



DETERMINATION

Local Government By-elections from 1 April 2024

Local Government Act 2020, section 259(1)

Determination 003/2023

Keywords

By-election, candidate, Council, Councillor, countback, election, extraordinary vacancy, general election

Preamble

The *Electoral Act 2002* (Vic) (Electoral Act) establishes the Victorian Electoral Commission (VEC) and requires it to administer Local Government elections, including by-elections to fill an extraordinary vacancy. It is not required to fill an extraordinary vacancy that occurs in the 3 months before a local government general election.

The Electoral Act requires the VEC to:

- produce voters' rolls for elections for Local Government Councils and the Melbourne City Council (sections 8(2)(c) and 8(2)(ca) of the Electoral Act)
- conduct all elections and polls for Local Government Councils and the Melbourne City Council (section 8(2)(cb) of the Electoral Act).

The *Local Government Act 2020* (Local Government Act) allows VEC to determine when an extraordinary vacancy is not to be filled, if there is insufficient time to conduct a by-election or countback before the period of 3 months before a general election.

This Determination provides that the VEC will not conduct by-elections to fill extraordinary vacancies that arise during the period from 1 April 2024 until 3 months before (26 July 2024) the 2024 Local Government general elections.

The practical effect of this Determination is that no by-elections will be held to fill extraordinary vacancies that arise from 1 April 2024 until after the 2024 Local Government general elections.

An extraordinary vacancy that arises before 1 April 2024 can be filled by a by-election. The VEC will complete these by-elections by 30 June 2024.

This Determination is relevant to Councils where an extraordinary vacancy arises during the relevant period, or Councillors who may decide to resign during the relevant period.

Audience

The principal audience for this Determination is Councils and Councillors.

Determination

I, Sven Bluemmel, Electoral Commissioner for the State of Victoria, by delegation of the Victorian Electoral Commission pursuant to section 16(1)(b) of the Electoral Act, make the following determination in accordance with section 259(1) of the Local Government Act.

1. Authorising provision

- 1.1. Section 259(1) of the Local Government Act provides that an extraordinary vacancy is not to be filled if the VEC determines there is insufficient time to conduct a by-election to fill the extraordinary vacancy before the period of 3 months before a general election.
- 1.2. General elections of Councillors for all Councils, except the Moira Shire Council, will be held on 26 October 2024.

2. Relevant period

- 2.1. This Determination applies from 1 April 2024 until 26 July 2024, 3 months before the election day of the 2024 local Government general elections (relevant period).

3. Extraordinary vacancies not to be filled by a by-election during the relevant period

- 3.1. Due to insufficient time to prepare and conduct by-elections after March 2024, the VEC will not conduct local government by-elections to fill extraordinary vacancies that arise during the relevant period.
- 3.2. Extraordinary vacancies that arise before the relevant period can be filled by by-elections. Unless otherwise determined by the VEC, these by-elections will be completed by 30 June 2024.

Revocation of previous instrument

Not applicable.

Commencement of this Determination

This Determination commences on 1 April 2024 and remains in effect until 26 July 2024, or until such time it is amended, revoked, superseded or otherwise replaced.

Sven Bluemmel
Electoral Commissioner
Victorian Electoral Commission

1 December 2023

Document details

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