



Document Name	ELECTION CARETAKER PERIOD POLICY
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Responsible Officer	Chief Executive Officer
Related documents	GRLC Board Members Code of Conduct
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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 2020 Local Government Elections to be held on 24 October and specifically the caretaker (or election) period between Wednesday 23 September 2020 and 6 pm on 24 October 2020 (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 avoid making significant new policies or decisions that could unreasonably bind a future Library Board, and to ensure 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 Council 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.

This policy aims to address:

- Major Policy and inappropriate decisions
- Entrepreneurial Powers
- GRLC Communications
- Functions, Public Consultation and Events
- Corporation Resources
- Access to Information.

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 interest 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. Board members will refrain from moving motions or raising matters at a meeting that might be perceived to be contrary to the purpose of this policy.

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 rising 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 and includes all social media platforms. 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:

- No Corporation employee may make any public statement that could be construed as influencing the election;
- Publicity campaigns will be avoided wherever possible. The Board and the Corporation will be restricted to promoting normal Corporation activities and must be approved by the Chief Executive Officer;
- Any requests for media advice or assistance from Councillors during the election period will be channelled through the Chief Executive Officer or Executive Manager Cultural Development and Community Engagement. No media advice or assistance will be provided in relation to election campaign matters, or in regard to publicity that involves specific Councillors or candidates;
- Councillors will not use their position as an elected representative to access Corporation staff and other Corporation resources to gain media or community attention in support of an election campaign;
- All Corporation media releases will be issued in the name of the Chief Executive Officer; and
- The Chief Executive Officer will ensure compliance with S55D of the Act.

Specifically regarding websites and social media:

- No electoral matter will be placed on the Corporation Website or social media accounts during the election period.
- The Chief Executive Officer will ensure that during the election period the only new publications on the website or posts on social media accounts will be those that do not breach this policy, are certified, and are essential for the conduct of Corporations and apolitical in nature.
- Corporation agendas, minutes and the annual report are exempt from certification.
- For the duration of the election period a statement will be placed on the Corporation's website and social media accounts advising that the updating or addition of new information during the election period will be in conformance with this Election Caretaker Period Policy.
- Material published on the Corporation's website in advance of the election period is not subject to certification. However existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that

would be considered electoral matter were it to be published during the election period.

- Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted.
- Social media activity during the election period will be moderated to ensure:-
 - Social media posts are kept to a minimum, necessary operational information only;
 - No launches or announcements of any new projects, policy initiatives, or programs;
 - On all Facebook pages the 'post comments' from all facility to be disabled; and
 - No posting of or responding to political content is permitted.

4. Functions, Public Consultation and Events

No new public consultation process will be initiated during the election period. Whilst consultation is an integral part of policy development process and operations, consultation should not be undertaken close to a general election so as to possibly become an election issue in itself and influence voting. This provision will not apply to normal and ongoing operational consultation processes such as those used for capturing regular user feedback on service quality however, data from such processes will not be reported to the Board or otherwise made publically available 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. The Chief Executive Officer will ensure that no Corporation events will be scheduled during the election period unless there are special circumstances making it necessary, articulating how the risks of influencing the election will be mitigated or prevented.

5. Corporation resources

The Corporation will ensure that due probity is observed in the use of all Corporation resources, and Corporation staff are required to exercise appropriate discretion in this regard. Corporation resources including offices, support staff, meeting facilities, hospitality, equipment photocopying and stationery, will not be used for the production or distribution of electoral matter or in connection with any election campaign. No Corporation logos, letterheads, or other Corporation logos or associated Corporation material will be used for electoral matter, or linked in any way to a candidate's election campaign.

In any circumstances where the use of Corporation resources might be construed as being related to electoral matter or a candidate's election campaign, staff will seek advice from the Chief Executive Officer. The Chief Executive Officer and Corporation staff will not be asked to undertake any tasks connected directly or indirectly with a candidate's election campaign.

6. Access to Information

All election candidates have rights to information from the Corporation administration. Sitting Councillors should also have the opportunity to continue to receive information that is necessary to fulfil their elected roles. The highest possible standards of transparency should be applied in the provision of information and advice to Councillors and candidates during the election period. To that end, the following arrangements will apply:

- All requests for information will be directed to the Chief Executive Officer in written format.
- An Information Request Register will be maintained during the election period. This Register will record all requests for information by Councillors and candidates and the responses given to those requests. The Register will be updated as soon as practicable following each request for information and made available for public inspection.
- Board members, Councillors and candidates have a right to access material that is generally available as public information and not subject to privacy or confidentiality provisions.
- Information provided will not relate to policy development or interpretation, new projects or matters that are the subject of public or election debate, that require an unreasonable use of library resources in preparation or collation, or that might be perceived to be connected with a candidate's election campaign.
- To ensure compliance with S93B(3)(c) of the Act, any information provided to a Councillor or candidate, except material contained within any agendas or reports for Board consideration, will be provided to all Councillors or candidates of the municipality of the Councillor or candidate who has been provided with the information.

7. 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.

A copy of this policy is available for inspection by the public through publication on the Corporation's website.

8. References

Local Government Act 1989
 GRLC Board Code of Conduct
 GRLC Staff Code of Conduct Policy
 GRLC Social Media Policy and Guidelines
 GRLC Performance Counselling and Management Policy