ELECTIONS CARETAKER POLICY

POLICY NO: 1.1.12 REVIEW DATE: May 2018

OBJECTIVE

To ensure the Town’s activities, and those of its Elected Members who are candidates in the local government elections, are undertaken in a manner that support a high standard of integrity during election periods.

POLICY STATEMENT

The primary objective of this Policy is to avoid the Town making major decisions prior to an election that would bind an incoming Council, prevent the use of public resources in ways that are seen as advantageous to, or promoting, the sitting Elected Members who are seeking re-election, or new candidates, and ensuring the Town's Administration acts impartially in relation to candidates.

This Policy applies during a ‘Caretaker Period’ (see below for a definition) to cover:

(a) Decisions that are made by the Council;
(b) Materials published by the Town;
(c) Attendance and participation in functions and events;
(d) Use of the Town’s resources;
(e) Access to the Town’s information.

This Caretaker Policy applies to Elected Members and employees of the Town of Cambridge.

Whilst electoral candidates are not sitting Elected Members and cannot be compelled to comply with Council Policy, candidates will be made aware of the Caretaker Policy and encouraged to cooperate with its implementation.

1. DEFINITIONS

Caretaker Period

The period of time from the close of nominations, being 37 days prior to the Election Day, in accordance with Section 4.49(a) of the Local Government Act 1995, until 6pm on Election Day.

Election Day

The day fixed under the Local Government Act 1995 for the holding of any election.

Excludes 'extraordinary elections' other than an extraordinary election for the Office of Mayor.
**Electoral Material**

Any advertisement, handbill, pamphlet, notice, letter, article or social media post that is intended, or calculated to aid a candidate in an election, but does not include:

- (a) An advertisement in a newspaper announcing the holding of a meeting in accordance with Section 4.87(3) of the *Local Government Act 1995*;
- (b) Any materials exempted under Regulation 78 of the *Local Government (Elections) Regulations 1997*;
- (c) Any materials produced by the Town relating to the statutory 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.

**Events and Functions**

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 Town and its stakeholders, and may take the form of conferences, workshops, forums, launches, promotional activities, and social occasions such as dinners and receptions.

**Extraordinary Circumstances**

A situation that requires a major policy or substantial expenditure decision of the Council in the event:

- (a) In the Chief Executive Officer's opinion, the urgency of the issue is such that it cannot wait until after the election;
- (b) Of the possibility of legal and/or financial repercussions if a decision is deferred; or
- (c) In the Chief Executive Officer's opinion, it is in the best interests of the Council and/or the Town of Cambridge for the decision to be made as soon as possible.

**Major Policy Decision**

Any:

- (a) Decisions relating to the employment, termination or remuneration of the Chief Executive Officer or any other designated Senior Officer, other than a decision to appoint an Acting Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms and conditions of their contract), pending the election.
- (b) Decisions relating to the Town entering into a sponsorship arrangement with a total Town 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) Decisions that commit the Town to substantial expenditure or significant actions, such as that which might be brought about through a Notice of Motion by an Elected Member.
(d) Decisions that will have a significant impact on the Town of Cambridge or the community.

(e) Reports requested or initiated by an Elected Member, candidate, or member of the public, that in the opinion of the Chief Executive Officer, 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 community.

Public Consultation  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.

Substantial Expenditure  Expenditure that exceeds 0.01% of the Town's annual budgeted revenue (exclusive of GST) in the relevant financial year.

2. POLICY PROVISIONS

2.1 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 or substantial expenditure decision to Council.

2.2 Decisions Made Prior to a Caretaker Period

This Policy only applies to actual 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.

3. IMPLEMENTATION OF CARETAKER PRACTICES

3.1 Role of the Chief Executive Officer in Implementing Caretaker Practices

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

(a) The Chief Executive Officer will ensure, as far as possible, that all Elected Members and employees are aware of the Caretaker Policy and practices 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 substantial expenditure decisions required by the Council are scheduled for Council resolution prior to the Caretaker Period, or deferred where appropriate, for determination by the incoming Council.

(c) The Chief Executive Officer will endeavor to make sure all announcements regarding decisions made by the Council prior to the Caretaker Period, are publicised prior to the Caretaker Period.

4. EXTRAORDINARY CIRCUMSTANCES REQUIRING EXEMPTION

4.1 Extraordinary Circumstances

The Chief Executive Officer may permit a matter defined as a ‘major policy’ or ‘substantial expenditure’ decision to be submitted to the Council during the Caretaker Period.

4.2 Appointment or Removal of the Chief Executive Officer

While this Policy establishes that the Chief Executive Officer may not be appointed or dismissed during the Caretaker Period, in the case of an emergency, the Council may act to appoint an Acting Chief Executive Officer, or suspend the current Chief Executive Officer (in accordance with the terms and conditions of their contract), pending the election, after which date a permanent decision can be made.

5. 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 every report submitted to the Council where the Council's decision would, or could, be a Major Policy or Substantial Expenditure Decision and state:

“The decision the Council may make in relation to this item could constitute a 'Major Policy' or 'Substantial Expenditure' within the context of the Town of Cambridge Caretaker Policy, however, an exemption should be made because (insert the circumstances for making the exemption).”

