

POLICY NO: 4.2.15

CARETAKER PROTOCOLS – CITY OF VINCENT ORDINARY ELECTIONS

OBJECTIVE

The primary objective of this Caretaker Policy is;

1. To avoid the Council of the City of Vincent making major decisions, prior to an election, that would bind an incoming Council;
2. To enable the Council to act in a more open, transparent, accountable objective and impartial manner in the period prior to the Ordinary Election;
3. To ensure the City's activities and those of Council Members who are candidates, are undertaken in a manner that supports a high standard of integrity during Local Government Election periods;
4. To prevent the use of public resources in ways that are seen as advantageous or disadvantageous to, or promoting, sitting Elected Members, who are seeking re-election or new candidates; and
5. To recognise the requirement for the City of Vincent administration to act impartially in relation to all candidates.

This Policy applies during a '**Caretaker Period**' (as defined in this Policy) to cover:

- (a) decisions that are made by the Council;
- (b) materials published by the City;
- (c) attendance and participation in functions and events;
- (d) use of the City's resources; and
- (e) access to information held by the City.

1.1 Application

- (a) This Caretaker Policy applies to the Council, Council Members and Employees of the City of Vincent.
- (b) Whilst electoral candidates that are not sitting Elected Council Members cannot be compelled to comply with a policy of the Council, such candidates will be made aware of the Caretaker Policy and encouraged to co-operate with its implementation.

1.2 Definitions

‘Caretaker Period’ means the period of time when the caretaker practices are in place prior to the ordinary election. The caretaker protocols will apply from the close of nominations (37 days prior to the Election Day – Section 4.49 (a) of the Local Government Act 1995) until 6.00pm on Election Day.

‘Election Day’ means the day fixed under the Local Government Act 1995 for the holding of any poll needed for an election, but excludes an extraordinary election, other than an extraordinary election to elect a new Mayor.

‘Electoral Material’ means any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result in an election but does not include:

- (a) An advertisement in a newspaper announcing the holding of a meeting (Section 4.87 (3) of the Local Government Act 1995); or
- (b) Any materials exempted under Regulation 78 of the Local Government (Elections) Regulations 1997; or
- (c) Any materials produced by the City relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the Returning Officer for the purposes of conducting an election.

‘Extraordinary Circumstances’ means a situation that requires a major policy decision of the Council because:

- (a) in the Chief Executive Officer opinion, the urgency of the matter/issue is such that it cannot wait until after the election; or
- (b) of the possibility of legal and/or financial implications if a decision is deferred; or
- (c) in the Chief Executive Officer opinion, it is in the best interests of the Council and/or the City of Vincent for the decision to be made as soon as possible; or
- (d) in the Chief Executive Officer opinion, whether the decision will be considered or perceived to be controversial.

‘Major Policy Decision’ means any:

- (a) Decisions relating to the employment, termination or remuneration of the Chief Executive Officer or any other designated Senior Employee, other than a decision to appoint an Acting Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms of their Contract of employment), pending the election;

- (b) Decisions relating to the City entering into a major sponsorship arrangement with a total City contribution that would constitute Significant Expenditure, unless that sponsorship arrangement has previously been granted “in principle” support by the Council and sufficient funds have been included in the Council’s Annual Budget to support the project;
- (c) Decisions relating to the City entering into a commercial enterprise as defined by Section 3.59 of the Local Government Act 1995;
- (d) Decisions that would commit the City to significant expenditure or actions that, in the Chief Executive Officer opinion, are significant, such as that which might be brought about through a Notice of Motion by a Council Member;
- (e) Decisions that, in the Chief Executive Officer opinion, will have a significant impact on the City of Vincent or the community;
- (f) Irrevocable decisions that will or may have a significant impact on the City of Vincent or the Community; or
- (g) Reports requested or initiated by Council Member, candidate or member of the public that, in the Chief Executive Officer opinion could, be perceived within the general community as an electoral issue and has the potential to call into question whether decisions are soundly based and in the best interests of the Vincent community.

‘Protocol’ means the official procedure and requirements prescribed in this Policy.

‘Public Consultation’ means a process which involves an invitation to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy but does not include consultation required to be undertaken in order to comply with a written law.

‘Significant Expenditure’ means expenditure that exceeds 0.1% of the City’s annual budgeted revenue (inclusive of GST) in the relevant financial year. (Currently as at 2013/2014 is approximately \$46,000).

1.3 Scheduling Consideration of Major Policy Decisions

So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling Major Policy Decisions for consideration during a Caretaker Period, and instead ensure that such decisions are either:

- (a) considered by the Council prior to the Caretaker Period; or
- (b) scheduled for determination by the incoming Council.

