

COUNCIL ELECTION CARETAKER POLICY

Approved By: Council
Doc Controller: General Manager
File: 126

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1. PURPOSE

The Council Election Caretaker Policy establishes clear guidelines for the conduct of Councillors and staff in the lead up to a Derwent Valley local government election. The Policy ensures that the ordinary business of Council can continue in a responsible, transparent and compliant manner during any election period.

Council is committed to the application of good governance principles and high standards of integrity. It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. Council therefore commits to the principle that it will make every endeavour to avoid making major policy decisions that bind an incoming Council during an election period by ensuring that:

- a) Major policy decisions are not made by Council in the leadup 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

2. SCOPE

This policy applies to Councillors and staff of the Derwent Valley Council for duration of the caretaker period for a local government election.

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

3. LEGISLATION

The following legislation is relevant to this policy:

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

4. POLICY

Purpose	Detail
Definitions	<p>“By-Election” is an election to replace a councillor after a councillor’s office becomes vacant.</p> <p>“Candidate” is a person standing for election.</p> <p>“Council” means the Derwent Valley Council.</p>

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	<p>“Caretaker Period” is the period from the writ of election through until the close of the polls of the relevant local government election.</p> <p>“Electoral Material” means any advertisement, pamphlet, notice, flyer, letter or article that is intended or calculated to influence the result of an election.</p> <p>“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.</p> <p>“Local Government Act” means the Tasmanian <i>Local Government Act 1993</i>.</p> <p>“Major Policy Decision” refers to the appointment, remuneration or termination of the General Manager, approval of contracts not already included in Council’s budget, adoption or renewal of policies, making, amending or repealing of planning schemes and adoption of a By-Law.</p>
Tenders and Contracts	No tender or contract not already contained within Council annual budget for that financial year.
Planning Instruments	Council will not make, amend or repeal a local planning instrument under the <i>Land Use Planning and Approvals Act 1993</i> (i.e. a planning scheme, a temporary local planning instrument or a planning scheme policy). This does not apply to requested planning scheme amendments made by a third party which will be dealt with in accordance with normal statutory processes.
Policies	Council will not approve or renew any policies.
Tenure of the General Manager	Council shall not appoint, dismiss or renew the contract of a General Manager during the period. An Acting General Manager may be appointed in accordance with Section 61B of the <i>Local Government Act 1993</i> , if required.
By-laws	Council will not make a new By-Law.
Distribution of Electoral Material	No electoral material shall be permitted to be displayed or distributed on any Council owned or managed property.
Use of Council Equipment and Stationery	<p>Council supplied equipment and Council branded material shall not be used by any Councillor or staff in any manner that supports a candidate’s election campaign.</p> <p>Councillors may continue to use Council equipment and branded material throughout the Caretaker Period to carry out their regular functions as described in Section 28 of the <i>Local Government Act 1993</i>.</p>



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Media	Councillors will not use their position as an elected representative, or their access to employees or Council resources, to gain media attention in support of their, or any other candidate's election campaign.
Council Committees and Groups	A Councillor shall not use their membership of a Council Special or Advisory Committee or appointment as a member of an external group to disseminate information to promote their, or any other candidate's election campaign.
Guidelines	<ol style="list-style-type: none"> 1. Nothing in this policy prevents the Mayor, Councillors and staff from carrying on the normal business of the Council during the Caretaker Period. 2. Council meetings shall continue to be held during the Caretaker Period and will consider Agenda items which relate to the ordinary business of Council other than those matters identified above. 3. The General Manager may still exercise all delegations provided by Council during the Caretaker Period. 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. 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. The Mayor is the spokesperson for Council in accordance with Section 27 of the <i>Local Government Act 1993</i> and shall continue to carry out the civic and ceremonial functions and responsibilities during the Caretaker Period. 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's Payment of Councillor Allowances, Entitlements and Expenses Policy. 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 the election.

5. RELATED DOCUMENTS

- Councillor Code of Conduct Policy