



Supplementary Elections Policy

Supplementary Elections Policy	
Type	Governance
GDS Category	Governance - Public
Responsible Directorate	Corporate – Manager Governance
Policy Adopted	15 May 2023
Review Period	Every 4 years, within twelve (12) months of a periodic election
Last Reviewed	November 2021
Next Review Date	Prior to November 2027
Policy Version Number	4
Applicable Legislation	<ul style="list-style-type: none"> • Local Government (Elections) Act 1999, section 6 • Local Government (Elections) Regulations 2010
Related Documents	Nil
Public Consultation Required	To meet the requirements of section 6(2)(b) of the Elections Act which provides that a supplementary election need not be held in specified circumstance, where Council has a policy to that effect.



1 Introduction

The Local Government (Elections) Act (Elections Act) provides that if a casual vacancy occurs on Council, a supplementary election will be held to fill the casual vacancy or vacancies (section 6(1)), unless the vacancy occurs within 12 months of an election. Section 6(2)(b) of the Elections Act provides that a supplementary election need not be held in specified circumstance, where Council has a policy to that effect.

2 Policy Statement

Section 6(2)(b) of the Elections Act provides that Council may decide to carry a vacancy or vacancies where the circumstances meet the criteria for exemption from having to hold a supplementary election.

The criteria under section 6(2)(b) are:

- The vacancy is for an office other than the mayor
- The area of the Council is not divided into wards
- The Council has 9 or more Councillor offices (excluding the office of mayor)
- There is no more than 1 other Councillor vacancy
- The Council has a policy, at the time that the vacancy occurs, not to fill the vacancy or vacancies.

Subject to Part 3 of this Policy, Whyalla City Council determines not to fill a casual vacancy or vacancies until the next general election, where the circumstances of the vacancy or vacancies meet each of these criteria.

3 Vacancies occurring within 12 months of a periodic election or designated supplementary election

Section 6(2)(c) enables Council to fill a casual vacancy in specified circumstances without the need to hold a supplementary election. The specified circumstances are that:

- The vacancy is for an ordinary elected Councillor (ie not the Mayor or a Councillor elected in accordance with section 25(1) of the Elections Act)
- The vacancy occurs within 12 months of the conclusion of a periodic election (which is 21 November 2022 for the most recent election)
- For a designated supplementary election, after the close of nominations and before the conclusion of that election

In these circumstances, a vacancy will be filled in accordance with section 6A of the Elections Act through a 'count back' of candidates for the periodic election who are still willing to be elected to office