

## PURPOSE

The purpose of this Policy is to provide for caretaker arrangements during the leadup to a local government general election period and until a new Council is elected to ensure:

- (a) continuity of the routine service provision of the Council during the caretaker period;
- (b) avoidance of decisions that might inappropriately bind the future freedom of action of an incoming Council;
- (c) the impartial role of council officers so that the public can have confidence that service delivery is carried out apolitically; and
- (d) appropriate use of Council resources.

## SCOPE

This policy applies to elected members and employees of Glenorchy City Council for the duration of the Caretaker Period of a local government general election.

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

## STRATEGIC PLAN ALIGNMENT

### Leading Our Community

Objective 4.1	Govern in the best interests of our community
Strategy 4.1.1	Manage Council for maximum efficiency, accountability and transparency
Strategy 4.1.3	Maximise regulatory compliance in Council and the community through our systems and processes

## RELATED DOCUMENTS

Aldermanic Code of Conduct Policy

Aldermen Support and Expenses Policy

Advertising Devices on Council Property Policy

Tasmanian Planning Scheme - Glenorchy

Good Governance Policy

## STATUTORY REQUIREMENTS

Acts	<i>Local Government Act 1993</i>  <i>Land Use Planning and Approvals Act 1993</i>
Regulations	<i>Local Government (General) Regulations 2015</i>

## DEFINITIONS

**Act** means the *Local Government Act 1993*.

**Alderman** means a councillor of Glenorchy City Council.

**By-election** means an election to replace an Alderman after the Alderman's office becomes vacant.

**Caretaker Period** means the period from the issue of a notice of election under section 269 of the Act to the issue of a certificate of election under section 304 of the Act.

**Candidate** means a person standing for election.

**Election Material** means any advertisement, handbill, pamphlet, notice, flyer, letter or article that is intended to affect the result of an election.

**Election Campaign** means 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, media commentary and advertising.

**Emergency** means a declared emergency, or a similar situation in which there is likely to be immediate threat to life or property.

**Officer** means a Council employee.

## POLICY STATEMENT

### Caretaker Period notification

The General Manager will notify Aldermen and officers when a Caretaker Period begins and ends. The General Manager will also provide this Policy to assist officers and Aldermen with compliance.

### Continuation of Services

During the Caretaker Period ordinary Council services continue and statutory responsibilities are not affected.

It is expected that respectful debate between Aldermen on matters of policy will continue during the Caretaker Period.

Individual Alderman may still discuss future policy options as part of their election campaign.

Officers can still carry out activities, such as policy reviews, that are not likely to attract political controversy and are required regardless of the future election outcome.

While Council business continues, the caretaker conventions set out in this Policy do affect some types of Council activity.

### **Freedom of action for future Councils**

Council is to avoid making major decisions during the Caretaker Period that are likely to commit an incoming Council in a way that might later limit its freedom to act.

#### What is a major decision?

A major decision:

- commits the use of significant resources;
- approves capital works not previously approved as part of the annual budget process;
- entrenches a policy, program or administrative structure that is politically contentious; or
- is likely to be a matter of controversy in an election campaign.

The following major decisions are to be avoided during a caretaker period:

- a major program or funding opportunity with another tier of government which commits Council resources over a number of years;
- grants to community groups;
- borrowing or remission of debts outside of existing policy guidelines;
- changes to budgets or spending in a way that would restrict future policy options;
- General Manager appointments or contract renewals for extended periods after the election (also see 'Emergency appointments' below); and
- entry into major contracts, except for:
  - (i) continuation of routinely provided services, independently entered into at arm's length from Aldermen, by officers exercising an existing delegation to approve that expenditure (usually an agreement under \$1 million in value);
  - (ii) approval of contracts that have used a prescribed public tender process where the preferred contractor has been independently assessed by Council officers;
  - (iii) contracts required to respond to a declared emergency;

- (iv) circumstances where failure to do so would breach a binding commitment made prior to the Caretaker Period exposing the Council to potential liability; or
- (v) capital works previously approved by Council as part of the annual budget process.

