

REPORT

Report No. /16ccs

**TO: CORPORATE AND COMMUNITY SERVICES COMMITTEE MEETING –
17 OCTOBER 2016**

SUBJECT: POTENTIAL COUNCILLOR BY-ELECTION

AUTHOR: DIRECTOR CORPORATE AND COMMUNITY SERVICES – SKYE PRICE

EXECUTIVE SUMMARY

Councillor Chansey Paech resigned from Council effective August 9, 2016. Councillor Paech's resignation has resulted in an Elected Member vacancy.

The Local Government Act prescribes that a periodic general election is to be held on the 4th Saturday of August 2017 (i.e. August 26, 2017).

The Elected Member vacancy has occurred less than eighteen (18) months in advance of the scheduled general election. As such, Council has the discretion to determine whether the vacancy should remain until the general election; whether to hold a by-election, or whether a person should be co-opted to fill the Elected Member vacancy.

RECOMMENDATION

That it be a recommendation to Council:

That Council does not appoint a person to a casual Elected Member vacancy and that an Elected Member vacancy remains until the scheduled August 26, 2017 general election.

REPORT**1. BACKGROUND**

The Local Government Act (2015) stipulates in section 39(5)(a) *if a casual vacancy occurs within 18 months or less before the next general election, the council may (in accordance with its policy) co-opt a person to fill the vacancy until the next general election.*

2. DISCUSSION

There is a short lead time to conduct a by-election. The *Local Government Act* section 86(4) states that a by-election date must fall within four (4) months of the Electoral Commissioner being notified of the casual vacancy. Councillor Paech's resignation was communicated to the Commissioner August 3, 2016 so a by-election must be held by December 3, 2016.

If Council chooses to endorse a motion to hold a by-election, it would occur October 31, 2016 at the Ordinary meeting. A minimum of twenty-five (25) days notice to conduct a by-election must be provided. Therefore, a by-election would need to be held between November 25 and December 3, 2016.

3. POLICY IMPACTS

This matter is relevant to Goal 6 of the Alice Springs Town Council Strategic Plan 2013 – 2016: *An organisation that provides good governance, effective leadership and high quality services.*

Council does not have a policy pertaining to by-elections. However, Council still has the discretion to hold a by-election.

4. FINANCIAL IMPACTS

The October 2015 by-election cost \$69,551.76. The November 2013 by-election cost was \$95,783.

5. SOCIAL IMPACTS

Voter fatigue is a potential concern. A Local Government by-election occurred in October 2015 and the Commonwealth Government election occurred in August 2016.

6. ENVIRONMENTAL IMPACTS

Nil

7. PUBLIC RELATIONS

According to the *Local Government Act (2015)* a by-election is not mandatory. As such, there could be a broader community perception that a by-election is an unnecessary use of rate payer funds, particularly when Council is legitimately able to fulfil legislative requirements, undertake decision making and conduct good governance, until the August 2017 general election.

8. ATTACHMENTS

Nil



Skye Price
DIRECTOR CORPORATE AND COMMUNITY SERVICES