Where extraordinary circumstances prevail, the Chief Executive Officer may submit a Major Policy Decision to the Council (refer to Part 3).

1.4 Decisions Made Prior to a Caretaker Period

This Policy only applies to decisions made during a Caretaker Period, not the announcement of decisions made prior to the Caretaker Period. Whilst announcements of earlier decisions may be made during a Caretaker Period, as far as practicable any such announcements should be made before the Caretaker Period begins or after it has concluded.

PART 2 - IMPLEMENTATION OF CARETAKER PRACTICES

2.1 Role of the Chief Executive Officer in Implementing Caretaker Practices

The role of the Chief Executive Officer in implementing the caretaker protocols outlined in this policy is as follows:

- (a) The Chief Executive Officer will ensure as far as possible, that all Council Members and employees are aware of the Caretaker Policy and practices at least 30 days prior to the start of the Caretaker Period;
- (b) The Chief Executive Officer will ensure, as far as possible, that any major policy or significant decisions required to be made by the Council are scheduled for Council resolution prior to the Caretaker Period or deferred where possible for determination by the incoming Council;
- (c) The Chief Executive Officer will endeavour to make sure all announcements regarding decisions made by the Council, prior to the Caretaker Period, are publicised prior to the Caretaker Period; and
- (d) The Chief Executive Officer will provide guidelines for all relevant employees on the role and responsibilities of employees in the implementation of this policy.

PART 3 - EXTRAORDINARY CIRCUMSTANCES REQUIRING EXEMPTION

3.1 Extraordinary Circumstances

Notwithstanding clause 1.4, the Chief Executive Officer may, where “Extraordinary Circumstances” exist, permit a matter defined as a ‘major policy decision’ to be submitted to the Council for determination during the Caretaker Period.

3.2 Appointment or Removal of the CHIEF EXECUTIVE OFFICER

Whilst Clause 1.3 above establishes that a Chief Executive Officer may not be appointed or dismissed during a Caretaker Period. The Council may, where the substantive officer is on leave, appoint an Acting Chief Executive Officer or in the case of an emergency, suspend the current Chief Executive Officer (in accordance with the terms of their contract) and appoint a person to act in the position of Chief Executive Officer, pending the election, after which date a permanent decision can be made.

PART 4 - CARETAKER STATEMENT

To assist the Council to comply with its commitment to appropriate decision making during the Caretaker Period, a Caretaker Statement will be included in each report submitted to the Council where the Council’s decision would, or could, be a Major Policy Decision. The Caretaker Statement will state:

“The decision the Council may make in relation to this item could constitute a ‘Major Policy Decision’ within the context of the City of Vincent Caretaker Protocols Policy, however, an exemption should be made because, (*insert the circumstances for making the exemption*)”.

PART 5 - CITY OF VINCENT PUBLICATIONS

5.1 Prohibition on Publishing Electoral Material

The City shall not print, publish or distribute, or cause, permit or authorise others to print, publish or distribute on behalf of the city any advertisement, handbill, pamphlet or notice that contains 'electoral material' during the Caretaker period.

5.2 Electoral Material Relevant to Prohibition

Without limiting the generality of the definition of 'electoral material', material will be considered to be intended or likely to affect voting in the election if it contains an express or implicit reference to, or comment on:

- (a) the election; or
- (b) A candidate in the election; or
- (c) An issue submitted to, or otherwise before, the voters in connection with the Election.

5.3 Candidate and/or Councillor Publications

Candidates and/or Council Members are permitted to publish campaign material on their own behalf but cannot claim for that material to be originating from or authorized by the City.

5.4 Election Announcements.

This policy does not prevent publications by the City which merely announce the holding of the election or relate only to the election process itself.

5.5 City of Vincent Publications

Any reference to Council Members in the City's publications printed, published or distributed during the Caretaker Period must not include promotional text. Any of the City's publications, that are potentially affected by this Policy will be reviewed by the Chief Executive Officer to ensure that any circulated, displayed or otherwise publicly available material during the Caretaker Period does not contain material that may be construed as 'electoral material'.

5.6 City of Vincent Website

During the Caretaker Period the City's website will not contain any material which is precluded by this Policy. Any references to the Election will only relate to the election process. Information about Council Members will be restricted to names, contact details, titles, membership of special committees and other bodies to which they have been appointed to by the Council.

5.7 City of Vincent Councillor Business Cards

During the Caretaker Period, Council Members shall ensure that their allocated business cards are used only for purposes associated with the normal role of a Council Member in servicing their electorate. Council Members Business Cards shall not be used in a manner that could be perceived as an electoral purpose. (It should be noted that this prohibition on the use of the City's resources for Electoral purposes is not restricted to the Caretaker Period.)