### Meetings

During the Caretaker Period Aldermen will not submit notices of motion to Council or Council Committees pursuant to clause 16(5) of the Local Government (Meeting Procedures) Regulations 2015 (**LGMPR**). Additionally, Aldermen will not ask a question without notice at a Council meeting, pursuant to clause 29 LGMPR.

During the Caretaker Period an Alderman may submit a question on notice to a Council meeting pursuant to clause 30 LGMPR.

### Planning Instruments

Council will not make of its own motion, amend or repeal a local planning instrument under the Land Use Planning and Approvals Act 1993. For ease of interpretation, this includes a planning scheme, a temporary local planning instrument or a planning scheme policy, but does not apply to applications made by third parties.

### Announcements

If a decision was made before the Caretaker Period, then that decision may be announced during the Caretaker Period. Where possible, policy announcements should be made ahead of the Caretaker Period if their announcement is likely to cause controversy during the election campaign.

The Mayor will continue to act as the spokesperson of Council in fulfilment of their obligations under s. 27(e) of the Act in relation to the ordinary business of the Council. The Mayor will also carry out the civic and ceremonial functions of the Mayoral Office during the Caretaker Period.

### Tender process

Potential tenderers should be advised about the implications of the election and Caretaker Period, and the possibility that tender finalisation might be delayed.

### **Impartiality of Officers**

Officers are to be impartial and apolitical, performing their public functions in an ethical and professional manner at all times.

Officers are to deal with all Aldermen equitably when performing the ordinary business of Council.

Officers are to act in a manner that avoids perceptions of partisanship in their dealings with Aldermen and the public.

Officers are to avoid comments that might be seen to be promoting the achievements of particular Aldermen.

While officers are entitled to their private political opinions away from a work setting, they are not to make public statements about their perceptions of candidates or give opinions on political matters where they might be perceived to be expressing the official view of Council, or of Council officers.

Officers must decline any request to be involved in an activity which appears to be linked to a campaign message or may be perceived as an endorsement.

Officers are to actively prevent Council resources from being used in a campaign, such as deleting links to candidates' pages or candidate election statements, from Council social media platforms.

Officers are not to be approached in relation to matters directly or indirectly involving an Alderman's campaign.

Aldermanic enquiries are to be managed through the Aldermanic Interaction with Officers Directive.

If an officer has any doubt about the appropriateness of an activity, they are to consult with their relevant manager.

If an Alderman has any doubt as to the appropriateness of an activity, they are to consult the General Manager.

### **Appropriate use of Council Resources**

#### Distribution of election material

Aldermen are to comply with Council's 'Advertising Devices on Council Property Policy' and the Tasmanian Planning Scheme – Glenorchy.

#### Use of Council equipment and stationery

Council supplied equipment and Council branded material is not to be used by Aldermen or officers in any manner that supports a candidate's election campaign.

Aldermen may continue to use Council equipment and branded material throughout the course of the Caretaker Period to carry out their regular functions as set out in Section 28 of the Act.

#### Media

Aldermen are not to use their access to employees, events, or resources, to gain personal media attention in support of their, or any other candidate's, election campaign.

Aldermen are expected to engage in robust but still respectful debate, including on social media platforms.

#### Council committees and groups

An Alderman is not to use their membership of a Council Committee or reference group, or their appointment as a member of an external group on behalf of Council, to disseminate information or promote their, or any other candidate's, election campaign.

#### Allowances

Aldermen may continue to claim any allowances and expenses to which they are entitled under Council's Aldermen Expenses Policy that relate to the essential business of Council, and that do not relate to their electoral campaign activity.

## DOCUMENT CONTROL

<b>Version:</b>	1.0	<b>Adopted</b>	25 July 2022	<b>Commencement Date</b>	26 July 2022
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