

<b>Policy Number:</b>	<b>3.7</b>
<b>Policy Name:</b>	<b>Supplementary Election</b>
<b>Classification:</b>	<b>Public – Council Policy</b>
<b>Adopted:</b>	<b>28 July 2015</b>
<b>Frequency of Review:</b>	<b>Six months prior to each general election of Council.</b>
<b>Last Review:</b>	<b>July 2015</b>
<b>Next Review Due:</b>	<b>May 2018</b>
<b>Responsible Officer(s):</b>	<b>Chief Executive Officer</b>
<b>Policy and Code of Practice Manual File Ref:</b>	<b>CC10/2601</b>
<b>Council File Reference:</b>	<b>CR15/22311</b>
<b>Legislation Authority:</b>	<b>Local Government (Elections) Act 1999 Local Government Act 1999</b>
<b>Related Policies and Codes:</b>	<b>N/A</b>
<b>Related Procedures:</b>	<b>N/A</b>

**1. INTRODUCTION**

This Policy is to establish the Town of Gawler’s (the “Council’s) position in dealing with a Casual Vacancy in the office of a Member of Council (not being the Mayor) as set out in Section 6(2)(b) of the Local Government (Elections) Act 1999 (“the Act”).

**2. OBJECTIVES**

The objective of Council’s Supplementary Election Policy is to ensure the efficient allocation of Council resources in the event of a vacancy occurring.

### 3. POLICY

3.1 Pursuant to the provisions of the Act, a supplementary election **will not** be held to fill a casual vacancy until the next general election if

3.1.1 the casual vacancy occurs:

3.1.1.1 on or after 1 January of a year in which a periodic election is due to be held and before the date on which nominations for that election are invited under the Act; or

3.1.1.2 within 7 months before polling day for a general election (other than a periodic election) (the date of that polling day being known at the time of the occurrence of the vacancy); or

3.1.2 the vacancy is for an office of a Member of the Council other than Mayor; and

3.1.2.1 the area of the Council is not divided into wards; and

3.1.2.2 there is no other vacancy in the office of a Member of the Council (disregarding the office of Mayor).

3.2 If a casual vacancy has not been filled due to the operation of *sub-clause 3.1.2*; and another casual vacancy occurs in the office of a Member of Council (other than Mayor); and the other casual vacancy has not occurred:

3.2.1 on or after 1 January of a year in which a periodic election is due to be held and before the date on which nominations for that election are invited under the Act; or

3.2.2 within 7 months before polling day for a general election (other than a periodic election) the date of that polling day being known at the time of the occurrence of the vacancy.

then a supplementary election **must be** held to fill the vacant offices.

3.3 If a casual vacancy has occurred, and a supplementary election is not to be held by virtue of the operation of 3.1.2 above, any subsequent revocation or alteration of a policy of the Council in force for the purposes of Part 2, Section 6(2)(b) of the Act cannot have effect so as to require the casual vacancy to be filled before the next general election.

3.4 In the event of a supplementary election being required under the Act, this will be held as soon as possible after the occasion for the supplementary election arises.

#### 4. REVIEW AND EVALUATION

The effectiveness of this Policy will be reviewed six months prior to each general election of Council.

The Chief Executive Officer will report to Council on the outcome of the evaluation and if relevant make recommendations for amendments, alteration or substitution of a new Policy.

The Policy will not be altered or substituted so as to affect a process already commenced.

#### 5. FURTHER INFORMATION

Further information about this Policy can be obtained by:-

Telephone: 8522 9211  
Fax: 8522 9212  
Email: [council@gawler.sa.gov.au](mailto:council@gawler.sa.gov.au)  
Appointment: Town Hall, 89 – 91 Murray Street, Gawler  
Letter: PO Box 130, Gawler SA 5118

#### 6. AVAILABILITY OF POLICY

The Policy is available for inspection during ordinary business hours at the Council principal office, Gawler Town Hall or Library Council Offices, 89 – 91 Murray Street, Gawler or is available on the Council website at [www.gawler.sa.gov.au](http://www.gawler.sa.gov.au).

A copy of this Policy will be provided to interested parties upon request, for a fee as contained in the Register of Fees and Charges.