

Election Caretaker Period Policy

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1. Statement

Council is committed to transparent and accountable local government through compliance with both the law and reasonable community expectations during a local government election period. For the purposes of this Policy an election period is defined as per the *Local Government Electoral Act 2011* Schedule Dictionary:

‘Election Period’ – for an election, means the period—

- a) starting on the day when public notice of the holding of the election is given under section 25(1) of the *Local Government Electoral Act 2011*; and
- b) ending on the close of the poll for the election.

2. Purpose and Principles

This policy provides appropriate standards and restrictions for councillors and council officers during the election period for a local government quadrennial election, fresh election and a by-election:

- major policy decisions will not be made during the Election Period unless approved by the Minister during the caretaker period for a quadrennial election; and
- Council resources will not be used for any political or electoral purposes.

3. Strategic Plan Links

This policy relates to:

- Listening, Leading and Financial Management

4. Regulatory Authority

Local Government Act 2009

Local Government Electoral Act 2011

Local Government Regulation 2012

5. Scope

This policy applies to all councillors, council staff, contractors, and others that act on Council's behalf to provide information regarding decision making during an election period with respect to:

- appropriate decision making;
- equity and transparency between existing Councillors and new candidates regarding access to Council resources;
- effective day to day management of Council activities; and
- Council resources are not diverted for electoral purposes.

6. Major Policy Decisions

The areas of Council's operations that will be impacted during the election period are:

- major policy decisions;
- use of Council resources; and

- significant public events and consultation (including media announcements; public consultations and publications).

Schedule 4 of the *Local Government Act 2009* (the Act) defines “major policy decisions” as meaning:

- about the appointment of a chief executive officer of the local government; or
- about the remuneration of the chief executive officer of the local government; or
- to terminate the employment of the chief executive officer of the local government; or
- to enter into a contract the total value of which is more than the greater of the following:
 - \$200,000;
 - 1% of the local government’s net rate and utility charges as stated in the local government’s audited financial statements included in the local government’s most recently adopted annual report.

Section 90B of the Act allows for local governments to make application to the Minister for approval to make a major policy decision under exceptional circumstances. However, if Council has approved the budget expenditure prior to the commencement of the caretaker period for a quadrennial election and the decision is purely to award a contract or to implement the policy then Council will seek confirmation from the Department in each instance on a project basis that this is not prohibited under section 90B.

In addition to this core legal obligation, Council has determined that it will not consider any new major policies, significant changes to policy and or major new projects during the Election Period. In this context, when defining a major policy and/or project, the following will be taken into consideration:

- What is the impact of the policy/project on the financial sustainability of the Council?
- Will the project/policy materially divert Council resources?
- Does the project/policy have the likely potential to be controversial or generate significant public interest? and
- Would the project/policy generally require significant community engagement prior to initiating or finalising?

Note: Significant decisions required by legislation are exempt from this provision unless the legislation makes provision for Caretaker Periods. Section 90D also prohibits Council from publishing or distributing election material during the Caretaker Period.

7. Use of Council Resources

Care is to be taken to ensure that there can be no perception that Council resources are being used to assist candidates in their election campaign. Councillors may continue to use Council resources for routine activities in the fulfilment of their roles and responsibilities as a councillor and in accordance with Council’s Expenses Reimbursement Policy until their term of office ends.

Council owned resources, including vehicles shall not be used for election or campaigning purposes. Councillors are not permitted to fix or allow to remain affixed, to Council property any poster,

election sign, sticker, decal, magnetic or adhesive that promotes the Councillor or another person as a candidate or potential candidate in a Federal, State or Local Government election.

The use of Council resources and equipment (office space, laptops, printers, photocopiers or stationery) for the production of election material is strictly prohibited.

8. Councillor Administrative Support

Normal service delivery and business activities will be maintained throughout the Election Period and councillor support persons will continue to provide support for core Council activities, but not for election or politically related matters. The Media team will not assist individual councillors with their election campaign media activities.

In summary, the use of any Council staff or resources for election campaigns is strictly prohibited except as specifically provided in clause 14 of this policy regarding personal time.

9. Major Events and Community Engagement Activities

The following Council organised events and ceremonies will have the following variations and or restrictions during the election period:

- Citizenship ceremonies – formal citizenship ceremonies will continue and all public events will be advertised.
- Community awards and recognition and civic receptions – there will be no formal awards, recognitions or civic receptions during the election period.
- Community Reference Groups – there will be no meetings held during the Caretaker Period.

