

POLICY NO LG55

LOCAL GOVERNMENT ELECTION – CARETAKER PERIOD POLICY

DEPARTMENT:	Governance
RESPONSIBLE OFFICER:	General Manager
LINK TO STRATEGIC PLAN:	... be visionary and accountable leaders who advocate and represent the views of our community in a transparent way.
STATUTORY AUTHORITY:	Local Government Act 1993
OBJECTIVE:	The purpose of this policy is to ensure 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 or perceived to be 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.
POLICY INFORMATION:	Adopted 18 July 2022 – Minute No. 07/22.17.3.155 Reviewed & Adopted 21 August 2026 – Minute No. 08/26.17.3

1. POLICY STATEMENTS

- 1.1 Council is committed to the application of good governance principles and high standards of integrity.
- 1.2 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.
- 1.3 This policy establishes clear guidelines for the conduct of Councillors and staff in the lead up to a local government general election involving the Break O'Day 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.

2. DEFINITIONS

- 2.1 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.

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

“Council” means the Break O’Day Council.

“Electoral Material” means any advertisement, handbill, 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*.

“Major Policy Decision” refers to adoption or renewal of policies, making, amending or repealing of planning schemes and establishment of By-Laws.

“Prohibited Decision” means any decision that:

- is significant in terms of financial impact, strategic direction or community impact; or
- would be difficult or inappropriate for an incoming Council to reverse; or
- could reasonably be perceived as influencing the outcome of an election.

Prohibited Decisions include, but are not limited to:

- appointment, reappointment, remuneration, or termination of the General Manager
- entering into a contract, arrangement or agreement the total value of which exceeds 1% of the council’s revenue from general and service rating and fees and charges in the preceding financial year
- that would enable the use of council resources in a way that is intended to influence, or is likely to influence, voting at an election conducted in accordance with the *Local Government Electoral Act*.
- that relates to a matter that is not of a routine or operational nature, that could be reasonably deferred until the election period end.

3. SCOPE

3.1 This policy applies to elected members and employees of the Break O’Day Council for duration of the caretaker period for a local government general election.

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

4. PROCEDURE / POLICY DETAIL

4.1 General Principles

4.1.1 During the Caretaker Period, Council will:

- not make Major Policy or Prohibited Decisions
- ensure neutrality in all communications and activities
- maintain transparency and accountability in decision-making
- 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);
 - not make a new By-Law during the Caretaker Period.
 - not approve or renew any Council policies during the Caretaker Period.

4.1.2 During the Caretaker Period, Council may:

- appoint an Acting General Manager in accordance with Section 61B of the Local Government Act, if required.
- review the remuneration of an Acting General Manager.

4.2 Council Operations:

4.2.1 Council will continue to conduct ordinary business during the Caretaker Period.

4.2.2 Council meetings may continue to be held and will consider only matters of Ordinary Business.

4.2.3 Operational activities, including delivery of approved capital works and services, will continue as planned.

4.3 Use of Council Resources

4.3.1 Council supplied equipment and Council branded material must not be used for, or perceived to be used for, election campaigning purposes.

4.3.2 Councillors may continue to use Council equipment and branded material to carry out their regular functions as described in Section 28 of the Local Government Act.

4.4 Communications and Media

4.4.1 Council communications during the Caretaker Period must be:

- factual
- neutral
- non-promotional

4.4.2 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.

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

4.5 Councillors and Candidates

4.5.1 Councillors who are candidates must clearly separate their role as an elected member from their role as a candidate.

4.5.2 Councillors must not:

- use their position to gain an advantage in the election
- direct or influence staff for election-related purposes
- access or use non-public information for campaign purposes

4.5.3 Councillors may continue to:

- perform their civic and ceremonial duties
- communicate with constituents on routine Council matters

4.5.4 A Councillor shall not use their membership of a Council Advisory Committee or Special Committee or appointment as a member of an external group as a representative of Council to disseminate information or promote their, or any other candidate's election campaign.

4.6 Council Staff

4.6.1 Council staff must:

- act impartially
- avoid any real or perceived support for a candidate
- not engage in election campaigning during work time or using Council Resources

4.6.2 Staff must not provide any candidate with access to information or resources that are not equally available to all candidates.

5. GUIDELINES

- 5.1 Nothing in this policy prevents the continuation of the ordinary business of Council.
- 5.2 The General Manager may still exercise all delegations provided by Council during the Caretaker Period, including the appointment of staff.
- 5.3 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.
- 5.4 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.
- 5.5 Councillors may continue to represent the community and communicate on Council business, provided this does not breach this policy.
- 5.6 Council employees will continue normal business activities of Council while ensuring compliance with this policy.

4 LEGISLATION & RELATED DOCUMENT

The following legislation is relevant to this policy:

Local Government Act 1993

Tasmanian Electoral Act 2004

Land Use Planning and Approvals Act 1993

5 RELATED DOCUMENTS

Code of Conduct for Councillors

6 REVIEW

This Policy will be reviewed every four (4) years in the six months prior to an ordinary Council election or earlier in the event of major changes to legislation or related policies, procedures or if deemed necessary by the General Manager.