

City of Hobart

# Policy

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**Title:** Election Caretaker Period

**Category:** Corporate Governance

**Date Last Adopted:** 11 July 2022

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## 1. Objectives

The purpose of this policy is to ensure that:

- a) Major policy decisions are not made by Council in the Caretaker Period that would prohibitively bind an incoming Council.
- b) Council resources are not 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.

## 2. Background

Council is committed to the application of good governance principles and high standards of integrity.

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.

This policy establishes clear guidelines for the conduct of elected members and staff in the lead up to a local government general election involving the Hobart City Council and adopts a pragmatic approach to ensuring that the ordinary business of Council continues in a responsible, transparent and legally compliant manner in the period leading up to an election.



### 3. Policy

#### Scope

This policy applies for the Caretaker Period and does not apply to a local government By-Election.

#### General

During the Caretaker Period the following provisions shall apply:

Tenure of Chief Executive Officer – Council shall not appoint, dismiss or renew the contract of a Chief Executive Officer. An Acting Chief Executive Officer may be appointed in accordance with Section 61B of the Act, if required.

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* (i.e. a planning scheme, a temporary local planning instrument or a planning scheme policy). For clarity this does not apply to applications made by third parties;

By-Laws – Council will not make a new By-Law.

Policies – Council will not approve or renew any Council policies.

Meetings – During the Caretaker Period, elected members will not submit notices of motion to Council or Council Committees pursuant to regulation 16(5) of the MPR nor will they ask questions without notice in accordance with regulation 29 of the MPR.

Use of Council Equipment and Stationery – Council supplied equipment and Council branded material will not be used by elected members or staff in any manner that supports a Candidate's election campaign. Elected members may continue to use Council equipment and branded material throughout the course of the Caretaker Period to carry out their regular functions as described in Section 28 of the Act. For clarity, elected members are entitled to utilise Council issued contact methods (email address, phone number, physical address) and corporate photographs in their election campaign. This is on the basis that no cost is incurred by the Council in these being available.

Media – Elected members will not use their access to employees or resources, to gain media attention in support of their, or any other Candidate's election campaign. For clarity this means that an elected must



not utilise Council staff or resources in the preparation or delivery of campaign related media.

Council Committees and Groups – an elected member shall not use their membership of a Council committee or appointment by Council as a member of an external group to disseminate information or promote their, or any other Candidate's election campaign. For example, this Policy would prevent the distribution of promotional material by an elected member to members of a group or committee of which that elected member was a member by virtue of them being an elected member.

Nothing in this policy prevents the Lord Mayor, elected members and staff from carrying on the business of the Council during the Caretaker Period.

Council meetings will continue to be held during the Caretaker Period in accordance with the approved meeting schedule and will consider agenda items that relate to the ordinary business of Council other than those matters identified in this policy.

The Chief Executive Officer may still exercise all delegations provided by Council and carry out the functions and powers set out in section 62 of the Act during the Caretaker Period, including the appointment of staff and the awarding of tenders and contracts.

Capital works as approved by Council as part of the annual budget process and subsequently approved by the awarding of a tender, can proceed during the Caretaker Period, regardless of their scale.

Council decisions and commitments made prior to the commencement of the Caretaker Period can continue to be actioned or implemented during the Caretaker Period including the provision of grants and sponsorships.

The Lord Mayor and elected members can 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.

The Lord Mayor is the spokesperson for Council in accordance with Section 27 of the Act and will carry out the civic and ceremonial functions of the mayoral office during the Caretaker Period.

Individual elected members may continue to represent the community and facilitate communication between Council and the community and otherwise carry out the functions of office set out in section 28 of the Act for the duration of the Caretaker Period.

Nothing in this policy affects the application of the Council's policy titled "Elected Member Development and Support".



Council employees shall maintain the normal business activities of Council during the Caretaker Period. Employees shall undertake their duties in an appropriate way and take all steps to avoid any real or perceived support for a candidate in order to protect the organisation's ability to impartially serve any incoming Council following an election.

## 4. Legislation, Terminology and References

### Definitions

In this policy:

**“By-Election”** is an election to replace an elected member after the elected member's office becomes vacant.

**“Candidate”** is a person standing for election.

**“Council”** means the Hobart City Council.

**“Caretaker Period”** is the period from the Notice of Election published in accordance with section 269 of the Act until seven days after the day on which the polls close for the relevant local government general election.

**“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.

**“The Act”** means the *Local Government Act 1993* (Tas).

**“Major Policy Decision”** refers to the appointment, remuneration or termination of the General Manager, approval of contracts greater than 1% of Council's net revenue, adoption or renewal of policies, making, amending or repealing of planning schemes and establishment of By-Laws.

**“MPR”** means the *Local Government (Meeting Procedures) Regulations 2015*.

### Legislation

The following legislation is relevant to this policy:

- *Local Government Act 1993*
- *Electoral Act 2004*
- *Land Use Planning and Approvals Act 1993*



<b>Responsible Officer:</b>	Manager Legal and Governance
<b>Policy first adopted by the Council:</b>	11 July 2022
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