Should extenuating circumstances warrant a civic/major event activity, then the official duties and formalities will be undertaken by the Chief Executive Officer.

10. 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 that directly relates to Council operations. In these circumstances, the Chief Executive Officer reserves the right to correct the inaccuracy.

Council staff (including Marketing and Communications) will not provide media advice to Councillors who have nominated as candidates regarding public comment on the elections.

11. Publications

Section 90D of the *Local Government Act 2009* states that a local government must not, during a Caretaker Period for the local government, publish or distribute election material. Election material is anything able to, or intended to:

- influence an elector about voting at an election;
- affect the result of an election.

Any advertisement, handbill, pamphlet or notice that contains “election material” whether physical or electronic during the election period is prohibited.

12. Public Consultation / Stakeholder Engagement

No discretionary public consultation, will take place during the election period on an issue which is significant, contentious or not of an ongoing operational matter.

For the purpose of this policy, discretionary public consultation means consultation which is not legislatively mandated and is a process which involves an invitation from or to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

This policy does not prevent any mandatory public consultation required by the *Local Government Act 2009*, *Planning Act 2016* or any other Act which is required to be undertaken to enable the Council to fulfil its functions in relation to any matter or decisions which are not prohibited by this policy.

Where public consultation is approved to occur during the Election Period, the results of that consultation will not be reported to Council until after the Election Period, except where it is necessary for the performance of functions of Council and approved by the Chief Executive Officer.

13. Requests for Information and Contact with Staff

The Chief Executive Officer will ensure councillors are provided with appropriate support to continue to fulfil their official duties and responsibilities during the election period. During the election period Councillors may still seek information and advice on Council issues in accordance with Council's Staff Interaction and Access to Information Policy.

During the Election Period, Councillors shall limit information requests to those matters that are either routine, or essential to continue Council operations. Requests for reports on substantive matters shall not be processed during the Election Period unless they involve a matter of public safety or are requested by a resolution of Council.

Any approach to an officer from a candidate for information shall also be referred to their General Manager in the first instance.

14. Conduct of Staff

Prior to the election period commencing, the Chief Executive Officer will ensure that all staff are advised of the application of this policy and ensure that:

- staff will not undertake any activity that may affect voting in the election.
- staff will not authorise, use or allocate a Council resource for any purpose which may influence voting in the election.
- 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.

15. Council Website and Social Media

Council controlled websites and social media pages including Facebook, Twitter, Instagram, blogs and other social media hosted or published by Council will carry a notice to exclude political comment. No response will be made to any political comments posted and council reserves the right to remove any such comments. Content of a political nature posted to Council's social media sites will be removed as will posts which mention the organisation that are under the control of Ipswich City Council.

Council Officers are required to be mindful of their obligations under the code of conduct when interacting with political content during the Election Period. Care is required when liking, re-tweeting, posting, sharing or undertaking other interactions where your profile or presence is identifiable as an employee of Ipswich City Council.

Council's website will not feature any new articles or events which are not approved by the CEO.

16. Roles and Responsibilities

This policy applies to all Councillors and any Council employee who either performs a support role for the Councillors or processes any of the requirements of this policy.

17. Monitoring and Evaluation

The effectiveness of this policy will be reflected in the Councillors ability to successfully navigate the requirements as outlined in the *Local Government Act 2009* as they apply to the Election Caretaker Period while continuing to still meet community expectations as they apply to good governance and accessibility.

18. Definitions

By-Election	As per Schedule Dictionary of the <i>Local Government Electoral Act 2011</i> means an election to replace a Councillor after the Councillor's office becomes vacant.
Caretaker Period	As per s90A of the <i>Local Government Act 2009</i> : (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 <i>Local Government Electoral Act</i> , 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.
Election Period	Means the period— (a) starting on the day when public notice of the holding of the election is given under section 25(1) of the <i>Local Government Electoral Act 2011</i> ; and (b) ending on the close of the poll for the election.

Fresh Election	As per Schedule 4 of the <i>Local Government Act 2009</i> and Schedule Dictionary of the <i>Local Government Electoral Act 2011</i> means an election of all the Councillors of a local government that is not a quadrennial election.
Quadrennial Election	As per Schedule 4 of the <i>Local Government Act 2009</i> and Schedule Dictionary of the <i>Local Government Electoral Act 2011</i> means the election for local governments that is held in 2012, and every fourth year after 2012.

19. Policy Owner

The General Manager (Corporate Services) is the policy owner and the Corporate Governance Manager (Legal and Governance Branch) is responsible for authoring and reviewing this policy.