33 Goldie Street
PO Box 348
SMITHTON TAS 7330
council@circularhead.tas.gov.au
(03) 6452 4800
www.circularhead.tas.gov.au

ELECTION CARETAKER PERIOD POLICY

1. SCOPE

1.1 This policy applies to elected members and employees of the Circular Head Council for duration of the caretaker period for a local government general election.

1.2 This policy does not apply to local government by-elections.

2. PURPOSE

The purpose of this policy is to ensure that:

2.1 Major policy decisions are not made by Council in the leadup to an election that would prove binding for an incoming Council.

2.2 Council resources are not used for the advantage of a candidate in a local government general election.

2.3 The requirement to act impartially in relation to all candidates standing for election is clearly understood.

3. POLICY STATEMENT

3.1 Council is committed to the application of good governance principles and high standards of integrity.

3.2 It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. Council commits to the principle that it will make every endeavour to avoid making major policy decisions that bind an incoming Council.

3.3 This policy establishes clear guidelines for the conduct of Councillors and staff in the lead up to a local government general election involving the Circular Head Council and ensures that the ordinary business of Council continues in a responsible, transparent and legally compliant manner in the period leading up to an election.

4. DEFINITIONS

In this policy:

"By-Election" is an election to replace a councillor after the councillor's office becomes vacant.

"Candidate" is a person standing for election.

"Council" means the Circular Head Council.

"Caretaker Period" is the period from the writ of election through until the close of the polls of the relevant local government general election.

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

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"Election Campaign" refers to 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.

"Local Government Act" means the Tasmanian *Local Government Act 1993.*

"Major Policy Decision" refers to the appointment, remuneration or termination of the General Manager, approval of contracts greater than 1% of Council's net revenue, adoption or renewal of policies, making, amending or repealing of planning schemes and establishment of By-Laws.

5. PROCEDURES

During the Caretaker Period the following provisions shall apply:

5.1 Tenure of General Manager – Council shall not appoint, dismiss or renew the contract of a General Manager during the Caretaker Period. An Acting General Manager may be appointed in accordance with Section 61B of the Local Government Act, if required.

5.2 Tenders and Contracts – no tender or contract shall be approved by Council for which the total sum exceeds 1% of the Council's revenue as proposed in the forward estimates for the financial year in which the election is to be held.

5.3 Planning Instruments – Council will not 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);

5.4 By-Laws – Council will not make a new By-Law during the Caretaker Period.

5.5 Policies – Council will not approve or renew any Council policies during the Caretaker Period.

5.6 Distribution of Electoral Material – no electoral material shall be permitted to be displayed or distributed on any Council owned or managed property.

5.7 Use of Council Equipment and Stationery – Council supplied equipment and Council branded material shall not be used by Councillors or staff in any manner that supports a candidate's election campaign. Councillors may continue to use Council equipment and branded material throughout the course of the Caretaker Period to carry out their regular functions as described in Section 28 of the Local Government Act.

5.8 Media - Councillors will not 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.

5.9 Council Committees and Groups – a Councillor shall not use their membership of a Council Advisory Committee or appointment as a member of an external group to disseminate information or promote their, or any other candidate's election campaign.

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6. GUIDELINES

6.1 Nothing in this policy prevents the Mayor, Councillors and staff from carrying on the business of the Council during the caretaker period.

6.2 Council meetings shall continue to be held during the Caretaker Period and will consider Agenda items that relate to the ordinary business of Council other than those matters identified in Section 5 of this policy.

6.3 The General Manager may still exercise all delegations provided by Council during the Caretaker Period, including the appointment of staff.

6.4 Capital 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.

6.5 The Mayor and Councillors will continue to accept invitations to attend community functions and may continue to correspond with constituents on matters related to Council business during the Caretaker Period.

6.6 The Mayor shall 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.

6.7 Individual Councillors may continue to represent the community and facilitate communication between Council and the community for the duration of the Caretaker Period. In fulfilling these duties during this period, Councillors may claim allowances and expenses as provided under Council Policy, *Councillor Allowances and Expenses Policy CP003.*

6.8 Council employees shall maintain the normal business activities of Council during the Caretaker Period. Employees shall undertake their duties in an appropriate way and 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.

7. LEGISLATION

7.1 The following legislation is relevant to this policy:

- *Local Government Act 1993*
- *Tasmanian Electoral Act 2004*
- *Land Use Planning and Approvals Act 1993*

8. RELATED DOCUMENTS

8.1 Councillors Code of Conduct 2019