

POLICY



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Policy title: CARETAKER PERIOD
Directorate: ORGANISATIONAL SERVICES
Branch: CORPORATE GOVERNANCE
Policy objective: To provide guidance to all councillors and staff on the legal obligations and protocols to be followed during the caretaker period in the lead up to Council elections.

Policy scope:

This policy will assist Council meet its legal obligations in accordance with chapter 5 (caretaker period arrangements) in the *Local Government Act 2009* and also provide guidance to councillors and staff to ensure that the ordinary business of Council continues in a responsible and transparent manner during the caretaker period in the lead up to a Council election.

The caretaker period commences on the day when a public notice advising of the holding of the election is published by the Electoral Commission of Queensland (ECQ) and the period concludes when the ECQ declares the poll.

The Corporate Governance Manager will advise all councillors and all staff of the commencement and conclusion of the caretaker period in each election year.

Policy statement:

1. Major policy decisions

In accordance with section 90A of the *Local Government Act 2009*, Council must not make a major policy decision during the caretaker period. A major policy decision is a decision defined in the *Local Government Act 2009* as follows:

- (a) about the appointment of a Chief Executive Officer
- (b) about the remuneration of the Chief Executive Officer
- (c) to terminate the employment of the Chief Executive Officer
- (d) to enter into a contract the total value of which is the greater of \$200,000 or 1% of the local government's net rate and utility charges as stated in the local governments audited financial statements included in the local government's most recently adopted annual report. For the 2016 election year, this amount is \$3,533,160.

2. Election material

In accordance with section 90D of the *Local Government Act 2009*, Council must not, during the caretaker period publish or distribute election material.

Election material is anything able to, or intended to influence an elector about voting at an election or affect the result of an election.

3. Council and committee meetings

The *Local Government Act 2009* requires Council to meet at least once a month.

Council business will continue to be conducted at committee and Council meetings as normal during the caretaker period subject to the restrictions involving major policy decisions mentioned in clause (1) of this policy.

If staff require decisions during the caretaker period when the Council meetings are in recess in the lead up to Election Day, the Mayor may exercise the executive powers in accordance with the delegation of authority titled 'Executive Powers of Mayor'.

Staff seeking the executive authority of the Mayor are required to liaise with their manager in the first instance before seeking procedural advice from the Corporate Governance Manager, and then gaining CEO endorsement.

4. Civic and community events

Any civic and community events that are traditionally held during the first three (3) months of the calendar year (January to March) will continue to be held during this period. Examples include Citizenship Ceremonies, Australia Day related events and any regular Council adopted community events conducted by Council's Marketing branch.

Any requests for new civic or community events for this period should seek approval via the normal approval processes, but in doing so recognise the particular political circumstances that prevail during this period.

It is proposed that the following events be suspended during the caretaker period:

- (a) Mayor's "Share a Cuppa" divisional community chats coordinated by the Office of Mayor
- (b) any general Community engagement initiatives coordinated by the Community Engagement program in the Marketing branch on behalf of other areas of Council, or other engagement activities undertaken by Logan City Council.

5. Mayor and councillor funding allocations

New applications for funding under the Mayor and councillors funding allocations (Divisional Infrastructure and Capital Improvement Program and Community Benefit Funding) will be suspended during the caretaker period. Allocations approved before the commencement of the caretaker period will continue. Claims for reimbursement in accordance with the Civic Allowance policy will continue during caretaker period.

6. Media

All media and communications will continue in accordance with the Council's 'Media Engagement' policy.

Council officers, including Council's Media and Communication branch, will not provide Councillors with any assistance with general media channels in relation to campaign matters, election material or personal publicity.

The following publications will be amended or suspended as follows:

- (a) the January 2016 rates newsletter will not be produced

- (b) the 'Our Logan' magazine will have two editions during the caretaker period, with both editions not containing Mayor or councillors dedicated pages as it may be perceived as breaching section 90D of the *Local Government Act 2009* as detailed in clause (2) of this policy. A magazine will be produced for release during May 2016 that will introduce the newly elected Council.

7. Councillor executive support, facilities and expenses reimbursement

Council recognises that as the incumbent elected Council, Logan City Council will continue to provide executive support, facilities and expenses reimbursement to the Mayor and councillors in accordance with the 'Expenses Reimbursement' policy.

Any requests or activities that are or could be perceived to be electioneering will not be supported. Councillors will ensure that there is a clear separation between Council business and electioneering when seeking help, advice or support from Council staff.

Staff are encouraged to escalate any concerns they may have in dealing with a councillor request that they perceive may be electioneering to their manager or director.

8. Use of Council logo and branding

Council's corporate logos, trademarks or branding including Council owned images are not to be used for electioneering purposes on any hard copy election material or a candidate's social media channels.

9. Social media

Council's social media channels will continue to provide regular communication with residents in accordance with Council's policy titled 'Use of Social Media'.

Council officers, including Council's Marketing branch and Media and Communication branch, will not provide Councillors with any assistance with social media channels in relation to campaign matters, election material or personal publicity.

10. Mayor and councillor correspondence

The Mayor and councillors may continue to correspond with constituents on matters related to Council business during the caretaker period. In accordance with the bulk mail out guidelines approved by CLC in August 2014, there will be no bulk mail outs during the caretaker period.

11. Acceptable request guidelines

Staff will continue to provide help, advice and information to the Mayor and councillors in accordance with the Acceptable Request Guidelines (ARG) and are expected to provide the normal levels of customer service of Council. If staff encounter any problems or have any concerns they should escalate their concerns or questions in accordance with the ARG.

Equally, if councillors are experiencing problems, they are to escalate their concerns to the relevant director or CEO in accordance with the ARG.

12. Employees seeking election to Council

If a council employee is intending to be a candidate for a Council election they must advise their manager and director as soon as possible.

Arrangements will then be made to develop an Election Management Plan (EMP) in conjunction with the employee's supervisor, manager and Corporate Governance Manager to ensure that Council's reputation and integrity is protected during the employee's campaign.

The EMP may require the employee having to change work location, take extended leave and other steps deemed necessary to protect Council's reputation.

13. Responding to councillor and candidate requests

Council staff are expected to take all steps necessary to avoid any real or perceived partisanship in dealing with customer service responses from councillors and candidates alike.

14. Staff working on election campaigns

If staff wish to work on or provide support to a candidate's campaign they must advise their manager and director in the first instance. They must also ensure that there is a clear separation between their campaign related work and their responsibilities as a Council employee and that no Council resources or assets are used for electioneering or campaign related purposes.

15. Election enquiries

Council elections are conducted by the Electoral Commission of Queensland (ECQ). All election related matters (excluding elections signs) should be directed the ECQ on website: www.ecq.qld.gov.au or telephone: 1300 881 665 or email: ecq@ecq.qld.gov.au.

16. Election signs

Council, via the City Standards & Animal Care branch, has developed an elections signs fact sheet. A copy is available from the City Standards & Animal Care branch on 3412 5318 or Council's website.

Enquiries or complaints regarding election signs are to be directed to the City Standards & Animal Care branch by phoning 3412 5318.

17. Review and arbitration

Any questions or concerns in relation to the application of this policy will be referred to the Chief Executive Officer. Where appropriate and practicable, the CEO may consult with Council, at their discretion, to assist in the determination.

Related policies/legislation/other documents:

DOC ID	DOCUMENT TYPE	DOCUMENT NAME
6848382	Internal	Acceptable Request Guidelines
8727801	Policy	Media Engagement
8146200	Policy	Use of Social Media
8685185	Delegation of Authority	Executive Powers of Mayor
6627712	Policy	Expenses Reimbursement