

# Filling casual vacancies policy

## Policy No. 1055.100.E.R

### 1 Purpose

The purpose of this policy is to outline how casual vacancies for the position of the Lord Mayor and Elected Members may be filled.

### 2 Scope

This policy applies to elected and appointed members of the Council.

### 3 Policy statement

#### 3.1 Casual vacancies - Lord Mayor

As election is the basis for filling the office of the Lord Mayor, Council will fill casual vacancies in the office of the Lord Mayor as follows:

Date vacancy occurs	Action	Section of the <i>Local Government Act 2019 (NT) (the Act)</i>
18 months or more before the next general election.	Council must hold a by-election to fill the vacancy in the office of the Lord Mayor.	65(3)(a)
Less than 18 months, but not less than 6 months, before the next general election.	Council will resolve to either: <ul style="list-style-type: none"> <li>appoint an existing Councillor to be the Lord Mayor, by vote of existing members, or</li> <li>hold a by-election to fill the vacancy of Lord Mayor.</li> </ul>	65(3)(b)(i)
	If Council resolves to appoint an existing Councillor to fill the vacancy in the office of the Lord Mayor, the Council will appoint a	65(3)(b)(ii)
		54(2)(a)

Date vacancy occurs	Action	Section of the <i>Local Government Act 2019 (NT) (the Act)</i>
	person to fill the vacancy of Councillor until the next general election in accordance with section 3.4 of this policy.	
6 months or less, but not less than 3 months, before the next general election.	Council will appoint an existing Councillor to be the Lord Mayor, by vote of existing members.	65(3)(b)(i)
	Council will resolve to either: <ul style="list-style-type: none"> <li>• appoint a person to fill the vacancy in the office of Councillor until the next general election in accordance with section 3.4 of this policy, or</li> <li>• leave the office of Councillor vacant.</li> </ul>	54(2)(b)(i) 54(2)(b)(ii)
3 months or less before the next general election.	Council will appoint an existing Councillor to be the Lord Mayor, by vote of existing members.	65(3)(c)(i)
	Council will leave the office of Councillor vacant.	54(2)(b)(ii)

### 3.2 Appointing a Lord Mayor

The matter of filling the casual vacancy in the office of the Lord Mayor will be on the agenda at the next ordinary Council meeting after the vacancy occurs, where Council will, by vote of existing Council members, resolve to:

- appoint an existing Councillor to fill the vacancy in the office of the Lord Mayor until the next general election; and
- for the appointment to commence immediately.

The Deputy Lord Mayor will act in the role of Lord Mayor until a vote can take place.

The vacancy in the office of an Elected Member will be filled in accordance with section 3.4 of this policy.

### 3.3 Casual vacancies – Elected Member

Council will fill casual vacancies in the office of an Elected Member as follows:

Date vacancy occurs	Action	Section of the <i>Local Government Act 2019 (NT)</i>
18 months or more before the next general election.	Council must 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 resolve to either: <ul style="list-style-type: none"> <li>• appoint a person to fill the vacancy in the office of a Councillor until the next general election in accordance with section 3.4 of this policy, or</li> <li>• hold a by-election to fill the vacancy.</li> </ul>	54(2)(a)
6 months or less, but not less than 3 months, before the next general election.	Council will resolve to either: <ul style="list-style-type: none"> <li>• appoint a person to fill the vacancy in the office of a Councillor until the next general election in accordance with section 3.4 of this policy, or</li> <li>• leave the office of Councillor vacant.</li> </ul>	54(2)(b)(i) 54(2)(b)(ii)
3 months or less before the next general election.	Council will leave the office of Councillor vacant.	54(2)(b)(ii)

### 3.4 Filling the office of an Elected Member

If Council resolves to appoint a person to fill a vacancy, the CEO will, as soon as practicable, advertise the vacancy for appointment by publishing in a local newspaper, on the City of Darwin website, and on Council noticeboards in the community.

The advertisement will:

- invite applications from electors who are eligible under section 46 of the Act
- invite applicants to provide either a written statement (one page) or video submission (three minutes) that outlines why the person wants to be an Elected Member and the qualities they would contribute to the Council
- 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 14 days from the date the advertisement is published in the local newspaper and on the City of Darwin website.

As soon as practicable after the closing date, the Chief Executive Officer 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 an Ordinary Member, Council will give due consideration to:

- the person's level of community involvement
- the person's suitability for the role
- any other relevant matters.

Council will decide the appointment by resolution, with official commencement to the office of Ordinary Member to take place seven days after the date of the resolution.

The Chief Executive Officer 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.

## 4 Definitions

Next general election means the fixed date (Election Day) where votes are taken.

## 5 Legislative references

*Electoral Act 2004*

*Local Government Act 2019 (NT)*

*Local Government (Electoral) Regulations 2021 (NT)*

## 6 Procedures / related documents

Nil

## 7 Responsibility / application

The Chief Executive Officer is accountable for the overall establishment and periodic review of this policy.

This policy will be reviewed every four years, or as required.