

# Electoral Caretaker Period

## Policy Objective

This policy establishes protocols for the Caretaker Period, being the period leading up to, and ending immediately after the Election day ensuring that major decisions which would bind an incoming Council are avoided where possible, preventing the use of public resources in ways that may be seen as advantageous to or promoting candidates.

The policy ensures the City's activities, and those of Elected Members who are candidates in local government elections, are undertaken in a manner that supports a high standard of integrity during local government election periods.

## Policy Detail

This policy applies to Elected Members, electoral candidates and employees of the City during a **Caretaker Period** and covers:

- Notices of Motion submitted by Elected Members;
- Decisions made by the Council;
- Promotional materials published by the City;
- Discretionary community consultation;
- Events and Functions held by the City;
- Use of the City's resources; and
- Access to information held by the City.

### 1. Caretaker Period Protocols – Decision Making

#### a) Notice of Caretaker Period and Policy requirements

The CEO will ensure that:

- i) Elected Members and employees are advised in writing of the impending **Caretaker Period** and Policy requirements at least 30 days prior to the close of nominations of the commencement of a **Caretaker Period**.
- ii) Candidates are provided with a copy of this Policy at the time of their nomination for election, to ensure awareness of the Policy requirements.

#### b) Managing CEO Employment

A **Significant Act** includes the entering into, or renewing or terminating, the contract of employment of the CEO which must not be undertaken during a **Caretaker Period**.

Nonetheless, Council in satisfaction of its obligations as the CEO's employer during a Caretaker Period may consider and determine:

- i) appointment of an Acting CEO, where necessary;
- ii) the CEO's leave applications; or
- iii) any other incidental employment matter associated with the CEO including finalisation of the CEO Annual Performance Appraisal process.

## 2. Caretaker Period Protocols – Candidates

### a) Election process enquiries

All election process enquiries from candidates, including Elected Members who have nominated for re-election, will be directed to the Returning Officer, or where the matter is outside the responsibility of the Returning Officer, to the CEO.

### b) Access to Information

Candidates, including Elected Members who have nominated for re-election, shall be provided with equitable access to the City's public information.

Elected Members nominating for re-election, may access information and assistance regarding the City's operations and Council matters during a **Caretaker Period**, but only to the extent necessary to perform their role as a Councillor and limited to matters currently relevant to the City.

Candidates, including Elected Members who have nominated for re-election, will **not** use or access City information, resources or employee resources and expertise for the purpose of gaining electoral advantage or disadvantage relevant to their own candidacy or any other person's candidacy.

All requests for information and advice from the City will be reviewed by the CEO. Where the subject of the information or advice is considered to relate to an election campaign matter, the CEO will have absolute discretion to determine if the information or advice is or is not provided. Where information is provided to one candidate, the CEO may determine if that information is also to be provided to all candidates, including candidates who are not current Elected Members.

c) Candidate Electoral Materials

Candidates, including Elected Members who have nominated for re-election, shall not use any of the following elements comprising the City's official corporate branding including the City's:

- i) official crest;
- ii) logo;
- iii) graphical devices (including "Joy", "River", "Star" and "Moon"); and/or
- iv) tagline "City of Opportunity";

so as to mimic or resemble the City's corporate brand in any Electoral Materials and any other form including but not limited to badge, nameplate, sticker, vehicle decoration, article of clothing or headwear; or in any way falsely represent ("pass off") such materials as being from, approved by or belonging to the City of Belmont.

d) Media and Publicity

All Elected Member requests for media advice or assistance during a Caretaker Period, will be referred to the CEO for review.

The CEO will only authorise Elected Member access to media advice or assistance where, in the CEO's opinion, the subject matter is relevant to the City's objectives or operations and is not related to an election campaign purpose or issue, or to the elected member's candidacy or the candidacy of another person.

e) Elected Member business cards and City printed materials

Elected Members must ensure that City business cards and printed materials are only used for purposes associated with their role of a Councillor, in accordance with s.2.10 of the *Local Government Act 1995* (WA).

Elected Members are prohibited from using City business cards or City printed materials that are not available as a public document at any time, including times outside a **Caretaker Period**, for any election campaign purpose, either in support of their own candidacy or the candidacy of another person.

f) Elected Member participation in Events and Functions

During a **Caretaker Period** Elected Members may continue to fulfil their role through attendance at Events and Functions hosted by external bodies.

g) Elected member delegates to external organisations

At any time, including times outside of a **Caretaker Period**, Elected Members who are the Council's appointed delegate to an external organisation, must not use their attendance at an external organisation's meeting, event or function for any purpose associated with an election campaign purpose, including recruiting campaign assistance or promoting their own candidacy or the candidacy of another person.

h) Elected Member addresses/speeches

Excluding the Mayor and Deputy Mayor when fulfilling their functions prescribed in sections 2.8 or 2.9 of the *Local Government Act 1995* (WA), Elected Members who have nominated for re-election, are not permitted to make speeches or addresses during a **Caretaker Period** at events or functions organised or sponsored by the City, unless expressly authorised by the CEO.

