

<b>Responsible Directorate</b>	<b>Office of the Chief Executive Officer</b>
<b>Responsible Business Unit/s</b>	<b>Governance</b>
<b>Responsible Officer</b>	<b>Manager Governance</b>
<b>Affected Business Unit/s</b>	<b>All</b>

## Objective

This policy is to avoid actions and decisions which could be perceived as intended to influence the result of an election, or otherwise have a significant impact on or commit the incoming Council to.

The policy ensures the City of Stirling’s (the City) administration acts impartially in relation to candidates and prohibits Elected Members from using a wide range of City Resources during their candidacy for local, State and/or Federal elections.

## Scope

This policy applies to all Elected Members and employees of the City.

## Policy

### 1. Local Government Election Caretaker Practices

#### 1.1 Local Government Caretaker Period Notification

The Chief Executive Officer (CEO) will ensure that all Elected Members and employees are aware of this policy, at least 30 days prior to the commencement of the Caretaker Period.

#### 1.2 Major Policy Decisions

The CEO will not, as far as possible, schedule Major Policy Decisions for consideration during the Caretaker Period, and instead ensure decisions are either:

- a) Considered by Council prior to the Caretaker Period; or
- b) Scheduled for determination by the incoming Council.

Where Exceptional Circumstances prevail, the CEO may submit a Major Policy Decision to Council during the Caretaker Period. Where this occurs the following Caretaker Statement must be included in the report:

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

#### 1.3 Previous Council Decisions

The CEO will ensure, as far as possible, any announcements regarding decisions made by the Council prior to the Caretaker Period, are not made during the Caretaker Period.

## **1.4 Public Consultation**

Public Consultation is prohibited to be undertaken during the Caretaker Period, on an issue which is contentious or may influence the result of the election, unless the consultation is a mandatory statutory process.

## **1.5 Appointment or Dismissal of the CEO**

The CEO may not be appointed or dismissed during the Caretaker Period.

The Council may appoint an Acting CEO or suspend the current CEO (in accordance with the terms and conditions of their contract) pending the election, after which date a permanent decision can be made.

## **1.6 Local Government Election Enquiries**

All election enquiries from candidates, will be directed to the Returning Officer or, where the matter is outside of the responsibility of the Returning Officer, to the CEO.

## **1.7 City Publications**

Any reference to Elected Members in City publications printed, published or distributed during the Caretaker Period must not include promotional text. Any publications affected by this policy will be reviewed by the CEO prior to distribution, to ensure that any circulated, displayed or otherwise publicly available material during the Caretaker Period does not contain material that may be considered Electoral Material.

## **1.8 City 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, prior approval from the CEO must be obtained. Approval of publicity campaigns during the Caretaker Period will be restricted to communicating normal City activities and initiatives only.

## **1.9 City 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 relating Elected Members will be restricted to names, contact details, titles, membership of committees and other bodies they have been appointed to by Council.

## **1.10 City Organised Civic Events/Functions**

Events and/or functions organised by the City and held during the Caretaker Period, will be limited to those that the CEO considers essential to the operation of the City, and must not be considered relevant to, or likely to influence the outcome of an election.

## **1.11 Electoral Information and Assistance**

All candidates will have equal rights to access:

- Public information, such as the electoral roll and information relevant to their election campaign; and
- Assistance and advice on matters relating to the conduct of an election, such as the election timeline, placement of election signs and interpretation of legislative requirements.,

All requests for information and/or assistance must be recorded in the City's record keeping system.

## 2. State and Federal Government Election Caretaker Practices

Should an Elected Member be a Pre-selected Candidate/nominate for a State or Federal election, the Elected Member must avoid any appearance that their role as an Elected Member is being used as a platform for their campaign. Elected Members must ensure that:

- Items of business on the agenda and communication with members of the community relate to the role of Council and are not designed to enhance the Elected Member's campaign;
- Information received in the role of an Elected Member, is not used for campaigning purposes, except to the extent that the information is already in the public domain.
- A leave of absence from Council is taken for the duration of the Caretaker Period;
- If a leave of absence is not to be taken, prior written notice is given to the Mayor outlining the reasons why a leave of absence will not be taken and the actions that will be put in place to manage any conflicts; and
- If elected, notify the CEO in writing as soon as practicable, who in turn will advise Council.

Particular care should be taken when, but not restricted to:

- Considering planning matters before Council in its role as a responsible authority under the *Planning and Development Act 2005*;
- Understanding a consultation or advocacy role on behalf of members of the community; and
- Representing Council communications with State or Federal government entities.

### 2.1 City Publications

The CEO has authority to remove promotional text relating to an Elected Member, from City publications during the Caretaker Period.

## 3. Over-arching Election Caretaker Practices

Caretaker practices detailed under this section are applicable to all elections (ie. local, State and Federal elections).

### 3.1 Notices of Motion

Elected Members may not raise Notices of Motion during the Caretaker Period or propose Notices of Motion to be considered by Council during the Caretaker Period. The CEO will ensure that consideration of any such Notice of Motion does not occur during the Caretaker Period.

A Notice of Motion may be raised during the Caretaker Period if, in the opinion of the CEO, Exceptional Circumstances exist.

### 3.2 Publishing Electoral Material

The City will 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.

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

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

### **3.3 City Branding**

Candidates and/or Elected Members are prohibited from using the City of Stirling address, Crest, branding and/or logo on any Electoral Material published by, or on their behalf.

