



Document Name	ELECTION CARETAKER PERIOD POLICY 2016
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Responsibility	Chief Executive Officer
Related documents	GRLC Board Members Code of Conduct
Adopted by	GRLC Board
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PURPOSE

The purpose of this policy is to provide clear information about procedures and practices for GRLC business in the lead up to the 2016 Local Government Elections to be held on 22 October and specifically the caretaker (or election) period between Wednesday 21 September 2016 and 6pm on 22 October 2016 (inclusive). This is to ensure that the ordinary business of GRLC continues throughout the election period in a responsible and transparent manner, and in accordance with statutory requirements and established “caretaker” conventions.

These procedures commit GRLC during the election period to avoiding making significant new policies or decisions that could unreasonably bind a future Library Board, and in ensuring that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage Board members as candidates in the election.

BACKGROUND

Section 93B of the Local Government Act 1989 (**the Act**) specifically states the following:

“Council to adopt an election period policy

(1) *A Council must prepare, adopt and maintain an election period policy in relation to procedures to be applied by Council during the election period for a general election.*

(2) *A Council must prepare and adopt an election period policy as required by subsection (1)—*

(a) *by 31 March 2016; and*

(b) *following the general election on 22 October 2016, continue to maintain the election period policy by reviewing and, if required, amending the policy not later than 12 months before the commencement of each subsequent general election period.*

- (3) An election policy must include the following—
- (a) procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election;
 - (b) limits on public consultation and the scheduling of Council events;
 - (c) procedures to ensure that access to information held by is made equally available and accessible to candidates during the election.
- (4) A copy of the [election period](#) policy must—
- (a) be given to each [Councillor](#) as soon as practicable after it is adopted; and
 - (b) be available for inspection by the public at the [Council](#) office and any district offices; and
 - (c) be [published](#) on the [Council's](#) Internet website maintained under [section 82A](#).
- (5) In this section—
- "inappropriate decisions" made by a [Council](#) during an [election period](#) includes any of the following—
- (a) decisions that would affect voting in an election;
 - (b) decisions that could reasonably be made after the election."

Though references throughout the section refer to "Council", section 196 of the Act extends its operation to Regional Library Corporations.

SCOPE

This policy establishes procedures and practices applicable during the election period to ensure that the actions of the current Board do not unreasonably bind an incoming Board and that public resources are not used in election campaigning or in any way that may improperly influence the result of an election or improperly advantage existing Board Members as candidates in the election. The business of the GRLC and ordinary matters of administration will continue.

PROCEDURE

GRLC will ensure that, during the election period, its business is conducted in a way which does not compromise the election process and which safeguards the authority of the incoming Board.

1. Major Policy and inappropriate decisions

Section 93A of the Act prohibits the making of "Major Policy Decisions" during the election period. Major Policy Decisions are defined by the Act to be decisions:

- a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
- b) to terminate the appointment of a Chief Executive Officer under section 94;

- c) to enter into a contract the total value of which exceeds \$150,000 in relation to the provision of goods or services or \$200,000 in relation to the carrying out of works; or
- d) to exercise any entrepreneurial power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds \$150,000 in relation to the provision of goods or services or \$200,000 in relation to the carrying out of works.

If GRLC considers that there are extraordinary circumstances where its or its members would be significantly disadvantaged by GRLC not making a particular Major Policy Decision, GRLC will, by resolution, request an exemption from the Minister for Local Government, in accordance with section 93A(2).

During the election period, the Chief Executive Officer will ensure that a “Caretaker Statement” is included in every agenda submitted to the Board or to a special committee for a decision. The “Caretaker Statement” will appear at the start of the agenda and will state that: “The recommended decisions on all reports on this agenda do not fall within the definition of a Major Policy Decision as outlined in section 93A of the Local Government Act 1989 and the Corporation’s Election Period Policy”. Should any report be presented to the Board or a special committee during the election period which does fall within section 93A of the Act, this will be clearly indicated with a statement both at the commencement of the agenda and at the heading of any such report.

The Board will also refrain from making inappropriate decisions during the election period. These are decisions that would affect voting at an election or decisions that may unreasonably bind an incoming Board and could reasonably be deferred until after the election. Careful consideration should be given regarding decisions that are being made at Board or special committee meetings in the election period, to ensure that the authority of the incoming Board is not unreasonably compromised.

GRLC will make every effort to either reschedule major decisions until after the new Board commences its term, or, if that is not appropriate, bring decisions forward so they are determined before the election period starts. Examples of decisions that will be avoided during the election period include changes to strategic objectives and strategies in the Library Plan.

During the election period, any other decision will be considered by the Board or special committees only if absolutely necessary for GRLC operational purposes or pursuant to a statutory requirement.

Papers prepared for Board or special committee meetings during the election period will be carefully vetted to ensure that no agenda matter is included that could potentially influence voters’ intentions at the forthcoming election or could encourage Councillor candidates to use the matter as part of their campaign platform. Board members will refrain from moving motions on or raising matters at a meeting that could potentially influence voting at the election.

2. Entrepreneurial Powers

During the election period, the Board must not exercise any entrepreneurial power under section 193 of the Act if the amount assessed under section 193(5A) exceeds the specified

value. The amount assessed under section 193(5A) of the Act is the value of the total investment and the total risk exposure. The specified value that this must not exceed is \$150,000 in relation to the provision of services and \$200,000 in relation to the carrying out of works.

3. GRLC Communications

GRLC communications are a legitimate way to promote GRLC activities and services. It is important that all Board members have access to the GRLC's communication resources to enable them to fulfil their Board roles. However they must not be developed or used in support of a candidate's election campaign.

During the election period:

- A GRLC employee must not make any public statement that could be construed as influencing the election. Statements of clarification may be required from time to time and these are to be made in consultation with the Manager, Marketing and Communications.
- In the event that a spokesperson is required for any publication or communication, the Chair or the Chief Executive Officer must fulfill that role.
- No media advice or assistance will be provided to Board members in relation to election campaign matters.
- Board members will not use their position as an elected representative or their access to GRLC staff and resources to gain media attention specifically in support of an election campaign.
- Board member profiles on the GRLC website will be limited to a photograph and contact details.
- GRLC logos, letterheads and other branding must not be used for, or linked in any way to, a candidate's election campaign.
- GRLC staff will not be asked to undertake any tasks connected with a candidate's election campaign. Board members must not request or receive information or advice from GRLC staff to support election campaigns, and there must be complete transparency in the provision of all information and advice during the election period.

4. Functions, Public Consultation and Events

No new public consultation process will be initiated during the election period.

Any event or function that is held during the election period must relate only to legitimate GRLC business and not be used, or be able to be construed to be used, in connection with any election activity.

All speeches prepared for use at events or functions must be reviewed by the Chief Executive Officer to ensure the content does not breach this Policy or the Act. Where deemed appropriate Board members may make speeches during events or functions however the speech must not have any political reference which may be construed as giving a sitting Councillor any advantage during the election period.

5. Access to Information

Unless there are good reasons why information should not be made available to a candidate in the election who has requested it (eg the information relates to a confidential matter or is information which, if disclosed, could prejudice GRLC or another), the Chief Executive Officer will not discriminate between requests for information from Board members and candidates in the election who are not Board members.

6. Monitoring the Policy

The Chief Executive Officer is responsible for determining the outcome of any issues that arise in relation to the implementation of this policy.

7. References

Local Government Act 1989
GRLC Board Code of Conduct
GRLC Staff Code of Conduct