

COUNCIL REPORT

1st Ordinary Council Meeting

Agenda Item:	13.1.3
Report Title:	Casual Vacancy - April 2025
Meeting Date:	Tuesday 6 May 2025
Author:	Executive Manager Organisational Performance, Penny Hart
Approver:	General Manager Finance and Governance, Wati Kerta

Community plan

Governance: Council is trusted by the community and invests in things that the public value.

Purpose

This Report seeks Council direction regarding two casual vacancies in the office of Elected Member on the City of Palmerston Council.

Key messages

- A casual vacancy refers to when an Elected Member vacates their position during a Council term.
- Councillor Danielle Eveleigh and Councillor Amber Garden have submitted resignations, which results in two casual vacancies on the City of Palmerston Council.
- The *Local Government Act 2019* (NT) (the Act) and Council's Elected Member Casual Vacancies Policy provide guidelines for managing casual vacancies when they arise.
- In accordance with the policy, this report provides Council with the options for filling the vacancies.
- In addition, Councillor Eveleigh and Councillor Garden were members of several Council committees, this report seeks to fill the positions by an Elected Member.

Recommendation

1. THAT Report entitled Casual Vacancy - April 2025 be received and noted.
2. THAT Council acknowledge Councillor Danielle Eveleigh and Councillor Amber Garden for their service and strong commitment to the Palmerston community.
3. THAT Council resolves to appoint people to fill the two casual vacancies until the next General Election.

OR

3. THAT Council resolves not to fill the two casual vacancies created by the resignations of Councillor Eveleigh and Councillor Garden due to the short time period until the 2025 Local Government General Elections.
4. THAT Council make the following appointments until the Declaration of the Poll following the Local Government Election in 2025, to the now vacant positions below:
 - a. Councillor _____ is appointed as Committee Member to the CEO Performance Appraisal Committee.
 - b. Councillor _____ is appointed as Committee Member to the Community Safety Advisory Committee.
 - c. Councillor _____ is appointed as Chair to the Community Wellbeing Advisory Committee.
 - d. Councillor _____ is appointed as Committee Member to the Risk Management & Audit Committee.
 - e. Councillor _____ is appointed as Chair to the Palmerston Animal Management Network.

Background

A casual vacancy refers to when an Elected Member vacates their position during a Council term. Pursuant to section 50 of the Act a person ceases to hold office as a member of a council if the person:

- a) dies
- b) is disqualified from office as a member of the council under section 47 of the Act
- c) resigns by written notice given to the CEO.

Councillor Eveleigh notified the CEO in writing of her effective resignation date of 12 April 2025.

Councillor Garden notified the CEO in writing of her effective resignation date of 1 May 2025.

Council's Elected Member Casual Vacancies Policy outlines how casual vacancies for the position of Elected Member may be filled when they become vacant. Depending on the position of the Elected Member, whether they are an Ordinary Member or a Principal Member, and the length of time until the next general election will determine whether a by-election is required to fill the vacancy.

In addition, both Councillor Eveleigh and Councillor Garden represented Council on several committees, their resignation has resulted in vacancies on the committee, this report seeks nominations for the relevant committees.

Discussion

Council has two casual vacancies as the result of the resignations of Councillor Eveleigh and Councillor Garden. Section 54 of the Act provides time frames for the filling of casual vacancies of an Ordinary Member, determined by the length of time until the next general election.

Council's Elected Member Casual Vacancies Policy, which is based on the Act, provides:


DATE VACANCY OCCURS	ACTION
18 months or more before the next general election:	Council will hold a by-election to fill the vacancy of an ordinary member.
Less than 18 months, but not less than 6 months, before the next general election:	Council may, by vote of existing members, appoint a person to fill the vacancy until the next general election.
6 months or less before the next general election:	Council may, by vote of existing members: <ol style="list-style-type: none">1) Appoint a person to fill the vacancy until the next general election; or2) May leave the office vacant.

As the next General Election is scheduled for 23 August 2025, both resignations fall within the 6 months or less period for consideration. Therefore, Council may resolve to appoint persons to fill the vacancies or leave the offices vacant.

Advertising process

Should Council resolve to appoint members of the Palmerston community to fill the two vacancies, a public advertising process must take place. The timeframe for that process would likely be:

DATE	ACTION/EVENT
6 May	Council resolves to appoint to fill vacancies
7 May	Two-week advertising period opens
21 May	Advertising period closes
3 June	Next Ordinary Council Meeting where submissions can be considered. Council resolves to appoint two Elected Members.
4 June	CEO notifies successful applicants of their appointment to Council
10 June	New Elected Members commence in office Induction following commencement



New Elected Members would commence on 10 June at the earliest, meaning they will only hold office for approximately 10 weeks until the election day.

