POLICY 2.05
Governance
Elected Members Casual Vacancy
Version: 5 **| Next Review:** November 2030

DISTRICT COUNCIL of TUMBY BAY

1. INTRODUCTION

The District Council of Tumby Bay (the Council) is committed to maintaining effective governance and representation of its community. This Policy outlines Council's approach to managing casual vacancies in the office of Mayor or Councillor in accordance with the *Local Government Act 1999* and the *Local Government (Elections) Act 1999*.

This Policy ensures that vacancies are addressed promptly, transparently, and in a manner that upholds public confidence and electoral integrity.

2. POLICY OBJECTIVE

The purpose of this Elected Members Casual Vacancy Policy (the Policy) is to provide clear direction on the processes for declaring, notifying, and filling vacancies in accordance with section 54 of the *Local Government Act 1999* and the *Local Government (Elections) Act 1999*.

Council is committed to:

- ensuring compliance with legislative requirements,
- maintaining transparency and accountability in decision making,
- supporting the integrity of local government election processes, and
- ensuring vacancies are filled as soon as practicable to maintain effective governance and representation.

3. LEGISLATIVE REQUIREMENTS

The *Local Government Act 1999* provides the legislative framework for managing casual vacancies under section 54 and establishes provisions relating to the principal office of a member under section 6, including eligibility, disqualification, and term of office.

Section 6 of the *Local Government (Elections) Act 1999* establishes the legislative framework for the conduct of supplementary elections, including provisions relating to countback processes and electoral procedures.

Council must ensure that all actions relating to casual vacancies are undertaken in accordance with these Acts and any associated regulations.

4. DEFINITION OF CASUAL VACANCY

A vacancy occurs when the office of an Elected Member (Mayor or Elected Member) becomes vacant before the expiration of the member's term.

A vacancy may arise due to, but is not limited to:

4.1 resignation submitted in writing to the Chief Executive Officer (CEO),

4.2 death of the member,

4.3 disqualification or ineligibility under *Local Government Act 1999*,

4.4 failure to meet statutory obligations (e.g., non-attendance at meetings for a prescribed period without leave), and

4.5 election or appointment to another office that results in ineligibility.

5 NOTIFICATION OF VACANCY

In accordance with section 54(6) of the *Local Government Act 1999*, the CEO must:

5.1 notify the Council of the vacancy at the next available meeting, and

5.2 publish notice of the vacancy in the South Australian Government Gazette.

The CEO must ensure that the vacancy is formally recognised and recorded.

6 METHOD OF FILLING A CASUAL VACANCY

The method used to fill a casual vacancy will be determined in accordance with the *Local Government (Elections) Act 1999*.

6.1 Vacancies Filled by Countback (if applicable)

Where permitted under legislation, the CEO must request the Electoral Commissioner to conduct a countback of the votes from the previous election. The candidate declared elected through the countback process will be offered the position.

6.2 Supplementary Election

If a countback is not applicable or not conducted, a supplementary election must be held as soon as practicable.

A supplementary election is required where an office was not filled at a general election or where a casual vacancy arises during a term (subject to legislative exclusions).

A supplementary election is not required where the vacancy occurs within 12 months before the next periodic election or general election.

However, if multiple vacancies arise outside this 12-month period, Council must ensure compliance with legislative requirements regarding the filling of those vacancies.

6.3 Appointment following failed election

In circumstances where a supplementary election wholly or partly fails or is declared void, the Council must appoint a person who is eligible to be a candidate for election to fill the vacancy, in accordance with legislative requirements.

7 VACANCY IN THE OFFICE OF MAYOR

Where a vacancy in the office of Mayor occurs within 12 months prior to the next periodic or general election, the Council may appoint one of its Elected Members to act in the office of Mayor until the election.

The appointed Elected Member may, but is not required to be, the Deputy Mayor.

8 ROLE OF THE CEO

The CEO is responsible for:

8.1 ensuring compliance with all legislative requirements,

8.2 initiating action to fill the vacancy as soon as practicable,

8.3 liaising with the Electoral Commissioner and relevant authorities,

8.4 managing all administrative and procedural aspects of the vacancy,

8.5 ensuring appropriate public notification and communication, and

8.6 maintaining accurate records of all actions taken.

9 POLICY REVIEW

This policy is to be reviewed every four (4) years, or earlier if legislation, operational requirements, or community circumstances change. The Council has the right to review this policy at any time, if considered desirable.

10 AVAILABILITY OF THE POLICY

This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website www.tumbybay.sa.gov.au. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

11 FURTHER INFORMATION

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Minutes reference	18c/72026
Next review date	Council Election 2030
Applicable Legislation	*Local Government Act 1999* *Local Government (Elections) Act 1999*
Related Policies	Code of Conduct for Council Members
Related Procedures	

AUTHORITY:

Adopted by Council:	18/11/2014	{Motion 7c/112014}
Reviewed by Council:	10/11/2015	{Motion 7c/112015}
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Adopted by Council:	14/07/2026	{Motion 18c/72026}

SIGNED: 

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Responsible Officer

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