

ELECTION CARETAKER PROVISIONS GENERAL POLICY

Intent

To guide the conduct of Councillors and Council Officers during the lead up to local government elections based on the democratic principle that outgoing elected bodies should not use public resources for election campaigning, nor make decisions which may be unreasonable, inappropriate or unnecessarily bind an incoming Council.

Scope

To provide information regarding decision making during a caretaker period with respect to:

- Appropriate decision making;
- Equity and transparency between existing Councillors and election candidates regarding access to Council resources;
- Effective day to day management of Council activities; and
- Diversion of Council resources for electoral purposes.

This policy will commence at the time determined by legislation and continue until the conclusion of the election. The policy is applicable to all elected representatives and staff during the caretaker period.

Reference

Legislation

Local Government Act 2009

Sustainable Planning Act 2009

Provisions

During the caretaker period Councillors and Council Officers will assume a “caretaker mode”, avoiding actions and decision which could be perceived as influencing voters or having a significant impact on the incoming Council.

Definition

The term “caretaker period” is defined in the *Local Government Act 2009*.

Part 5 Section 90A of the *Local Government Act 2009* states that

- (1) The caretaker period for a local government is the period during an election for the local government that—
 - (a) starts on the day when public notice of the holding of the election is given under the Local Government Electoral Act, section 25(1); and
 - (b) ends at the conclusion of the election.
- (2) There is no caretaker period during a by-election or fresh election.

Major Policy Decisions

The areas of Council’s operations that will be impacted during the caretaker period by the caretaker provisions are on major policy decisions;

As stated in the Local Government Act

- (1) A local government must not make a major policy decision during a caretaker period for the local government.

(2) However, if the local government considers that, having regard to exceptional circumstances that apply, it is necessary to make the major policy decision in the public interest, the local government may apply to the Minister for approval to make the decision.

(3) The Minister may give the approval if the Minister is satisfied that, having regard to exceptional circumstances that apply, it is necessary for the local government to make the major policy decision in the public interest.

(4) The Minister's approval may be given on conditions with which the local government must comply.

Use of Council Resources

The use of Council resources by all Councillors will continue during the caretaker period for official duties and responsibilities in accordance with the Councillor Remuneration General Policy, Expenses Reimbursement Policy for Elected Representatives and provision of facilities and support for Elected Representatives. The use of Council resources and equipment (laptops, printers, photocopiers or stationary) for the production of election material is strictly prohibited.

Major Events / Community Interaction

Should the circumstances warrant a civic / major event activity then the official duties and formalities will be undertaken by the Chief Executive Officer with the exception of Citizenship Ceremonies, which will still be officiated by the Mayor.

Media

Media releases will be limited to operational issues rather than policy and/or major projects. Council will not make comment on individual election campaigns except if harmful inaccurate comments are made by a candidate. In these circumstances, the Chief Executive Officer reserves the right to correct the inaccuracy.

Council staff will not provide media advice to Councillors who have nominated as candidates regarding public comment on the elections. These matters will be referred to the Chief Executive Officer for comment and action whenever possible.

Publications

Section 90D of the *Local Government Act 2009* states that a local government must not, during the caretaker period for an election for the local government, publish or distribute election matter.

Electoral material means any material which is calculated (i.e. intended or likely) to affect the result in an election or influence an elector about voting in an election.

Requests for Information and Related Planning Decisions

To increase transparency during the caretaker period any information request from a Councillor or a candidate must be made by email and a copy provided to the Chief Executive Officer for monitoring and review as required.

During the caretaker period all planning matters which qualify to be handled under existing delegated authority shall be dealt with at officer level and only those planning matters that do not qualify under delegated authority provision matters are to be determined at a Council meeting.

Councillor Training and Development

During the caretaker period Council will not fund or conduct any training or professional development activities for Councillors unless these activities had already commenced prior to the caretaker period..

Contact with Staff

The Chief Executive Officer is committed to ensuring Councillors are provided with appropriate support to continue to fulfil their official duties and responsibilities during the caretaker period. During the caretaker period Councillors may still contact officers in accordance with Council's Councillor Staff Interaction Protocol General Policy and the provisions of the *Local Government Act 2009*. Any approach to an officer from a candidate for information shall also be referred to their General Manager in the first instance. Prior to the caretaker period commencing, the Chief Executive Officer will ensure that all staff are advised of the application of this Policy and ensure that:

- Council staff will not undertake any activity that may affect voting in the election;
- Council staff will not authorise, use or allocate a Council resource for any purpose which may influence voting in the election; and
- Council staff will not assist Councillors or a candidate in a way that is or could create a perception that they are being used for electoral purposes
- Should any member of staff wish to provide support or assistance to a Councillor or a candidate in their own time as a private citizen including on the day of the election they must in no way be seen to be acting as a representative of Council and in these actions they are acting as a private citizen.

Grievances

Council confirms that all candidates for the Council election will be treated equally. Any complaints or grievances in relation to this Policy should be referred to the Chief Executive Officer.

Related Policies

This Policy forms part of, and is to be read in conjunction with, the following General Policies:

- Councillors Code of Conduct
- Staff Councillors Interaction Protocol
- General Complaints Management Policy
- Information Privacy Policy
- Management of Confidential Information

This policy is to remain in force until otherwise determined by Council.

Manager Responsible for Review:

Manager Governance

ORIGINALLY ADOPTED: 16/06/2015

CURRENT ADOPTION:

DUE FOR REVISION: 16/06/2019