a by-election to fill the vacancy in the office of the Mayor until the next general election.	65(3)(a)
Less than 18 months, but not less than 6 months, before the next general election.	Council will either: <ul style="list-style-type: none"> appoint an existing council member to be the Mayor until the next general election, by vote of existing members, in accordance with clause 3.4 of this policy. hold a by-election to fill the vacancy in the office of the Mayor until the next general election. 	65(3)(b)(i) 65(3)(b)(ii)
	If Council resolves to appoint an existing council member as Mayor, the Council may appoint a person to fill the vacancy in the office of an Ordinary Member until the next general election, in accordance with clause 3.2 of this policy.	54(2)(a)
6 months or less, but not less than 3 months, before the next general election.	Council will appoint an existing council member to be the Mayor until the next general election, by vote of existing members, in accordance with clause 3.4 of this policy.	65(3)(b)(i)
	Council may appoint a person to fill the vacancy in the office of an Ordinary Member until the next general election, in accordance with clause 3.2 of this policy.	54(2)(b)(i)
3 months or less before the next general election.	Council will appoint an existing council member to be the Mayor until the next general election, by vote of existing members, in accordance with clause 3.4 of this policy.	65(3)(c)(i)
	Council will leave the now vacated office of the Ordinary Member vacant.	54(2)(b)(ii)

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3.4 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. At the ordinary council meeting, Council will, by vote of existing council members, resolve to:

- 3.4.1 appoint an existing council member to fill the vacancy in the office of the Mayor until the next general election; and
- 3.4.2 for the appointment to commence immediately.

The vacancy in the office of the ordinary member will be filled in accordance with clause 3.2 of this policy.

4 Responsibilities

Council members are responsible for determining how to fill any casual vacancies, where relevant, as per clauses 3.1, 3.2, 3.3 and 3.4.

The CEO is accountable for the overall establishment and periodic review of this policy, and implementing processes related to filling any casual vacancies.

5 Related Documents

- *Local Government Act 2019 (NT)*
- *Electoral Act 2004*

6 Version History

Version	Date	Action/Description of changes made	By
V1.0	24/01/2023	New policy	Director Corporate Services
V2.0	26/09/2023	Revised policy	Acting Director Corporate Services

7 Communication and Training

Will this policy be communicated through internal communications?	Yes
Where will this policy be available?	ASTC website
Will training needs arise from this policy? If yes, who will be responsible.	CEO