

# Local Government Election Caretaker Policy

## **PURPOSE**

To enable the Council to maintain its operations at required service levels and establish clear guidelines for the conduct of the Mayor, Deputy Mayor, Councillors and employees during a Local Government election process.

## **SCOPE**

The Policy applies to the Mayor, Deputy Mayor, Councillors and Council employees during the Caretaker Period.

## **POLICY**

### Section 1: Functions Not To Be Exercised

During the Caretaker Period the Council, Chief Executive Officer or any other delegate must not exercise the following functions:

- 1.1 Appoint, dismiss or renew the contract of the Chief Executive Officer. An Acting General Manager may be appointed in accordance with Section 61B of the Local Government Act, if required;
- 1.2 Enter into any contract or undertaking involving an expenditure or receipt of the Council of an amount to or greater than \$1,223,960, being 1% of the Council's revenue (including Capital Grants) as proposed in the forward estimates for the financial year in which the election is to be held. However, capital and/or operational projects or works as approved by Council as part of the annual budget process and subsequently approved by the awarding of a tender, can proceed during the Caretaker Period, regardless of their scale.
- 1.3 Initiate an application to make, amend or repeal a local planning instrument under the Land Use Planning and Approvals Act 1993 (i.e. a planning scheme, a temporary local planning instrument or a planning scheme policy);
- 1.4 Make a new By-Law;
- 1.5 Approve or renew any Council policies, and approve or review any plans and reports pursuant to *Division 2 - Plans and report* of the *Local Government Act 1993* (Tas).

If, in the view of the Chief Executive Officer, it is in the best interests of the community to deal with a matter that requires the exercise of the above functions during the election period (for instance to achieve a significant financial saving or resolve a time-sensitive matter), the Chief Executive Officer's report to the Council will detail the financial and other consequences of postponing the matter until after the elections.

### Section 2: Normal Business of the Council to Continue

During the Caretaker Period the normal business of Council must be continued and therefore, the Council, Chief Executive Officer or any other delegate will continue to exercise the following functions:

- 2.1 Council meetings, including any Special Council meetings, shall continue to be held and will consider Agenda items that relate to the ordinary business of Council other than those matters in Section 1 of this Policy;
- 2.2 Development Applications will be determined by the Council acting as a Planning Authority in accordance with the provisions of the *Land Use Planning and Approvals Act 1993 (LUPAA)*. The Council is required to comply with the LUPAA statutory timeframes for determining development Applications. Therefore, this Policy cannot defer consideration of applications during the Caretaker period as it would be solely reliant on an applicant's willingness to grant extensions of time to determine applications, which cannot be relied upon;
- 2.3 The organisation will continue to provide support to the Mayor, Deputy Mayor and Councillors with respect to their normal day-to-day Council business. Out-of-pocket expenses paid by Councillors during the election for costs incurred in the performance of their duties, which do not relate to any election campaign, will be reimbursed as normal;
- 2.4 The Chief Executive Officer may still exercise all delegations provided by Council, including the appointment of employees;
- 2.5 The Mayor (or Acting Mayor) will still be the spokesperson for Council in accordance with Section 27 of the Local Government Act and shall carry out the civic and ceremonial functions of the mayoral office during the Caretaker Period. However, if the Mayor is a candidate, no electronic newsletters (or similar) are to be published with a Mayoral Column, and the Mayor is to refrain from participating in in any regular radio, television, social media interviews and/or articles;
- 2.6 Council media releases are to be limited in number and should only relate to Council services and activities;
- 2.7 In undertaking their duties employees should take all steps to avoid any real or perceived support for a candidate in order to protect the organisation's ability to impartially serve any incoming Council following an election.

### Section 3: Requirements for Mayor, Deputy Mayor and Councillors

During the Caretaker Period the following will apply to the Mayor, Deputy Mayor and Councillors:

- 3.1 Council resources, including offices, support staff, hospitality services, equipment, email address and stationery is to be used exclusively for normal Council business and cannot be used in connection with an election;
- 3.2 No electoral material relating to specific candidates is permitted to be displayed or distributed on any Council owned or managed property;
- 3.3 Operational requests are to be directed through the Customer Requests system;

- 3.4 The Mayor, Deputy Mayor and Councillors are not to use their position as an elected representative, or their access to employees or resources, to gain media attention in support of their, or any other candidate's election campaign;
- 3.5 The Mayor, Deputy Mayor and Councillors are not to use their membership of a Council Committee or appointment as a member of an external group to disseminate information or promote their, or any other candidate's election campaign;
- 3.6 Attendance at externally organised events will not be funded by the Council for any elected members who are candidates so as to avoid the potential (real or perceived) for Council funds to be utilised for election campaigning.

## **PRINCIPLES**

In addition to the Council's Organisational Values, the following principles underpin this policy:

- Appropriate elected member conduct (use of public resources).
- Fairness and equality - Provide all persons the opportunity to participate equally in local government elections
- Accountability, transparency and community acceptance
- No disadvantage - separation of Council role from that of a political campaign

## **RELATED POLICIES & PROCEDURES**

14-Plx-016 Aldermen's Expenses and Resources Policy

14-Plx-032 Code of Conduct for Councillors

14-Plx-001 Council meetings Policy

14-Plx-033 Code of Conduct for Members of Special Committees

26-Plx-009 Political Advertising on Council Facilities Policy

Code of Tendering

## **RELATED LEGISLATION**

*Local Government Act 1993*

*Tasmanian Electoral Act 2004*

*Land Use Planning and Approvals Act 1993*

## **REFERENCES**

N/A

## **DEFINITIONS**

**Candidate** means a person standing for election.

**Caretaker Period** means the period from the issuing of the notice of election through until the close of the polls of the relevant local government general election.

**Chief Executive Officer** is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the Local Government Act 1993 (Tas). For the avoidance of doubt, Chief Executive Officer means General Manager for the purposes of the *Local Government Act 1993* (Tas) and all other legislation administered by or concerning Council.

**Council** means the City of Launceston.

**Election Campaign** means the activities of candidates to win voter support in the period preceding an election and includes activities such as door knocking, bulk emails, production of signs and flyers, telephone canvassing, social media campaigns and advertising.

**Electoral Material** means any advertisement, handbill, pamphlet, notice, flyer, letter or article that is intended or calculated to affect the result of an election.

### ***REVIEW***

This policy will be reviewed no more than 3 years after the date of approval (version) or more frequently, if dictated by operational demands and with Council's approval.