In any case, the Mayor, Deputy Mayor and Elected Members shall not use any official speech or address at any function or event during a **Caretaker Period** to promote an election campaign purpose.

i) Elected member misuse of local government resources

Use of City resources by an Elected Member for the purpose of persuading electors to vote in a particular way is a "misuse of Local Government resources" and a breach of Clause 17 of the *Code of Conduct for Council Members, Committee Members and Candidates*.

This prohibition on misuse of local government resources for electoral purposes applies at all times and is not only applicable to a **Caretaker Period**.

For clarity, local government resources include, but are not limited to, employee time or expertise, equipment, stationery, hospitality, images, communications, services, reimbursements, vehicles and allowances provided by the City.

### 3. City Publicity and Promotional Activities

Publicity campaigns and promotional activities during a **Caretaker Period** may be undertaken only for the purposes of:

- a) Promoting City services and activities, where such promotion does not relate to an electoral campaign matter and would otherwise be undertaken as part of normal operations; and
- b) Conducting the election and promoting elector participation in the election.

All other publicity and promotional activities of City initiatives will be, where reasonably practicable, avoided during the **Caretaker Period**, including the announcement of a **Significant Act** made prior to the commencement of a **Caretaker Period**.

#### **4. Civic Events and Functions**

The City will avoid the scheduling of Civic Events and Functions during a Caretaker Period to prevent any actual or perceived electoral advantage that may be provided to Elected Members who have nominated for re-election.

Civic Events and Functions organised by the City and held during the Caretaker Period will be reduced to only those essential to the operation of the City and should not in any way be associated with any issues considered topical and relevant to the election or be used as a forum for political canvassing.

#### **5. City Website and Social Media Content**

- a) The City's website and social media shall comply with the requirements of this Policy.

Website and social media content regarding Elected Members will be limited to elected member names, contact details, membership of committees and Council appointments as City delegates on external committees and organisations.

- b) New website or social media content which relates to Major Policy Decisions or election campaign issues will not be published during a Caretaker Period.
- c) Content posted by the public, candidates or Elected Members on the City's social media channels, which is considered by the CEO to be candidate election campaign material or to promote any candidate, will be removed.

#### **6. Discretionary Community Consultation**

Unless consultation is mandated under a written law or in accordance with s.3.73 of the *Local Government Act 1995 (WA)*, Public Consultation relevant to a Significant Act or potentially contentious election campaign issues will not be initiated in a manner that results in the consultation period being conducted immediately prior to, throughout or concluding during, a **Caretaker Period**.

## Reference/Associated Documents

[Local Government Act 1995 \(WA\)](#)

[Local Government \(Administration\) Regulations 1996 \(WA\)](#)

[Local Government \(Model Code of Conduct\) Regulations 2021 \(WA\)](#)

[Local Government \(Elections\) Regulation 1997\(WA\)](#)

City of Belmont Code of Conduct for Council Members, Committee Members and Candidates

## Reference to Internal Procedure

Work Instruction – Electoral Caretaker Period

## Definitions

**‘Caretaker Period’** is defined in s1.4A(1) of the *Local Government Act 1995 (WA)*.

**‘CEO’** means the Chief Executive Officer of the City.

**‘City’** means the City of Belmont.

**‘Election Day’** means the day fixed under the *Local Government Act 1995 (WA)* for the holding of any poll needed for an election, including but not limited to an extraordinary election.

**‘Electoral Material’** means any sign, advertisement, handbill, pamphlet, written correspondence such as a notice, letter, email, social media post, article or other written or visual communication or imagery in any form that is used for electioneering and/or intended or calculated to influence or affect an election result, but does not include:

1. an advertisement in a newspaper announcing the holding of a meeting (s.4.87 (3) of the *Local Government Act 1995 (WA)*); or
2. any materials exempted under Regulation 78 of the *Local Government (Elections) Regulations 1997 (WA)*; or
3. any materials produced by the City relating to the 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'** means gatherings for the purpose of discussion, review, acknowledgement, communication, consultation, celebration or promotion, of any matter relevant to the City or its stakeholders and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners and receptions, including gatherings coordinated or facilitated by the City or an external entity.

**'Significant Act'** is defined in s.3.73 (1) of the *Local Government Act 1995*

**'Public Consultation'** means a process which involves an invitation to individuals, groups, organisations or the wider community to provide comment on a matter, proposed action or proposed policy, but does not include statutory consultation or submission periods prescribed in a written law.

**'Returning Officer'** means the returning officer appointed under s.4.20 of the *Local Government Act 1995 (WA)*.

**This Policy is supported by:**

Policy No:	CP11
Strategic Community Plan:	Area: <b>Performance: Desired Outcomes: 10</b> Effective leadership, governance and financial management <b>Objective: 10.1</b> Deliver effective, fair and transparent leadership and governance
Register of Delegations:	n/a
Service Area:	Executive Services
Policy Owner:	Manager Governance and Legal
Policy Stakeholder:	Chief Executive Officer

**Amendment Status:**

Date of Amendment	Status of Amendment	Minute Item Reference
10/12/19	New	12.8
24/05/22	Review – Minor	12.7
12/12/23	Review - None	12.8
27/05/25	Review - Major	12.5