



POLICY NAME: Election Caretaker Period

POLICY NO: 2.7

PURPOSE OF POLICY:

To ensure that in the period directly prior to a local government general election the Brighton Council avoids making major decisions that would;

- bind an incoming Council.
- prevent the use of public resources in ways that are seen as advantageous or disadvantageous to or promoting sitting Council Members who are seeking re-election or new candidates.
- recognise the requirement for the Brighton Council administration to act impartially in relation to all candidates.

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

SCOPE:

Applies to all elected members, electoral candidates in a Local Government election and all employees of the Brighton Council. Whilst electoral candidates are not sitting Council Members and are under no obligation to comply with Council policy, they should be made aware of this policy and encouraged to follow its guidelines.

DEFINITIONS:

“By-election” an election to replace a councillor after the councillor’s office becomes vacant.

“Candidate” a person standing for an election

“Council” means the Brighton Council

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

“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.

“Electoral Material” means any advertisement, handbill, pamphlet, notice, flyer, letter or article that is intended or calculated to affect the result of an election.

“Local Government Act” the Tasmanian *Local Government Act 1993*.

“Major Policy Decisions” refers to the appointment, remuneration or termination of the General Manager, approval of contracts greater than 1% of Councils

revenue, adoption or renewal of policies, making, amending or repealing planning schemes and establishment of By-laws.

POLICY:

The policy applies only to decisions made during the Caretaker Period to cover:

- decisions made by the Council;
- materials published and owned by the Brighton Council
- attendance and participation in functions and events
- Use of Brighton Council resources and access to Information

During the caretaker period the following provisions should be applied:

Appointment or Removal of the General Manager – Other than a decision to suspend the General Manager for serious and wilful misconduct, or to appoint an Acting General Manager under Section 61B of the Local Government Act, Council shall not make a decision to appoint, dismiss or renew the contract of a General Manger during the Caretaker Period.

Tenders and Contracts – decisions to enter into tender or contract arrangements may not be approved by Council for which the total value of works exceeds 1% of the Councils revenue. Unless already budgeted for.

Planning Instruments – Council will 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);

Policies – Council will not adopt a new policy or significantly alter an existing policy unless the decision is necessary to comply with legislation or the requirements of a statutory authority.

By-Laws – Council will not make a new By-Law during the Caretaker Period.

Electoral material – Brighton Council shall not print, publish or distribute or cause, permit or authorise others to print, publish or distribute on behalf of the Brighton Council any advertisement, handbill, pamphlet or notice that contains “electoral material” during the Caretaker Period.

Candidates are permitted to publish campaign material on their own behalf, including advertising in the Brighton Community News if paid for at the full advertising rate by the candidate, but cannot use Council resources to support their electoral campaign. No electoral material may be displayed or distributed on any Council owned property or managed property. This policy does not prevent Brighton Council from publishing material that merely announces the holding of the election or relates to the election process itself.

Media Attention – Councillors will not use their position or access Brighton Council resources or staff to gain media attention in support of their or any other candidate’s election campaign. Any request for media advice or assistance will not be provided in relation to election issues or in regard to publicity for the benefit of specific Councillors.

Events & Functions - a Councillor may continue to represent the community and facilitate communication between its constituents and the Council and accept invitations to attend community functions during the Caretaker Period. During the Caretaker Period existing Councillors shall not use their attendance at Council Committee meetings and groups to recruit assistance with electoral campaigning or to promote their personal or other candidates' electoral campaigns.

Council Equipment and Stationery – The use of Council staff, Council supplied equipment and Council branded material shall not be used by any Councillor or staff member for electoral purposes. Sitting Councillors shall ensure that their allocated business cards are used only for the purpose associated with the normal role of a Council member in servicing the electorate. A Councillors business card shall not be used in a manner that could be perceived as an electoral purpose.

Councillor Requests – reasonable requests by elected Councillors shall be considered by the General Manager. Any request for information that are considered excessive or gives the candidate an unfair advantage will be denied.

ROLES & RESPONSIBILITIES:

This policy does not prevent the Mayor, Councillors or staff carrying out any normal functions of Council business during the Caretaker Period.

The normal functions and delegations of the General Manager during the caretaker period will still be undertaken, including appointment of staff.

Council Meetings will continue as per the advertised meeting dates and will consider Agenda items that relate to the ordinary course of business, except for those matters being prohibited whilst in the caretaker period.

Capital works that have been approved as part of the annual budget process and awarded by tender prior to the Caretaker Period may proceed, regardless of their scale.

The Mayor shall continue the role as Council spokesperson as per Section 27 of the *Local Government Act 1993* and carry out any civic and ceremonial duties during the Caretaker Period.

Councillors shall continue to represent the community and claim allowances and expenses in line with these duties and specified in Council Policy 2.2 Council expense and entitlements. Access to Council information shall be permitted in order to perform these duties.

Brighton Council employees will maintain the normal business activities of Council during the Caretaker Period. Council employees should act in an impartial way towards all electoral candidates and should not make any public statements that relate to an election issue unless the statement has been approved by the General Manager.

REFERENCES:

Local Government Act 1993

Policy 2.2 – Council Expense and Entitlement

ADMINISTRATIVE DETAILS:

Policy compiled: February 2022

Policy Adopted: OCM July 2022

To be reviewed: June 2026

Review date:

Responsibility: Governance Manager



GENERAL MANAGER