6. TOWN OF CAMBRIDGE PUBLICATIONS

6.1 Prohibition on Publishing Electoral Material

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

6.2 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.

6.3 Candidate and/or Elected Member Publications

Candidates and/or Elected Members are permitted to publish campaign material on their own behalf, but cannot claim for that material to be originating from or authorised by the Town, eg Town of Cambridge Armorial Crest, Branding and/or Logo.

6.4 Election Announcement

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

6.5 Town of Cambridge Publications

Any reference to Elected Members in the Town's publications printed, published or distributed during the Caretaker Period must not include promotional text. Any of the Town'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 consumed as 'electoral material'.

6.6 Town of Cambridge Website

During the Caretaker Period the Town'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 Elected 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.

6.7 Town of Cambridge Business Cards

During the Caretaker Period Elected Members shall ensure that their allocated business cards are used only for purposes associated with the normal role of an Elected Member in servicing their electorate. Elected Member 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 Town's resources for electoral purposes is not restricted to the Caretaker Period.

7. PUBLIC CONSULTATION DURING THE CARETAKER PERIOD

7.1 Prohibition

It is prohibited under this Policy for public consultation to be undertaken during the Caretaker Period on an issue which is contentious, unless the consultation is a mandatory statutory process, or prior approval is given by the Chief Executive Officer.
8. ATTENDANCE AND PARTICIPATION AT EVENTS/FUNCTIONS

8.1 Public Events Hosted by External Bodies

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

8.2 Town of Cambridge Organised Civic Events/Functions

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

During the Caretaker Period, Elected Member dinners, with the exception of Council or Committee meetings and lunches, should not be scheduled for any sitting Elected Member who is re-nominating, and/or an Elected Member host any events, presentations, or appear in any Council promotional material during the Caretaker Period.

8.3 Addresses by Elected Members

Elected Members that are also candidates should not be permitted to make speeches or addresses at events/functions organised or sponsored by the Town during the Caretaker Period. Elected Members may make short welcome speeches to events and functions organised or sponsored by the Town during the Caretaker Period, subject to prior approval of the Chief Executive Officer.

8.4 Delegates to Community and Advisory Groups

Elected Members appointed to community groups, advisory groups and other external organisations as representatives of the Town shall not use their attendance at meetings of such groups to either recruit assistance with electoral campaigning or to promote their personal or other candidate's electoral campaigns.

9. THE USE OF TOWN OF CAMBRIDGE RESOURCES

Council Code of Conduct - Working Ethically with Town Resources and the Local Government (Rules of Conduct) Regulations 2007 provide that the Town'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 the use of resources for electoral purposes. It should be noted that the prohibition on the use of the Town's resources for electoral purposes is not restricted to the Caretaker Period.

The Town'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 Town resources might be construed as being related to a candidate's election campaign, advice is to be sought from the Chief Executive Officer.
10. ACCESS TO COUNCIL INFORMATION AND ASSISTANCE

10.1 Elected Member Access to Information

During the Caretaker Period, Elected Members are able to access Council information relevant to the performance of their functions as an Elected Member. However, this access to information should be exercised with caution and limited to matters that the Council is dealing with within the objectives and intent of this Policy. Any Council information so accessed must not be used for election purposes.

10.2 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 Town administration. Information, briefing material and advice prepared or secured by employees for an Elected Member must be necessary to the carrying out of the Elected Member’s role, and must not be related to election issues that may be perceived to be of an electoral nature (refer to Part 8 of this policy).

Any assistance and advice provided to candidates as part of the conduct of the local government 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, interpretation of legislative requirements, amongst other matters.

In addition, sitting Elected Member’s photos and Town email addresses are not to be used during campaign periods.

10.3 Information Request Register

An Information Request Register will be maintained by the Chief Executive Officer during the Caretaker Period. The Register will be a public document that records all requests for information made by Elected Members and candidates, and the response given to those requests during the Caretaker Period. Employees will be required to provide details of requests to the Chief Executive Officer for inclusion in the Register.

10.4 Media Advice

Any requests for media advice or assistance from Elected 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 Elected Members. If satisfied that advice sought by an Elected Member during the Caretaker Period does not relate to the election or publicity involving any specific Elected Member, the Chief Executive Officer may authorise the provision of a response to such a request.
10.5 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 Town activity, it must be approved by the Chief Executive Officer. In any event, the Town's publicity during the Caretaker Period will be restricted to communicating normal Town activities and initiatives.

10.6 Media Attention

Elected Members will not use their position as an elected representative, or their access to Town employees or resources, to gain media attention in support of their or any other candidate's election campaign.

10.7 Town of Cambridge Employees

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

10.8 Election Process Enquiries

All election process enquiries from candidates, whether current Elected 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.

ORIGIN/AUTHORITY
Council Meeting - 20 December 2016

DATE AMENDED
All policies are reviewed every two years in April. This policy was amended at the following meetings:
Council Meeting - 22 May 2018