

Date Adopted August 2012
Date Reviewed-current as at March 2016
To be Reviewed March 2019

Fully compliant with Victorian
Charter of Human Rights and
Responsibilities Act 2006



POLICY TITLE **ELECTION PERIOD (CARETAKER) POLICY**

POLICY NUMBER **POL/GOV016**

PURPOSE

The purpose of this Policy is to ensure that the business of Council continues throughout an election period in a responsible and transparent manner, and in accordance with statutory requirements and established 'caretaker' conventions.

The Election Period (Caretaker) Policy has been developed in order to ensure that general elections for Swan Hill Rural City Council are conducted in a manner that is fair and equitable to all candidates and is publicly perceived as such.

SCOPE

This Policy applies to all Councillors and Employees of Council.

This Policy applies during the 'Election Period' (The Local Government Act 1989 defines the election period as commencing on the last day of nominations and ending at 6pm on election day) and covers:

- decisions that are made by Council, a special committee of Council, or a delegate of Council
- any material that is published by Council
- attendance and participation in functions and events
- the use of Council resources
- access to Council information, and
- media services.

POLICY

1. Council will establish written procedures for managing the business of Council during an Election Period
2. Councillors and employees must comply with the requirements of the Procedures

The Procedure will ensure that:-

3. Council does not make major or policy decisions during an Election Period
4. Council does not make inappropriate decisions during an Election Period
5. Councillors do not use Council Resources to assist a candidates election campaign
6. Councils public consultation during an Election Period is limited to fulfilling Statutory obligations only
7. During an Election Period Council events will be kept to a minimum and will not include funding announcements or events likely to influence voting intentions

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8. During an election period Council media releases and comment will be limited to providing statutory information and information relating to the election process only

DEFINITIONS

Election (Caretaker) Period means the election period as defined by the Local Government Act 1989.

Election Period (Caretaker) Policy means the policy adopted by Council for the election period.

Prior to the commencement of the lead in for the 2016 elections the election period was known as the Caretaker period.

Major Policy Decision as defined in section 93A (6) of the Act and means any decision:

- (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 whichever is the greater of
 - (i) \$100,000 {or such higher amount as may be fixed by Order in Council under section 186(1)} *nb amounts fixed are \$130,000 for goods & services contracts and \$180,000 for works contracts, or*
 - (ii) 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year and
- (d) to exercise any power under section 193 – entrepreneurial powers - of the sum assessed in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.

Inappropriate Decisions (governed by section 93B of the Act); made by a Council during an election period includes any of the following:

- (a) decisions that would affect voting in an election; and
- (b) decisions that could reasonably be made after the election.

RELATED POLICIES/DOCUMENTS

Swan Hill Rural City Council Election Period (Caretaker) Procedure

RELATED LEGISLATION

The Local Government Act 1989

Signed: Les McPhee

MAYOR

Date: 18/3/2016