



ELECTION CARETAKER PERIOD POLICY

POLICY TYPE	DOCUMENT CONTROLLER	RESPONSIBLE MANAGER	POLICY ADOPTED	REVIEW DUE
Council	Executive Coordinator	General Manager	25 September 2023	September 2025
PURPOSE	<p>The purpose of the Policy is to establish guidelines for the conduct of Councillors and employees in the lead-up to a local government election by ensuring that:</p> <ul style="list-style-type: none"> • Major policy decisions are not made by Council in the leadup to an election that would prove binding for an incoming Council. • Council resources are not used for the advantage of a candidate in a local government general election. • The requirement to act impartially in relation to all candidates standing for election is clearly understood. 			
SCOPE	<p>This Policy applies to elected members and employees of the Devonport City Council for the duration of the caretaker period for a local government general election.</p> <p>This Policy does not apply to local government by-elections.</p>			
DEFINITIONS	<p>For the purposes of this Policy, the following definitions apply:</p> <p>By-election - is an election to replace a councillor after the councillor's office becomes vacant.</p> <p>Candidate - is a person standing for election.</p> <p>Council - means the Devonport City Council.</p> <p>Caretaker period - is the period from the writ of election through until the close of the polls of the relevant local government general election.</p> <p>Electoral material - means any advertisement, pamphlet, notice, flyer, letter or article that is intended or calculated to affect the result of an election.</p> <p>Election campaigning - refers to the activities of candidates to win voter support in the period preceding an election and includes activities such as (but not limited to) door knocking, bulk emails, letter drops, production of signs and flyers, telephone canvassing, social media campaigns and advertising.</p>			
POLICY	<p>1. During the caretaker period the Council will as much as reasonably possible, avoid major policy decisions by observing the following provisions:</p> <p>1.1 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</p>			

appointed in accordance with section 61B of the *Local Government Act 1993 (the Act)*, if required.

- 1.2 Tenders and Contracts – no new tender or contract shall be approved by Council for which the total sum exceeds 1% of Council's annual revenue. This excludes projects or initiatives which have been previously approved or funded, such as projects adopted in the current year's capital expenditure program and the Annual Plan.
- 1.3 By-Laws – Council will not make, amend or repeal a new By-Law during the caretaker period.
- 1.4 Policies – Council will not approve or renew any Council policies during the caretaker period.

2. During the caretaker period, Council will observe the following provisions to prevent an actual or perceived advantage or disadvantage to a candidate, through the use of public resources:

- 2.1 Distribution of electoral material – no electoral material shall be permitted to be displayed or distributed on any Council owned or managed property as outlined in Council's Electoral Signage Policy, this includes the distribution of flyers on cars in Council car parks.
- 2.2 Use of Council resources:
 - 2.2.1 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.
 - 2.2.2 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 *Act*.
 - 2.2.3 Councillors should not make public statements or make commitments for the use of Council resources to undertake any service request. All requests for service and/or information should be directed through usual Council procedures using Council's customer request system.
- 2.3 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.
- 2.4 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.

2.5 Council meetings – Councillors will not submit Notices of Motion or Questions on Notice during the caretaker period

2.6 Employees – Employee interaction with all candidates, in a professional capacity, must remain impartial. Employees must not use their connection with Council to publicly support or promote potential candidates.

3. Guidelines

3.1 Nothing in this policy prevents the Mayor, Councillors and staff from continuing the ordinary business of the Council during the caretaker period.

3.2 Council meetings shall continue to be held during the caretaker period and Council will consider Agenda items that relate to the ordinary business of Council other than those matters identified in this policy.

3.3 The General Manager may still exercise all delegations provided by Council during the caretaker period, including the appointment of staff.

3.4 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.

3.5 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.

3.6 The Mayor shall be the spokesperson for Council in accordance with section 27 of the Act and shall carry out the civic and ceremonial functions of the mayoral office during the caretaker period.

3.7 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, Payment of Councillors' Expenses and Provision of Facilities Policy.

3.8 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.		
LEGISLATION AND RELATED DOCUMENTS	<i>Local Government Act 1993</i> <i>Tasmanian Electoral Act 2004</i> <i>Land Use Planning and Approvals Act 1993</i> Model Code of Conduct Policy (Councillors) Staff Code of Conduct Policy Electoral Signage Policy Payment of Councillor's Allowances, Expenses and Provision of Facilities Policy Governance Policy Good Governance Guide for Local Government in Tasmania		
ATTACHMENTS (IF APPLICABLE)	N/A		
STRATEGIC REFERENCE	5.3 Council looks to employ best practice governance, risk and financial management		
MINUTE REFERENCE	23/189		
OFFICE USE ONLY	Update Register	Y	Training/Communication Y
	Advise Document Controller	Y	Advise HR / MCO Y
	Management Sign Off:  Date: 25 September 2023		