

	<h2 style="text-align: center;"><b><i>Supplementary Elections Policy</i></b></h2>
<b>Policy Classification</b>	Council Policy
<b>First Issued:</b>	September 2010
<b>Next Date of Review:</b>	June 2026
<b>Version Number:</b>	8
<b>Applicable Legislation:</b>	<i>Local Government Act 1999</i> <i>Local Government (Elections) Act 1999</i>
<b>Related Policies or Documents:</b>	Caretaker Policy
<b>Associated Forms:</b>	NA
<b>Responsible Manager:</b>	Chief Executive Officer
<b>Approved by Council:</b>	11 October 2022
<b>Minutes Reference:</b>	C409:2022

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## Supplementary Elections Policy

### 1. Preamble

- 1.1. The Council is empowered to adopt this Supplementary Elections Policy (**Policy**) by operation of section 6(2)(b)(iv) of the *Local Government (Elections) Act 1999* (the **Act**)
- 1.2. The objective of this Policy is to ensure the efficient allocation of Council resources in the event of a casual vacancy occurring.

### 2. Purpose

- 2.1. The purpose of this Policy is to set out the principles and procedures that the Council will follow in the calling of a supplementary election as per section 6 of the Act.

### 3. Definitions

- 3.1. **Casual Vacancy** means that the office of a Councillor becomes vacant in accordance with the circumstances at section 54 of the *Local Government Act 1999*.
- 3.2. **General Election** means a general election of members of the Council, under section 56 or pursuant to a proclamation or notice under the *Local Government Act 1999*.
- 3.3. **Periodic Election** means an election to determine the total membership of the Council, pursuant to section 5 of the Act at intervals of 4 years.

### 4. Policy Statement

- 4.1. It is the policy position of the Kangaroo Island Council that, subject to the operation of other relevant provisions of the Act, a casual vacancy for the position of Councillor will **not** be filled by a supplementary election until the next periodic elections if there is no other vacancy in the office of a Councillor :

Noting that

- (i) the casual vacancy is for an office other than that of the Mayor; and
- (ii) the area of the Council is not divided into wards; and
- (iii) the Council has 9 elected offices (excluding the office of the Mayor)

**Therefore, if;**

- a. a vacancy has not been filled due to the operation of clause 4.1 of this Policy and another vacancy occurs in the office of a member; and
- b. the other vacancy is not within 12 months before polling day for:
  - i. a periodic election; or
  - ii. a general election, if the date of that polling day is known at the time of the occurrence of the vacancy,

a supplementary election will be held to fill both of the vacant offices.

- 4.2. The provisions of the Act prevail in the event of any inconsistency with this Policy. Relevantly, therefore, a supplementary election will not be held to fill a casual vacancy, by operation of the Act, where
- (a) the vacancy occurs within 12 months before polling day for a periodic election or for a general election where the polling day is known at the time the vacancy occurs, or
  - (b) the vacancy is
    - (i) for an office of a Councillor, other than that of a Councillor declared elected under section 25(1) of the Act; and
    - (ii) it occurs—
      - (A) within 12 months after the conclusion of a periodic election or a designated supplementary election; or
      - (B) after the close of nominations for a designated supplementary election and before the conclusion of that election,
- (and can be filled in accordance with section 6A of the Act).
- 4.3. If a casual vacancy has occurred and a supplementary election is not to be held by virtue of the operation of clause 4.1 of this Policy, any subsequent revocation or alteration of this Policy, as in operation for the purposes of section 6 (2) (b) of the Act, will not have effect to require the casual vacancy to be filled before the next periodic election.
- 4.4. In the event of a casual vacancy (or vacancies) arising, where a supplementary election is or elections are required, this will occur as soon as possible after the occasion for the election(s) arises (subject to the provisions of the Act.).

## Availability of the Policy

The public may inspect this Policy, without charge, at the offices of the Council during office hours, and may obtain a copy for a fee fixed by the Council. The Policy is also available on the Council's website [www.kangarooisland.sa.gov.au](http://www.kangarooisland.sa.gov.au)



SIGNED:

Chief Executive Officer  
Date: 11 October 2022

<b>History:</b>		
Date Adopted:	Version No:	Reason for Amendment:
September 2010	Version 1	Adopted by Council. Minute No 13.6
14 November 2012	Version 2	Policy Reviewed & Adopted by Council Minute No 10.5
12 June 2013	Version 3	Desk review.
09 June 2014	Version 4	Policy reviewed prior to commencement of Caretaker Period
14 July 2015	Version 5	Periodic review and update new Council logo, Minute No. C243
12 June 2018	Version 6	Policy reviewed prior to commencement of 2018 Caretaker Period. Minute Ref C181:2018
10 May 2022	Version 7	New Policy Template, updated to reflect wording in Local Government (Elections) Act
11 October 2022	Version 8	Legislation inclusion of amendments to section 6 of the <i>Local Government (Elections) Act 1999</i> .