

CARETAKER ELECTION PERIOD POLICY

1. SCOPE

- 1.1 The Policy applies to elected members and employees of Waratah-Wynyard Council for the duration of the caretaker period for a local government general election.

The policy covers:

- a. decisions made by the Council
- b. materials published by the local government
- c. attendance and participation in functions and events
- d. use of the local government's resources and
- e. access to local government information.

This Policy does not apply to local government by-elections.

2. PURPOSE

- 2.1 This Policy establishes clear guidelines for the conduct of Councillors and employees in the lead-up to a local government general election by ensuring that:

- a. Major policy decisions are not made by Council in the lead-up to an election that would prove binding for an incoming Council.
- b. Council resources are not used for the advantage of a candidate in a local government general election.
- c. The requirement to act impartially in relation to all candidates standing for election is clearly understood.

3. 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, including current elected Councillors.

"Council" means the Waratah-Wynyard Council.

"Caretaker Period" is the period from the writ of election until the close of the swearing-in of the new elected members.

"Electoral Material" means any material including but not limited to an advertisement, pamphlet, notice, flyer, letter or article that is intended or calculated to affect the result of an election.

"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*.

DOC NO: GOV.037	VERSION NO: 1	APPROVAL DATE: 18 July 2022	Page 1 of 4
CONTROLLER: General Manager	APPROVED BY: COUNCIL	REVIEW DATE: July 2026	

"Major Policy Decision" includes any decision by the Council:

- a. to spend unbudgeted monies;
- b. to conduct unplanned public consultation;
- c. to endorse a new policy;
- d. making, amending or repealing of planning schemes and establishment of By-Laws;
- e. to dispose of Council land;
- f. to approve community grants.

4. POLICY STATEMENT

It has been a long-established democratic principle that elected bodies should not use public resources for election campaigning, nor make decisions which may unreasonably, inappropriately or unnecessarily bind an incoming Council.

4.1 Continuation of Ordinary Business

This Policy does not prevent the Mayor, Councillors and Council employees from carrying on the ordinary business of the Council during the Caretaker Period.

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.

Council meetings will 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 this Policy as significant or major policy decisions.

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.

The General Manager will continue to exercise all delegations provided by Council during the Caretaker Period, including the appointment of employees.

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.

During the Caretaker Period, the following provisions shall apply:

4.2 Significant Appointments

A General Manager may not be appointed, reappointed or dismissed during a Caretaker Period.

In the case of an emergency, the Council may act to appoint an Acting General Manager in accordance with Section 61B of the Local Government Act or suspend the current General Manager (in accordance with the terms of their contract) pending the election, after which date a permanent decision can be made.

DOC NO: GOV.037	VERSION NO: 1	APPROVAL DATE: 18 July 2022	Page 2 of 4
CONTROLLER: General Manager	APPROVED BY: COUNCIL	REVIEW DATE: July 2026	

4.3 Significant Decisions

So far as is reasonably practicable, the General Manager will avoid scheduling significant decisions, including Major Policy Decisions, for consideration during the Caretaker Period and ensure that such decisions:

- a. are considered by the Council prior to the Election Period; or
- b. are scheduled for determination by the incoming Council.

This Policy only applies to actual decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period. Whilst announcements of earlier decisions may be made during a Caretaker Period, as far as practicable, any such announcements should be made before the Caretaker Period begins.

The General Manager may, where extraordinary circumstances prevail, permit a matter defined as a 'major policy decision' to be submitted to Council for consideration. The General Manager is to have regard to a number of circumstances, including but not limited to:

- a. Whether the decision is 'significant';
- b. The urgency of the issue (that is - can it wait until after the election);
- c. The possibility of legal and/or financial repercussions if it is deferred;
- d. Whether the decision is likely to be controversial; and
- e. The best interests of the Waratah Wynyard community.

4.4 Contracts, Tenders and Agreements

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. Council will not approve new or unbudgeted projects throughout the Caretaker Period.

Council may consider the award of tenders and contracts where a budget allocation has been approved before the commencement of the Caretaker Period. Budget variations that are of an immaterial nature may be approved.

4.5 Electoral Material

No electoral material shall be permitted to be displayed or distributed on any Council-owned or managed property.

Candidates and/or Councillors are permitted to publish material on their own behalf but cannot claim for that material to be originating from or authorised by Waratah Wynyard Council.

4.6 Use of Council Resources

Council-supplied equipment and stationery shall only be used for authorised purposes and are not permitted to be used for electoral purposes by employees or Councillors.

Councillors may continue to use Council equipment throughout the course of the Caretaker Period to carry out their regular functions as described in Section 28 of the Local Government Act.

DOC NO: GOV.037	VERSION NO: 1	APPROVAL DATE: 18 July 2022	Page 3 of 4
CONTROLLER: General Manager	APPROVED BY: COUNCIL	REVIEW DATE: July 2026	

CARETAKER ELECTION PERIOD POLICY

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 the usual Council procedures using Council's Customer Request System. An appropriate Council Officer will respond on behalf of Council.

4.7 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.

Employees' interactions with all candidates must remain neutral. Employees must not use their role with Council to publicly support or comment on potential candidates.

Communications and publications undertaken by Council throughout the Caretaker Period will not promote the achievement of individual candidates and will be limited to day to day business of Council.

4.8 Events Held by Council

Civic and ceremonial events will not be initiated by Council to be held in the Caretaker Period.

So far as is reasonably practicable, the General Manager will avoid scheduling significant openings.

Community Conversation events will not be held throughout the Caretaker Period.

Promotion of the scheduled annual Tulip Festival and Spring-Loaded Program will continue where the Caretaker Period occurs in Spring.

4.9 Council Committees and Working 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.

LEGISLATIVE REQUIREMENTS:

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

RELATED DOCUMENTS:

GOV.016 Councillors Code of Conduct
HR.013 Employee Code of Conduct

DOC NO: GOV.037	VERSION NO: 1	APPROVAL DATE: 18 July 2022	Page 4 of 4
CONTROLLER: General Manager	APPROVED BY: COUNCIL	REVIEW DATE: July 2026	