



## Election Caretaker Period

<b>Policy Type: Council Policy</b> <b>Policy Owner: Chief Executive Officer</b>	<b>Policy No. CP-105</b> <b>Last Review Date: 15 April 2025</b>
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### Policy Objectives

The purpose of this policy is to:

- Avoid the City of Melville (the City) undertaking significant acts prior to an election which would bind an incoming Council; and
- Prevent the use of public resources in ways seen to be advantageous to, or promoting candidates; and
- Ensure staff act impartially in relation to candidates; and
- Ensure the continuation of ordinary business in a responsible and transparent manner that ensures elections are conducted in an ethical, fair and equitable manner and are publicly perceived as such.

### Policy Scope

This Policy applies to Elected Members, electoral candidates and employees of the City of Melville during the Caretaker period and covers:

- a) Decisions that are made by the Council;
- b) Information and material published by the City;
- c) Attendance and participation in functions and events;
- d) Use of the City's resources;
- e) Access to information held by the City.

### Definitions / Abbreviations Used In Policy

has the meaning given in the *Local Government Act 1995* Part 2 Division 4 s2.16A.

**Electoral Material** has the meaning given in the *Local Government Act 1995* Part 4 Division 11 s4.87 and means *any advertisement, handbill, pamphlet, notice, letter or article that is intended or calculated to affect the result of an election but does not include an advertisement in a newspaper announcing the holding of a meeting.*

**Local Government Caretaker Period** has the meaning given in the *Local Government Act 1995* Part 1 s1.4A(1) and means *a period that begins at the close of nominations for a relevant election for the local government; and ends on the day after the day on which the returning officer declares the results of the relevant election.* .

**Significant Act** has the meaning given in the *Local Government Act 1995* Part 3 Division 5 s3.73 and means *any of the following-*

- (a) *making a local law (including making a local law to amend or repeal a local law);*
- (b) *entering into, or renewing or terminating, the contract of employment of the CEO or of a senior employee;*



- (c) *entering into a major land transaction;*
  - (d) *entering into a land transaction that is preparatory to entry into a major land transaction;*
  - (e) *commencing a major trading undertaking;*
  - (f) *entering into a contract, or other agreement or arrangement, in prescribed circumstances;*
  - (g) *inviting tenders in prescribed circumstances;*
  - (h) *deciding to do anything referred to in paragraphs (a) to (g);*
  - (i) *an act done under a written law or otherwise that is a prescribed act.*
- or any updated definition as per the Local Government Act 1995.*

**City of Melville Communications** means any hard copy or electronic publications, created, or paid for by the City of Melville, including, but not limited to:

- Website content
- Print material (pamphlets, advertisements, handbills, business cards and notices)
- Social media content (including but not limited to Facebook, Twitter, Instagram, and YouTube)
- Papers and Briefings (Agendas, Media Advice, Minutes)
- Any of the above created for use by an Elected Member or Candidate.

**The Department** means the Department of Local Government, Sport and Cultural Industries

**Act** means the *Local Government Act 1995*

**The Code of Conduct** means *the City of Melville Code of Conduct for Elected Members, Committee Members, and Candidates.*

**Candidates** means any person who is nominating for the Election, including any current Elected Members.

## **Policy Statement**

### **1 INTRODUCTION**

#### **1.1 Scheduling Consideration of Significant Acts During Local Government Caretaker Period.**

As far as reasonably practicable, the Chief Executive Officer (CEO) should avoid scheduling Significant Acts for consideration during a Caretaker Period, and instead should ensure that such decisions are either:

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

Where circumstances require, the CEO may, in accordance with the Act Part 3 Division 5 s3.73 (6), seek approval from the Department to submit a Significant Act to the Council for consideration. Reasons when a local government may do a Significant Act are prescribed in the Act Part 3 Division 5 s3.73 (4) & (5).



## **2 IMPLEMENTATION OF CARETAKER PRACTICES DURING LOCAL GOVERNMENT CARETAKER PERIOD**

### **2.1 Role of the Chief Executive Officer in Implementing Caretaker Practices During Local Government Caretaker Period**

The role of the CEO in implementing the local government caretaker practices outlined in this Policy is to ensure as far as possible that:

- a) All Elected Members and employees are aware of the Caretaker Period Policy and practices, 60 days prior to the start of the local government Caretaker Period.
- b) Any Significant Acts required by the Council are scheduled for Council resolution prior to the local government Caretaker Period or deferred where appropriate, for determination by the incoming Council.
- c) All announcements regarding decisions made by the Council prior to the Local Government Caretaker Period, are publicised prior to the local government Caretaker Period.

### **2.2 Local Government Election Process Enquiries**

All election process enquiries from Candidates will be directed to the Returning Officer or, where the matter is outside the responsibility of the Returning Officer, to the Chief Executive Officer.