### **3.4 Public Statements**

During the Caretaker Period City employees are prohibited to make public statements that relate to an election issue unless the statements have been approved by the CEO.

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

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

### **3.6 City Organised Civic Events/Functions**

During the Caretaker Period, Elected Members who have nominated as a candidate for a local, State or Federal election are not permitted to:

- Make speeches or addresses (except for short welcome speeches) at events and/or functions organised or sponsored by the City; and
- Host Community Engagement Events.

### **3.7 Delegates to Community and Advisory Groups**

Elected Members appointed to community groups, advisory groups and other external organisations as representatives of the City, must not use their attendance at meetings of these groups to recruit assistance with electoral campaigning or promote their personal or another candidate's electoral campaign.

### **3.8 Use of City Resources**

Council's Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007* prescribe that City Resources are only to be used for Council business.

City Resources must not be used for electoral purposes. The prohibition on the use of City Resources for electoral purposes is not restricted to the Caretaker Period. Where the use of City Resources may be construed as being used for electoral purposes, advice is to be sought from the CEO.

### **3.9 City Employees**

City employees are prohibited from undertaking any tasks connected directly or indirectly with an election campaign and must avoid actions that may create a perception that they are assisting Elected Members with their campaign.

### **3.10 Elected Member Access to Information**

During the Caretaker Period, Elected Members can access Council information relevant to their role as an Elected Member. The provision of access to this information should be exercised with caution and be limited to matters that are before Council for consideration. Any Council information accessed must not be used for electoral purposes.

### **3.11 Media Advice**

No media advice will be provided in relation to election issues or regarding publicity that involves an Elected Member who is a Pre-selected Candidate or has nominated in a local, State or Federal election.

Any requests for media advice or assistance from Elected Members during the Caretaker Period will be referred to the CEO. If satisfied that advice sought by an Elected Member during the Caretaker Period does not relate to the election or publicity involving an Elected Member's campaign, the CEO may authorise a response to be provided.

### 3.12 Media Attention

Elected Members must not use their role, City Resources or their access to Council information to gain media attention in support of their, or another candidate's election campaign.

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## Definitions

**Caretaker Period** means:

- a) For local government elections, from the date of the opening of nominations being 44 days prior to Election Day in accordance with Section 4.49(a) of the *Local Government Act 1995*, until 6pm on Election Day, and
- b) For State or Federal elections, from the date of the writ issued by the Governor or Governor General.

**City Resources** include, but are not limited to:

- a) Employees;
- b) Photographs;
- c) Email addresses;
- d) City addresses;
- e) City facilities;
- f) Stationery (including letterhead, business cards etc.); and
- g) Equipment.

**Community Engagement Events** means an event hosted by the City, for Elected Members to engage with the community in accordance with the Elected Member and Chief Executive Officer Attendance at Events Policy.

**Election Day** means:

- a) For local government elections, the day fixed under the *Local Government Act 1995* for the holding of any election, and
- b) For State or Federal elections, the date specified in the writ issued by the Governor or Governor General.

**Electoral Material** means any advertisement, handbill, pamphlet, notice, letter, article or social media post that is intended or calculated to aid a candidate in an election.

**Events and Functions** means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the City and its stakeholders and may take the form of launches, promotional activities and social occasions such as dinners and receptions.

**Exceptional Circumstances** means a situation that requires a decision of the Council during a local government Caretaker Period if, in the CEO's opinion:

- a) the urgency of the issue is such that it cannot wait until after the local government election;
- b) there is a reasonable prospect of legal and/or financial repercussions if a decision is deferred; or
- c) it is in the best interests of the City for the decision to be made as soon as possible.

**Major Policy Decision** during a local government Caretaker Period means any:

- a) Decisions relating to the improvement, termination or remuneration of the CEO or any other designated senior officer, other than a decision to appoint an Acting CEO, or suspend the current CEO (in accordance with the terms and conditions of their contract), pending the local government election.
- b) Decisions relating to the City entering into a sponsorship arrangement with a total City contribution that would constitute Substantial 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) Irrevocable decisions that commit the City to Substantial Expenditure or significant actions, such as that which might be brought about through a Notice of Motion by an Elected Member.
- d) Irrevocable decisions that will have a significant impact on the City or the community.
- e) Reports requested or initiated by an Elected Member, candidate or member of the public that, in the opinion of the CEO, could be perceived within the 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 community.

**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.

**Pre-selected Candidate** means the process by which a candidate is selected by a political party to contest a State or Federal election for political office prior to nominations opening.

**Substantial Expenditure** means expenditure that exceeds 0.01% of the City's annual budgeted revenue (inclusive GST) in the relevant financial year.

## Relevant management practices/documents

City of Stirling Code of Conduct  
 Elected Member and Chief Executive Officer Attendance at Events Policy  
 Elected Member Entitlements Policy (proposed)  
 Elected Member Professional Development Policy (proposed)

## Legislation/local law requirements

*Local Government Act 1995*  
*Local Government (Elections) Regulations 1996*  
*Electoral Act 1907*  
*Electoral Act 1918 (Commonwealth)*

Office use only				
<b>Relevant delegations</b>	Not applicable			
<b>Initial Council adoption</b>	<b>Date</b>	17 November 2020	<b>Resolution #</b>	1120/015
<b>Last reviewed</b>	<b>Date</b>		<b>Resolution #</b>	
<b>Next review due</b>	<b>Date</b>	2022		