The induction of the 10th Council members took place across four dedicated workshops. With only a week between commencement and their first Council Meeting, it will require a time commitment from the new Elected Members to provide them with the knowledge required to participate in their first meeting.

Caretaker period

The caretaker period for the 2025 Local Government General Election begins on 31 July 2025. While Council will continue to meet until just prior to election day on 23 August 2025, Council's Caretaker Policy sets out how Council members and staff are to conduct their activities and includes not making major decisions during caretaker period. Major decisions are those decisions that have a significant impact on council operations and activities, or are otherwise political sensitive, and a reasonable person would not consider the decision to be part of the normal council operations.

Council Meetings will continue until 19 August, but the following are prohibited from being included in the agendas as decisions cannot be made by Council:

- A decision relating to the employment or remuneration of the CEO, other than to appoint an acting or temporary CEO or suspend or terminate the CEO for serious or wilful misconduct.
- A decision to enter into a contract, arrangement or understanding other than a contract for roadworks, road maintenance or drainage works, employment of staff, or in the case of an emergency or disaster as defined by the Northern Territory Government.
- A decision allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates for election). Council resources may be used to help with running the general election or to encourage voter participation.
- Entering into a new or substantially changed funding agreement, unless there is a real risk the eligibility for funding will be lost.
- Committing council funds outside the adopted budget.
- Amending Council policies.
- Amending Council's delegations.

As per the table below, if new Elected Members were appointed, they would attend three normal Ordinary Council Meetings prior to caretaker period:

DATE	ACTION/EVENT
17 June	2nd Ordinary Council Meeting. First meeting for new Elected Members.
1 July	1st Ordinary Council Meeting
15 July	2nd Ordinary Council Meeting
31 July	Caretaker period commences
5 August	1st Ordinary Council Meeting
19 August	Last Ordinary Council Meeting of 10th Council
23 August	General Election voting day

Committee appointments

Councillor Eveleigh and Councillor Garden were members of several Council committees and networks. To ensure those committees can retain quorum and operate until the caretaker period begins for the 2025 Local Government General Election on 31 July 2025, it is recommended that Council fill the positions.

The positions vacant are:

- CEO Performance Appraisal Committee – 1x Member
- Community Safety Advisory Committee – 1x Member
- Community Wellbeing Advisory Committee - Chair
- Risk Management & Audit Committee – 1x Member
- Animal Management Network – Chair

Dates for upcoming meetings of these committees / network are as follows:

COMMITTEE / NETWORK	MEETING DATE
CEO Performance Appraisal Committee	5 June 2025
Community Safety Advisory Committee	13 May 2025
Community Wellbeing Advisory Committee	10 June 2025
Risk Management & Audit Committee	27 May 2025 29 July 2025
Animal Management Network	Nil planned at this time.

Consultation and marketing

The Northern Territory Electoral Commissioner must be notified when a local government council member resigns. The Chief Executive Officer made the required notifications for Councillor Eveleigh and Councillor Garden to ensure compliance with the Act.

Policy implications

The Elected Member Casual Vacancies policy ensures the process undertaken by Council to fill a casual vacancy complies with the requirements of the *Local Government Act 2019* (NT).

Council's Caretaker Policy sets out how Council members and staff are to conduct their activities during caretaker period.

Budget and resource implications

Should Council resolve to fill the two vacancies by appointment, staff resources will be required to support Council in undertaking the process for advertising and appointing community members to the positions. The Elected Member Casual Vacancies Policy outlines that the Chief Executive Officer (CEO) will advertise by:

1. publishing the vacancy in a local newspaper, on the Council website and on Council noticeboards in the community,
2. inviting applicants to provide either a one-page written statement and optional resume, or a three-minute video submission that outlines why the person wants to be an Elected Member,
3. advising that any application received may be made public by the Council, and
4. closing submissions 14 days from the date of advertisement.

As soon as practicable after the closing date, the CEO will provide copies of all applicant submissions to all Elected Members. At the next Ordinary Council Meeting following the closing date, the CEO will include the matter as an agenda item for Council's consideration.

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

Risk, legal and legislative implications

Casual vacancies must be addressed in accordance with Subdivision 2 of the Act.

This Report addresses the following City of Palmerston Strategic Risks:

- 6. Governance**
Failure to effectively govern.

Strategies, framework and plans implications

There are no strategy, framework or plan implications for this Report.

Council officer conflict of interest declaration

We the author and approving officer declare that we do not have a conflict of interest in relation to this matter.



Attachments

Nil