

# Filling Casual Vacancies Policy v2

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## 1. Legislation

Section 54(3) of the Northern Territory's *Local Government Act 2019* (LG Act) requires Council to maintain a policy for filling casual vacancies in *the Council*.

Council manages filling casual vacancies in adherence to the below sections of the LG Act:

- The requirements for filling a casual Ordinary Member vacancy (s54).
- The resignation of a Principal Member (s63(1&2)).
- The requirements for filling a casual Principal Member vacancy (s65(2)).

## 2. Definitions

**Council** means the MacDonnell Regional Council's administration.

**The Council** means the Councillors, President and Deputy President.

**CEO** means the Chief Executive Officer.

**Member** is any person sitting on *the Council*.

**Ordinary Member** is a person sitting on *the Council* other than the Principal Members, or an acting Principal Member.

**Principal Member** is the President and Deputy President, or an acting President and Deputy Member.

**By-election** is an election held to fill a vacancy arising during *the Council's* term of office.

**Casual Vacancy** means a vacancy in the office of a member due to death, disqualification or resignation.

## 3. Statement

This policy provides the principles to:

- Ensure that casual vacancies are appropriately filled in a timely manner to support the continuity of governance.
- Provide guidance on how casual vacancies are filled depending on the proximity to a general election.

## 4. Policy

### 4.1 Principles

#### 4.1.1 Continuity of Governance

Ensure vacancies are filled promptly to maintain effective decision-making and governance stability.

#### 4.1.2 Ensuring Legal Compliance

Promote transparency in Council business to ensure members operate in a way that aligns with legislation and regulation.

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## 4.2 Ordinary Member Decision Framework

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

Date Vacancy Occurs	Action	Section of LG Act
18 months or more before the next general election.	<b>BY-ELECTION</b> – <i>The Council</i> must hold a by-election (refer 4.3).	54(2)(a)
Less than 18 months, but not less than 6 months, before the next general election	<b>APPOINTMENT</b> – <i>The Council</i> will appoint a person to fill the vacancy until the next general election (refer 4.4).	54(2)(b)
6 months or less before the next general	<b>LEAVE VACANT</b> – <i>The Council</i> will leave the office vacant.	54(2)(c)

## 4.3 Ordinary Member By-Election Process

As soon as practicable after a casual vacancy occurring in the office of an Ordinary Member, 18 months or more before the next general election, the CEO must coordinate a Council ward by-election in conjunction with the Northern Territory Electoral Commission.

## 4.4 Ordinary Member Appointment Process

**4.4.1** As soon as practicable after a casual vacancy occurring in the office of an Ordinary Member, less than 18 months but not less than 6 months before the next general election. The CEO will follow this process:

1. Advertise the vacancy by publishing on Council's website and Council's noticeboards in the ward communities.
2. Invite applications from electors eligible under Section 46 of the *Local Government Act 2019* and enrolled in the relevant ward.
3. Invite applicants to submit either a written statement (maximum one page) or a video submission (maximum three minutes) explaining their interest and suitability.
4. Set the closing date for applications as 28 days from the date the advertisement is published.
5. Advise that applicant statements or videos may be made public.
6. Provide copies of all applicant statements to all Ordinary Members as soon as practicable after the closing date and include the matter on the agenda of the next Ordinary Council Meeting.
7. Council will decide the appointment by resolution, to take effect 7 days after the date of the resolution.
8. The CEO will advise the successful applicant and ensure an induction is undertaken as soon as practicable.

**4.4.2** When appointing a person to be an Ordinary Member, *the 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.

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## 4.5 Ordinary Member Continuation of Vacancy Process

When a vacancy occurs 6 months or less before the next general election *the Council* has determined that the office will be left vacant.

## 4.6 Principal Member Decision Framework

4.6.1 The Principal Members of *the Council* are appointed and not elected – refer s60(1) of the LG Act.

4.6.2 Upon receiving a resignation from a Principal Member that **does not include resigning from their office** as an Ordinary Member, *the Council* will fill casual vacancies in each or either office of the President or Deputy President by appointment.

Date vacancy occurs	Action	Section of LG Act
At any time during the term of <i>the Council</i>	<i>The Council</i> must, by vote of existing Ordinary Members, appoint a member to fill the Principal Member vacancy.	65(2)(a&b)

4.6.3 However, where the vacancy occurs because the Principal Member resigns as the President or Deputy President **and** as an Ordinary Member, or due to death or disqualification of the Principal Member their secondary role as an Ordinary Member will be filled in accordance with the process as described at **4.2 Ordinary Member Decision Framework**.

## 4.7 Principal Member Appointment Process

4.7.1 The matter of appointing a person to fill a casual vacancy in the office of President or Deputy President is to be on the agenda at the next ordinary Council meeting after the vacancy occurs.

4.7.2 By closed vote, resolve the appointment of an existing Ordinary Member to fill the vacancy in the office of President or Deputy President until the next general election.

4.7.3 All appointments commence immediately.

## 5. Breaches and Consequences

Action or behaviour that does not comply with any element of this policy can be found to have breached the Code of Conduct. Such action or behaviour must be referred to as 'suspected misconduct' until a decision is made that the action or behaviour amounts to a breach of the Code of Conduct.

## 6. Authority

*The Council*, 20 March 2026

## 7. Owner

Office of the CEO, Governance and Strategy

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## 8. Review Date

20 March 2029

## 9. Related Documents

Nil