PART 6 - PUBLIC CONSULTATION DURING THE CARETAKER PERIOD

6.1 Prohibition

- (a) It is prohibited under this policy for significant public consultation to be undertaken during the Caretaker Period (either new consultation or existing) on an issue which, in the Chief Executive Officer opinion, could be perceived as intended or calculated to affect the result of an election, unless authorised by the Chief Executive Officer.
- (b) This Policy does not prevent any mandatory public consultation required by the Local Government Act 1995 or any other relevant Act which is required to be undertaken to enable the City to fulfil its functions.

6.2 Approval for Public Consultation

- (a) Given the prohibition under Part 6.1 of this Policy, the Council should not commission or approve any significant public consultation where it is likely that such consultation will continue into the Caretaker Period.
- (b) Where public consultation is approved to occur during the Caretaker Period, the results of that consultation will not be reported to the Council until after the Caretaker Period, except where otherwise approved by the Chief Executive Officer or necessary for the performance of the City's functions as prescribed in the Local Government Act 1995 or any other relevant Act.

PART 7 ATTENDANCE AND PARTICIPATION AT EVENTS/FUNCTIONS

7.1 Public Events Hosted by External Bodies

Council Members may continue to attend events and functions hosted by external bodies during the Caretaker Period.

7.2 City of Vincent Organised Civic Events/Functions

- (a) Events and/or functions organised by the City and held during the Caretaker Period will be limited to only those that the Chief Executive Officer considers essential to the operation of the City, and should not in any way be associated with any issues that in the Chief Executive Officer opinion, are considered relevant to, or likely to influence the outcome of an election.

- (b) All known candidates are to be invited to civic events/functions organised by the City during the Caretaker Period. However, only current Council Members will be formally acknowledged at such events/functions.

7.3 Addresses by Elected Members

Excluding the Mayor and Deputy Mayor fulfilling their official functions as prescribed by sections 2.8 and 2.9 of the Local Government Act 1995, respectively, Council Members that are also candidates should not, without the prior approval of the Chief Executive Officer, be permitted to make speeches or addresses at events/functions organised or sponsored by the City during the Caretaker Period.

7.4 Delegates to Community and Advisory Groups

Council Members appointed to Community Groups, Advisory Groups and other external organizations as representatives of the City shall not use their attendance at meetings of such groups to either recruit assistance with Electoral campaigning or to promote their personal or other candidates' Electoral campaigns.

PART 8 THE USE OF CITY OF VINCENT RESOURCES

- (a) The City's Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007 provide that the City's resources are only to be utilised for authorised activities (for example - no use of employees for personal tasks or no use of equipment, stationery, or hospitality for non-Council business). This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of the City's resources for electoral purposes is not restricted to the Caretaker Period.
- (b) The City's employees must not be asked to undertake any tasks connected directly or indirectly with an election campaign and should avoid assisting Elected Members in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of City resources might be construed as being related to a candidate's election campaign, advice is to be sought from the Chief Executive Officer.

PART 9 ACCESS TO COUNCIL INFORMATION AND ASSISTANCE

9.1 Electoral Information and Assistance

- (a) All candidates will have equal rights to access public information, such as the electoral rolls (draft or past rolls), monthly enrolment details, and information relevant to their election campaigns from the City administration.
- (b) Any assistance and advice provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

9.2 Media Advice

Any requests for media advice or assistance from Council Members during the Caretaker Period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Council Members. If satisfied that advice sought by an Council Member during the Caretaker Period does not relate to the election or publicity involving any specific Council Member(s), the Chief Executive Officer may authorise the provision of a response to such a request.

9.3 Publicity Campaigns

During the Caretaker Period, publicity campaigns, other than for the purpose of conducting (and promoting) the election will be avoided wherever possible. Where a publicity campaign is deemed necessary for a City activity, it must be approved by the Chief Executive Officer. In any event, the City's publicity during the Caretaker Period will be restricted to communicating normal City activities and initiatives.

9.4 Media Attention

Council Members will not use or access City employees or resources to gain media attention in support of their or any other candidate's election campaign.

9.5 Election Process Enquiries

All election process enquiries from candidates, whether current Council Members or not, will be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Chief Executive Officer.

PART 10 MONITORING AND ENFORCEMENT OF THIS POLICY

- (a) Where an issue arises in relation to this Policy, the Chief Executive Officer (in liaison with the Mayor) is responsible for determining issues that may arise in the implementation of this Policy.
- (b) Where an issue cannot be satisfactory resolved, it shall be reported to the Council as soon as is practicable for consideration and determination.

Date Adopted:	17 DECEMBER 2013
Date Amended:	-
Date Reviewed:	-
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