

ITEM 12

COUNCILLOR VACANCY - APPLICATION TO MINISTER TO DISPENSE WITH BY-ELECTION

Council was recently saddened by the sudden passing of Councillor Vicky King on 25 February 2020. This report has been prepared to consider Council's actions relating to the vacancy left.

Section 294 of the Local Government Act 1993 states if a casual vacancy occurs in the office of a councillor within 18 months before the date specified for the next ordinary election of the councillors for the area, Council may apply to dispense with the requirement to hold a by-election to fill the vacancy.

RECOMMENDATION

Application be made to the Minister for Local Government for an Order that the current vacancy in the office of councillor not be filled.

REPORT AUTHORISATIONS

Report of: Todd Hopwood, Manager Governance and Customer Service

Authorised by: Brian Jenkins, Director Corporate Services - Connected + Engaged City (Acting)

ATTACHMENTS

There are no attachments for this report.

BACKGROUND

Council was recently saddened by the sudden passing of Councillor Vicky King on 25 February 2020. This has resulted in a casual vacancy in the office of Councillor. Section 294 of the Local Government Act 1993 allows the Minister for Local Government to dispense with the need to hold a by-election in circumstances where a casual vacancy occurs in the 18 months prior to the next ordinary election.

294 Dispensing with by-elections

- (1) *This section applies if a casual vacancy occurs in the office of a councillor, including a mayor elected by the electors of an area, within 18 months before the date specified for the next ordinary election of the councillors for the area.*
- (2) *If such a casual vacancy occurs in the office of a councillor (but not the office of a mayor elected by the electors), the Minister may, on the application of the council--*
 - (a) *order that the vacancy not be filled, or*
 - (b) *order the holding on a stated day of a by-election to fill the vacancy and revoke any earlier order made under paragraph (a).*

PROPOSAL

The next ordinary election for Councillors will be held on Saturday 12 September 2020, being less than six months away. If a by-election was held to fill this vacancy a new Councillor may not be elected until June 2020. This would result in the Councillor only representing the community for a period of three months [being reduced to two months taking into account the four week caretaker period required prior to the elections].

It is expected if a by-election was held the cost to the ratepayers of Wollongong would be approximately \$300,000. Given the circumstances, particularly the proximity to the next Local Government elections, it is recommended that Council make application to the Minister to dispense with the need to hold a by-election to fill the casual vacancy.

CONCLUSION

It is considered appropriate to make application to the Minister for Local Government to dispense with the need to hold a by-election to fill the casual vacancy in the office of Councillor.