



**CORANGAMITE  
SHIRE**

# **Caretaker (Elections) Policy**

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February 2016

# Council Policy



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## Caretaker (Elections) Policy

### Introduction

Council elections will take place in all Victorian municipalities in October 2016. Corangamite Shire has developed a Caretaker (Elections) Policy to bring together relevant legislative requirements related to the conduct of councillors, candidates and staff during the pre-election caretaker period.

### Purpose

To provide for the general election of Council to be conducted in an environment that is open and fair to all candidates, setting out procedures and practices applicable during the pre-election caretaker period.

### Scope

This policy is intended to augment the existing legislative guidelines for the conduct of fair and equitable Council elections.

This policy applies to:

- Major policy decisions
- Council resources
- Information
- Council communications and publicity
- Functions and events
- Travel and accommodation
- Councillor expenditure
- Advice to candidates
- Monitoring the policy

### Definitions

The “Pre-election caretaker period” commences at midnight on 20 September 2016 and continues until 6pm on 22 October 2016, a period of 32 days.

“Council support staff” refers to all members of Council staff

### References

- *Local Government Act 1989*
- *Local Government Amendment (Improved Governance) Act 2015*
- *Victorian Electoral Act 2002*
- *Information Privacy Act 2000*
- *Corangamite Shire Councillor Code of Conduct 2013*
- *Councillor Expenses Policy 2014*
- *Councillor Professional Development Policy 2012*

## **Policy**

### Major policy decisions

Section 93A of the *Local Government Act 1989* prohibits a Council, Special Committee or officer acting under delegation from making major policy decisions during the pre-election caretaker period relating:

- (a) to the employment or remuneration of a CEO, other than a decision to appoint an acting CEO;
- (b) to terminating the appointment of a CEO;
- (c) enter into any contracts:
  - for goods and services in excess of \$150,000 or 1% of the total revenue from rates and charges in the preceding year, whichever is greater;
  - for works in excess of \$200,000 or 1% of the total revenue from rates and charges in the preceding year, whichever is greater;
- (d) to undertake an entrepreneurial activity, such as participating in the operation of a corporation or acquiring shares, for a sum in excess of \$100,000, or 1% of the total revenue from rates and charges in the preceding year, whichever is greater.

In the event of exceptional circumstances requiring a Council decision, an application may be made to the Minister in accordance with Section 93A of the Act.

### Council resources

It is important that due propriety is observed in the use of all Council resources. It is also necessary that Councillors have access to the resources necessary to fulfil their elected roles. In order to ensure Council resources are not used for campaigning by sitting Councillors to increase their advantage over other candidates, or to influence voters during the pre-election caretaker period, the following will apply:

- Council resources including support staff, hospitality, equipment, email, mobile phones, the mayoral car, fax machines and stationery will be used exclusively for normal Council business and will not be used in connection with election campaigning
- Reimbursements of Councillors' out-of-pocket expenses in the pre-election caretaker period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign
- Council logos, letterheads or any other Corangamite Shire branding should not be used for, or linked in any way to, a candidate's election campaign.
- Council support staff will not be asked to undertake any tasks connected with a candidate's election campaign

### Information

Council recognises that all election candidates have certain rights to information from the Council administration, subject to the *Information Privacy Act 2000*. It is important that sitting Councillors continue to receive information that is necessary to fulfil their

elected roles. Councillors shall not request or receive information or advice from Council staff to support election campaigns and there shall be transparency in the provision of all information and advice during the pre-election caretaker period.

Requests for clarification relating to provision of information should be directed to the Chief Executive Officer who may then refer the request to appropriate senior management.

#### Council communications and publications

Council communications are a legitimate way to promote Council activities and services. It is important that all Councillors have access to the Council's communication resources to enable them to fulfil their elected roles. However they will not be developed or used in support of a candidate's election campaign. During the pre-election caretaker period as defined:

- A Council employee must not make any public statement that could be construed as influencing the election. Statements of clarification may be required from time to time and these are to be made by the Chief Executive Officer or other officers as delegated by the Chief Executive Officer
- Council publicity and communications will be restricted to promoting normal Council activities and services and for informing residents about the conduct of the election
- In the event that a spokesperson is required for any publication or communication, the Chief Executive Officer shall fulfil that role.
- No media advice or assistance will be provided to Councillors in relation to election campaign matters
- Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention specifically in support of an election campaign
- Councillor profiles on the Council website will be limited to photograph and contact details. Other profile information will be removed from the Council website during the pre-election caretaker period
- Use of social media to publish electoral material is not permitted
- Comments posted on the Council's Facebook page will be carefully monitored and removed if deemed to be electoral matter.

#### Functions and events

Any event or function held during the election period shall relate only to legitimate Council business and shall not be used, or be able to be construed as being used, in connection with any election activity.

- All speeches prepared for use at Council events or functions shall be reviewed by the Community Relations Manager or the Chief Executive Officer to ensure that the content does not breach this Policy or the *Local Government Act 1989*.
- Councillors may make a speech during any event or function however the speech must not have any political reference which may be construed as giving a sitting Councillor any advantage during the election period.

#### Councillor professional development and travel

Despite the provisions of the *Councillor Professional Development Policy 2012*, Councillors shall not participate in any interstate or overseas travel in their capacity as a Councillor during the election period. In circumstances where it is imperative that

the Mayor (or nominee) represent Council on a delegation or forum, Council may by resolution approve such attendance. If consideration by Council is impractical the Chief Executive Officer may determine the issue.

#### Councillor expenditure

Claims for the reimbursement of expenses shall relate only to expenditure incurred as described in the *Councillor Expenses Policy 2014*.

#### Advice to candidates about the election process

All candidates for Council election will be treated equally. Towards this outcome:

- Any advice provided to candidates as part of the conduct of the Council election should be available equally to all candidates
- All election related enquiries from candidates, where sitting Councillors or not, will be directed to the Returning Officer, or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer.

Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and transparency will be observed and practised in the provision of all information and advice during the Election Period.

#### Monitoring the policy

This policy will be published on the Council website. Any issue which arises relating to this policy should be referred to the Chief Executive Officer.

#### **Review Date**

This policy will be reviewed in 2020, or earlier as required by changed circumstances including changes to legislation and the policies of Corangamite Shire, the Victorian Government and its agencies, or Federal Government and its agencies.