



Policy Name	Filling Casual Vacancies	
Publication Date:	24/02/2021	
Council Decision (Reference):	SFC11/2021	
Classification:	Governance Policy	
Categorisation:	Governance	
Review Frequency:	3 years	
Review Date:	24/01/2024	
Responsible Officer:	Executive Manager, Office of the CEO	
Version (Revision Number):	1.0	

## 1. PURPOSE

This policy outlines how casual vacancies for the position of an ordinary member and an appointed Mayor and Deputy Mayor, may be filled.

## 2. SCOPE

This policy applies to all casual vacancies for Elected Members with Council.

## 3. DEFINITIONS

In the context of this policy the following definitions apply:

**Casual vacancy** means a vacancy in the office of a member of Council.

**Ordinary member** means an Elected Member of Council who is not the Mayor or Deputy Mayor.

## 4. POLICY STATEMENT

### 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 6 months, before the next general election.	Council will appoint a person to fill the vacancy until the next general election (in accordance with the clause on filling the office of an ordinary member – see below).	54(2)a



6 months or less, but not less than 3 months, before the next general election.

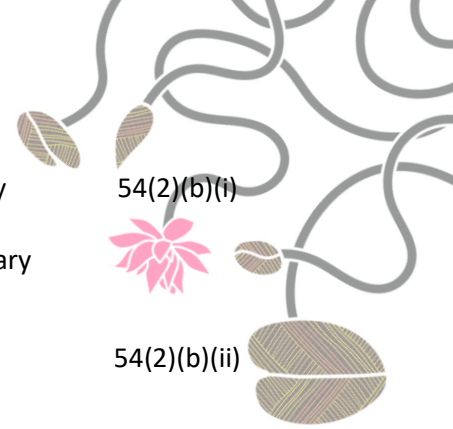
Council will appoint a person to fill the vacancy until the next general election (in accordance with the clause on filling the office of an ordinary member – see below).

54(2)(b)(i)

3 months or less before the next general election.

Council will leave the office of the ordinary member vacant.

54(2)(b)(ii)



### Filling 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 an advertisement in a local newspaper, on the council website, and on council noticeboards in the community.

The advertisement will:

- Invite applications from electors who are:
  - Eligible under section 46 of the Act; and
  - Enrolled in the relevant ward; and
- 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.

The closing date for applications will be four (4) weeks (20 business days) from the date the advertisement is published in the local newspaper and on the council 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 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:

- The person's level of community involvement;
- The person's suitability for the role; and
- Any other relevant matters.

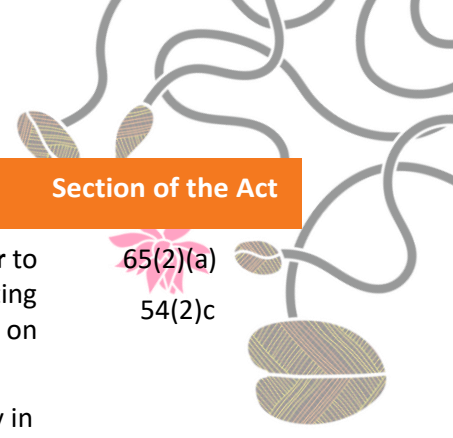
Council will decide the appointment by resolution, to take effect seven (7) days after the date of the resolution.

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.

### Casual Vacancies – Mayor and Deputy Mayor

As appointment is the basis for filling the office of the Mayor and Deputy Mayor, Council will fill casual vacancies in the office of the Mayor and/or Deputy Mayor as follows:





Date Vacancy Occurs	Action	Section of the Act
18 months or more before the next general election.	<p>Council will appoint <b>an existing Council Member</b> to be the Mayor/Deputy Mayor, by vote of existing members (in accordance with the clause below on Appointing a Mayor or Deputy Mayor).</p> <p>Council will hold a by-election to fill the vacancy in the office of an ordinary member.</p>	65(2)(a) 54(2)c
Less than 18 months, but not less than 6 months, before the next general election.	<p>Council will appoint <b>an existing Council Member</b> to be the Mayor/Deputy Mayor, by vote of existing members (in accordance with the clause below on Appointing a Mayor or Deputy Mayor).</p> <p>Council will appoint <b>a person</b> to fill the vacancy in the office an ordinary member until the next general election (in accordance with the clause above on filling the office of an ordinary member.)</p>	65(2)(a) 54(2)a
6 months or less, but not less than 3 months, before the next general election.	<p>Council will appoint <b>an existing Council Member</b> to be the Mayor/Deputy Mayor, by vote of existing members (in accordance with the clause below on Appointing a Mayor or Deputy Mayor).</p> <p>Council will appoint <b>a person</b> to fill the vacancy in the office an ordinary member until the next general election (in accordance with the clause above on filling the office of an ordinary member.)</p>	65(2)(a) 54(2)(b)(i)
3 months or less before the next general election.	<p>Council will appoint <b>an existing Council Member</b> to be the Mayor/Deputy Mayor, by vote of existing members (in accordance with the clause below on Appointing a Mayor or Deputy Mayor).</p> <p>Council will leave the office of the ordinary member vacant.</p>	65(2)(b)(i) 54(2)(b)(ii)

**Appointing a Mayor or Deputy Mayor**

The matter of appointing a person to fill a casual vacancy in the office of the Mayor or Deputy 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 appoint an existing Council Member to fill the vacancy in the office of the Mayor or Deputy Mayor until the next general election; and
- For the appointment to commence immediately.

The vacancy in the office of the ordinary member will be filled in accordance with the clause above on filling the office of an ordinary member.



## 5. Responsibilities

The Chief Executive Officer is the Policy Custodian for this policy and is responsible for reviewing the operation of the policy (every 3 years or more frequently as may be required), and for monitoring continuing relevance, effectiveness, and consistency with related documents and the Law.

Following approval of this policy document, the Chief People and Capability Officer (or a nominated delegate) is also responsible for ensuring that the implementation and communication plan is implemented and that all Council employees have access to the policy.

## 6. Related Documents

### Legislation and References

Local Government Act 2019 (NT)

### Policy documents

Responsibilities, Induction and Support (Elected, Local Authority and Council Committee Members) Policy

### Procedures

Nil

### Instructions, tools, guidelines, forms and templates

Nil

