



Name	GOV14 Filling Casual Vacancies on Council
Policy Type	Council
Responsible Officer	Chief Executive Officer
Approval Date	21/04/2021
Review Date	21/04/2025

1. Purpose

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

2. Scope

This policy applies to the positions of elected ordinary members and the Mayor.

3. Definitions

For the purposes of this Policy, the following definitions apply:

Council Member	A councillor elected to the Litchfield Council
Mayor	The Mayor elected to the Litchfield Council
Person	An individual not being a member of the Litchfield Council
Casual Vacancy	A position on the Elected Council which is created by the resignation via written notice or disqualification of an existing elected member in accordance with the Local Government Act
The Act	Local Government Act of the Northern Territory, 2019

4. Policy Statement

Council will fill vacancies in the office of an ordinary member as follows:

4.1. Casual Vacancies – Council Member

Date vacancy occurs	Action	Local Government Act 2019 Section
18 months or more before the next 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 clause 4.2 of this policy).	54 (2) (a)
6 months or less before the next general election.	Council will leave the office of the ordinary member vacant.	54 (2) (b) (i)

4.2. Filling the office of a council member by appointment

4.2.1 As soon as practicable after the casual vacancy occurs in the office of a council member the Chief Executive Officer (CEO) will advertise the vacancy for appointment by publishing in a local newspaper, on the Council website and on Council noticeboards in the community.

4.2.2 The advertisement will:

(a) Invite applications from electors who are:

- (i) Eligible under section 46 of the Act; and
- (ii) Enrolled in the relevant ward; and

(b) 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 public; and

(c) Advise that the written statement or video submission of the applicant may be made public by the Council.

4.2.3 The closing date for the applications will be 28 days from the date the advertisement is published in the local newspaper and on the Council website.

4.2.4 As soon as possible after the closing date, the CEO will provide copies of all applicants' statements to all Council members. At the next Ordinary Council Meeting or Special Council Meeting, following the closing date, the matter is to be included as an agenda item for Council's consideration.

- 4.2.5 When appointing a person to be a Council member, Council will give due consideration to:
- (a) The person’s level of community involvement;
 - (b) The person’s suitability for the role; and
 - (c) Any other relevant matters.
- 4.2.6 Council will decide the appointment by resolution, with official commencement to the office of Council member to take place 7 days after the date of the resolution.
- 4.2.7 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, but no longer than four weeks after appointment.

4.3. Casual vacancies – Mayor

- 4.3.1 As election is the basis for filling the office of the Mayor, Council will fill a vacancy in the office of the Mayor as follows:

Date vacancy occurs	Action	<i>Local Government Act 2019 Section</i>
18 months or more before the next general election.	Council will hold a by-election to fill the vacancy in the office of the Mayor.	65(3)(a)
Less than 18 months, but not less than 6 months, before the next general election.	Council will appoint an existing council member to be the Mayor by vote of existing members (in accordance with clause 4.4 of this policy).	65(3)(b)(i)
	Council will appoint a person to fill the vacancy in the office of a council member until the next general election (in accordance with clause 4.2 of this policy).	54(2)(a)

6 months or less, but not less than 3 months, before the next general election.	Council will appoint an existing Council member to be the Mayor by vote of existing members (in accordance with clause 4.4 of this policy).	65(3)(b)(i)
	Council will leave the office of the Council member vacant.	54(2)(b)(i)
3 months or less before the next general election.	Council will appoint an existing council member to be the Mayor by vote of existing members (in accordance with clause 4.4 of this policy).	65(3)(c)(i)
	Council will leave the office of the Council member vacant.	54(2)(b)(ii)

4.4. Appointing a Mayor

4.4.1 The matter of appointing a person to fill a casual vacancy in the office of the Mayor is to be on the agenda at the next Ordinary Council meeting or Special Council meeting after the vacancy occurs. At the ordinary or special council meeting, Council will, by vote of existing council members, resolve to:

- (a) appoint an existing council member to fill the vacancy in the office of the Mayor until the next general election; and
- (b) for the appointment to commence immediately.

4.4.2 The vacancy in the office of the Council member will be filled in accordance with clause 4.2 of this policy.

4.5 Appointing a Deputy Mayor

4.5.1 In the event the Deputy Mayor role is vacated, the appointment of the Deputy Mayor will occur in accordance with Council policy EM01 Elected Members before any by-election, where practical. The appointment of the Deputy Mayor if the position is vacated need not wait until the by-election is completed.

5. Associated Documents

EM01 Elected Members

6. References and Legislation

Northern Territory Local Government Act, 2019

7. Review History

Date Reviewed	Description of changes
24/04/2021	New Policy as required by the Act