

South Australia

# Local Government (Elections) (Periodic Elections) Amendment Act 2026

An Act to amend the *Local Government (Elections) Act 1999* and to make related amendments to the *Local Government Act 1999*.

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**The Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Local Government (Elections) (Periodic Elections) Amendment Act 2026*.

## 2—Commencement

This Act comes into operation on the day on which it is assented to by, or on behalf of, the Crown.

## Part 2—Amendment of *Local Government (Elections) Act 1999*

### 3—Substitution of section 5

Section 5—delete the section and substitute:

#### 5—Periodic elections

- (1) The next elections to determine the membership of each council must be held in accordance with this Act on the basis that voting at the elections will close at 5 pm on the third to last business day before the second Saturday of April in 2027.
- (2) Elections to determine the membership of each council must then be held in accordance with this Act on the basis that voting at the elections will close at 5 pm on the third to last business day before the second Saturday of November in 2031, and then such elections will be held at intervals of 4 years on the basis that voting at the subsequent elections will close at 5 pm on the third to last business day before the second Saturday of November in 2035, at 5 pm on the third to last business day before the second Saturday of November in 2039, and so on.

## Schedule 1—Related amendments and transitional provisions

### Part 1—Amendment of *Local Government Act 1999*

#### 1—Amendment of section 303—Regulations

- (1) Section 303(8a)—delete "enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015* or the *Statutes Amendment (Local Government Review) Act 2021*" and substitute:

amendment of this Act by another Act

- (2) Section 303(8b)—delete "this subsection" and substitute:

the amendment

### Part 2—Transitional provisions

#### 2—Interpretation

In this Part—

*cancelled 2026 periodic elections* and *2027 periodic elections*—see clause 3(1);  
*principal Act* means the *Local Government (Elections) Act 1999*.

### 3—2026 periodic elections cancelled

- (1) The periodic elections that would, but for this Act, have been held in 2026 (the *cancelled 2026 periodic elections*) under section 5 of the principal Act (as in force immediately before the commencement of this clause) will not be held in 2026 and instead periodic elections will be held in 2027 (the *2027 periodic elections*) in accordance with section 5(1) of the principal Act (as in force after the commencement of this clause).
- (2) Subject to this clause, anything done for the purposes of the cancelled 2026 periodic elections will be taken to be void and of no effect.
- (3) Despite subclause (2), the expiry of the voters roll on 1 January 2026 has effect for the purposes of the 2027 periodic elections and—
  - (a) any person, body corporate or group enrolled on the voters roll pursuant to an application after 1 January 2026 remains on the roll for the purposes of those periodic elections; and
  - (b) the voters roll does not expire on 1 January 2027 (despite section 15(5a) of the principal Act).
- (4) If the election period (within the meaning of section 91A(8) of the principal Act) has commenced for a council under its caretaker policy before the commencement of this clause, the election period will be taken to conclude on that commencement.

### 4—Performance of certain functions during caretaker period for 2027 periodic elections

Despite a caretaker policy of a council under section 91A of the principal Act, nothing prevents a council from adopting its annual business plan and budget or declaring rates relating to the 2027/28 financial year during the election period within the meaning of section 91A(8).

### 5—References

- (1) Unless the contrary intention appears, a reference in an Act or legislative instrument to the cancelled 2026 periodic elections will be taken to be a reference to the 2027 periodic elections.
- (2) For the purposes of the 2027 periodic elections, the reference in section 4(2)(a) of the *Local Government Act 1999* to the second Saturday of November will be taken to be a reference to the second Saturday of April.

### 6—Supplementary elections

Nothing requires a supplementary election to be held in relation to a casual vacancy that occurred or occurs in the office of a member of a council during the period commencing on the third to last business day before the second Saturday of November in 2025 and ending on the day falling 12 months before polling day for the 2027 periodic elections.

## **7—Terms of office**

A member of a council holding office immediately before the commencement of this clause continues, subject to the provisions of the principal Act, the *Local Government Act 1999* or the *City of Adelaide Act 1998* (as the case requires), to hold office until the conclusion of the 2027 periodic elections for the relevant office.

## **8—Allowances**

- (1) The Remuneration Tribunal may review the allowances to be payable to members of councils under section 24 of the *City of Adelaide Act 1998* and section 76 of the *Local Government Act 1999* to take into account the fact that periodic elections are to be held in 2027 rather than in 2026 (including so as to adjust any allowance payable to reflect changes in the Consumer Price Index).
- (2) Such allowances are payable until the conclusion of the 2027 periodic elections.

## **9—Appointments**

The appointment of a member of a council to fill an office of a council (including the office of a mayor under section 54(8) of the *Local Government Act 1999*) is not affected by the holding of periodic elections in 2027 instead of 2026 in accordance with this Act.

## **10—Transitional regulations**

Regulations of a savings or transitional nature made under section 93(2a) of the principal Act, section 38(3) of the *City of Adelaide Act 1998* or section 303(8a) of the *Local Government Act 1999* in connection with this Act may be inconsistent with a provision of this Schedule.