**CASUAL VACANCY**

INDUSTRIAL RELATIONS ACT 2016 - SECTIONS 595, 621, 736

ORGANISATION’S RULES

CHECKLIST FOR CONDUCT OF ELECTIONS

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| **Definitions -** | **Act section** |
| “Casual vacancy” means a vacancy in an office because of the death, removal or resignation from office of the office holder. | 595 |
| “Term of an office” means the period for which the person last elected to the office by an ordinary election, other than by an ordinary election to fill a casual vacancy, may hold the office without being re-elected. | 621(4) |

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| **Filling casual vacancies -** | **Act section** | √ or X or  n/a |
| If the organisation’s last election result shows that the position was not filled as a result of that election, due to no nomination etc, it cannot be filled as a casual vacancy. | 595 |  |
| The rules *may* provide for filling a casual vacancy in an office.  Do the rules provide for a casual vacancy? | 621(1) |  |
| If the rules do have a casual vacancy rule, the rules **must** not allow the filling of a casual vacancy other than by ordinary election, if the unexpired part of the term of the office is longer than the greater of –   1. 1 year, or 2. ¾ of the term of office | 621(2) |  |

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| **Organisation must file -** | **Act section** |
| A copy of its officers register (Form 66) within 30 days after a person becomes or ceases to be an officer of the organisation. | 736 |

**NOTE:**

* If rules don’t provide for filling a casual vacancy, then the organisation’s election rules apply. See the checklist for conduct of elections.
* If rules provide for filling a casual vacancy, but the unexpired part of the term is in excess of the time frames in s 621(2), then the organisation must have an election to fill the vacant office.
* If the organisations rules provide for filling a casual vacancy only by election, use checklist for conduct of elections.
* Check the date the elected officer vacated the office. The provisions for the time periods in s 621(2) are based on the date the office became vacant, not from the date a person filled a vacancy.