### **2.3 Elected Member and Candidate Interactions**

Candidates should take particular care and give consideration to the requirements of the Code of Conduct during the local government Caretaker period.

## **3 IMPLEMENTATION OF CARETAKER PRACTICES DURING STATE AND FEDERAL GOVERNMENT ELECTIONS**

Elected Members who nominate or are pre-selected by a political party to contest a state or federal election, should avoid any appearance that their position is being used as a platform for their campaign during the election period.

Therefore, an Elected Member:

- is encouraged to take leave of absence from the Council for such period as they see fit;
- should, as soon as practicable after becoming aware of their appointment, notify the Chief Executive Officer in writing, who in turn will advise the Council; and
- take care and give consideration to the requirements of the Code of Conduct.

## **4 CITY OF MELVILLE PUBLICATIONS**

### **4.1 Prohibition on City of Melville Communications**

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 City of Melville Communications relating to an election issue or which may be perceived to be electoral material.

Any City of Melville Communications potentially affected by this policy will be reviewed by the CEO to ensure that any references to the election will only relate to the election process.

This clause does not apply to information published prior to the Caretaker Period or publications which merely announce the holding of the election or relate only to the election process itself.

Additionally, public consultation or communication relating to Significant Acts shall not occur during caretaker period, except where the process has substantially commenced and the Council's approval has been received prior to the period coming into effect, or the consultation is a mandatory statutory process.

During the Caretaker Period no City employees may make any public statement that relates to an election issue unless the statements have been approved by the Chief Executive Officer.

### **4.2 Candidate and/or Elected Member Publications**

Candidates are permitted to publish campaign material on their own behalf but cannot claim for that material to be originating from or authorised by the City (e.g. use of the City of Melville logo and/or crest).

Any City of Melville Communications, including information about Elected Members will be restricted to names, contact details, titles, membership of special committees and other bodies to which they have been appointed by the Council.



## **5 ATTENDANCE AND PARTICIPATION AT EVENTS/FUNCTIONS**

### **5.1 Public Events Hosted by External Bodies**

During Caretaker, Elected Members may continue to attend events and functions hosted by external bodies outlined in Council Policy CP-113 Attendance at Events.

### **5.2 City of Melville Organised Civic Events/Functions**

Events and/or functions organised by the City and held during the Caretaker Period will be limited to only those that the CEO considers essential to the operation of the City.

Annual, recurring City-wide community events that are scheduled to take place during the Caretaker Period will proceed, but there should be no formal role for Elected Members at these events.

During the Caretaker Period, Elected Members dinners and lunches should not be scheduled for any sitting Elected Member who is nominating as a candidate for local, state or federal government elections and/or an Elected Member host any events, presentation or appear in any Council promotional material during the Caretaker Period. This provision does not restrict Elected Members attendance at a meal prior to Council/Committee meetings and other City functions.

## **6 THE USE OF CITY OF MELVILLE RESOURCES**

The *City of Melville Code of Conduct Elected Members, Committee Members and Candidates* 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 – prohibits the use of employees for personal tasks and prohibits the use of equipment, stationery, or hospitality for non-Council business). This includes that the use of resources for electoral purposes is not restricted to the Caretaker Period.

The City's employees must not be asked to undertake any tasks connected directly or indirectly, or perceived to be connected, with an election campaign and should avoid assisting Elected Members in this way. 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.

Additionally, Elected Members must not improperly use their position on the Council to campaign, including as a representative on advisory groups or committees, for election purposes.

## 7 ACCESS TO COUNCIL INFORMATION

### 7.1 Elected Member Access to Information

During the Caretaker Period, Elected Members can access Council information relevant to the performance of their functions as an Elected Member.

### 7.2 Electoral Information and Assistance

All Candidates will have equal rights to access public information, such as the electoral rolls (draft or past rolls) and information relevant to their election campaigns from the City's administration.

Any assistance and advice provided to candidates as part of the conduct of an election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to candidates in advance. Types of assistance may include advice on manipulation of electoral roll data and interpretation of legislative requirements amongst other matters.

### 7.3 Information Request Register

An Information Request Register will be maintained by the Chief Executive Officer, or their delegate, during the Caretaker Period. The Register will be a public document that records all requests for information made by candidates for local, state, or federal elections, and the response given to those requests during the Caretaker Period. Staff will be required to provide details of requests to the Chief Executive Officer for inclusion in the Register.

#### References that may be applicable to this Policy

Legislative Requirements:

Procedures, Process Maps, Work Instructions:

Other Plans, Frameworks, Documents Applicable to Policy:

Delegated Authority No:

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#### ORIGIN/AUTHORITY

Insert name of Council Meeting

Insert date of meeting

#### Item No.

Insert Item No.

#### Reviews

Insert name of Council Meeting

Insert date of meeting

Insert Item No.