GOV04: Filling Casual Vacancies

Type	Council Policy	**Version**	2
Approval Date	01/09/2026	**Resolution**	14.1
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Background

If a seat on the Council becomes vacant less than 18 months before the next election, the Council may choose to appoint a member, hold a by-election or, in some circumstances, leave the vacancy unfilled. This policy establishes how the Council will manage casual vacancies.

Legislative References

- Section 54 *Local Government Act 2019*
- Section 65 *Local Government Act 2019*

Scope

This policy applies to elected members.

Definitions

Casual vacancy means a vacancy in the office of a member of a council. A vacancy would occur if a member:

(a) dies; or
(b) is disqualified from office as a member of the council under section 47 of the *Local Government Act 2019*; or
(c) resigns by written notice given to the CEO.

The **Principal Member** of council means the member appointed or elected to be the principal member under section 60 or 61 of the Act.

Policy

Casual Vacancy – Not President

If a casual vacancy occurs within six months of the next general election, the Council shall **not** coopt a person, provided the casual vacancy has not reduced membership of Council below four members.

If a casual vacancy occurs more than six months and less than eighteen months until the next general election, the Council will co-opt a person to fill the vacancy until the next general election.

To co-opt a person the Council with either:

(a) Seek expressions of interest from eligible persons by advertising on the Council website, social media page and in hardcopy format on the council and supermarket notice boards; or
(b) Consider eligible people nominated by the Council.

Selection Process

Council shall consider the list of persons, plus any further names that may be added by Council and select the person to fill the vacancy. In selecting a person Council shall give consideration to:

i) The eligibility for membership as per Section 46 of the Act;
ii) The length of residence in the community
iii) Demonstrated interest in community affairs.

Council may at its discretion ask potential persons to make a short presentation to Council as part of the selection process.

The council will elect a person by a majority vote. In the case of a tied vote the President will exercise a casting vote. The council *may* conduct the vote by secret ballot, as defined by section 9 of the Act.

Acceptance by the Nominated Person

The CEO will invite the nominated person to accept the role of Councillor. The person will become a Councillor on the written acceptance of the preferred nominee within 72 hours. If a person declines or does not accept the invitation in writing within 72hrs of the offer then the invitation lapses. The council may at any time during the process resolve by a vote to conduct a by-Election.

Casual Vacancy – President

If a casual vacancy occurs in the office a principal member (that is President) section 65 of the Act applies. The Act requires that, if the vacancy occurs more than 3 months before a general election, the Council appoints another President through a vote of existing members.

If the vacancy occurs within 3 months of a general election, the council:

(i) may, by vote of existing members, appoint a member to fill the vacancy; or
(ii) may leave the office vacant.

The appointment of the new Principal Member will occur prior to the casual vacancy.

Revision History

Policy Version	Approval Date	Resolution	Doc Ref
1	24/08/2020	8.2.8.20	NA
2	30/05/2023	8.2.8.20	NA
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