

Intent

To outline standards and restrictions for Councillors and TRC Officers during the mandatory caretaker period for a local government election.

Scope

This policy applies to the 16 March 2024 local government election.

The caretaker period commences on the day when the notice of election is published and ends at the conclusion of the local government quadrennial election.

The CEO is the final decision-maker in relation to this policy.

Policy Statement

TRC is committed to transparent and accountable local government through compliance with the law and reasonable community expectations during a local government election period.

TRC commits during an election period to:

- efficiently manage TRC's day to day activities
- transparent actions and decision-making
- equity and transparency between existing Councillors and new candidates regarding access to TRC resources
- actions that do not, or cannot be perceived to, bind an incoming Council in its operational delivery
- suspend major policy decisions
- the neutrality of TRC employees
- not use TRC resources for electoral purposes.

Council will continue to meet during the caretaker period for the purpose of making decisions in the public interest.

The Mayor and Councillors may correspond with constituents on matters related to TRC business. Official correspondence must not be entered into by any Councillor during the caretaker period that makes future policy commitments that could bind an incoming Council.

Major policy decisions

During the caretaker period, Councillors are prohibited from making decisions (LGA Schedule 4):

- about the appointment, remuneration or termination of a Chief Executive Officer
- to enter into a contract greater than \$505,690.50
- about significant procurement activities, such as establishing preferred supplier arrangements, or establishing exceptions to obtaining quotes or tenders when entering into a contract
- to make, amend or repeal local laws
- to make, amend or repeal a local planning instrument under the *Planning Act 2016* (i.e. a planning scheme, a temporary local planning instrument or a planning scheme policy)

- to approve development variation requests or change variation approvals under the *Planning Act 2016* that involve:
 - varying the category of development or category of assessment of consequential development
 - varying the assessment benchmarks or criteria for accepted development that would apply to consequential development
 - facilitating development that would result in a greater demand on infrastructure than the demand anticipated in TRC's infrastructure plan.

Council may resolve to apply to the Minister for approval to make a major policy decision in exceptional circumstances if:

- the need for the decision was unforeseeable
- the decision is essential to the functioning of TRC
- the decision cannot wait until the end of the caretaker period
- the decision is in the public interest.

Discretionary funds

Councillors must not allocate money from any Councillor discretionary fund to a community organisation for a community purpose. Councillors can allocate their discretionary funds for capital works that are for a community purpose.

Discretionary funds that were allocated before 1 January 2024 in accordance with legislative requirements may be distributed during the caretaker period.

Use of TRC resources

Care is to be taken to ensure that there can be no perception that TRC resources are being used to assist candidates in their election campaign. Councillors may continue to use TRC resources as outlined in the Councillor Remuneration, Expenses Reimbursement and Resources Policy for the performance of their role and responsibilities as a Councillor until their term of office ends.

TRC resources, including vehicles, shall not be used for election or campaigning purposes. Councillors are not permitted to fix to TRC property any sticker, poster, decal or other magnetic or adhesive device that promotes the Councillor as an actual or potential candidate for any election.

The use of TRC resources and equipment (office space, laptops, printers, photocopiers or stationery) for the production of election material is prohibited.

Normal service delivery and business activities will be maintained through the caretaker period including administration support for Councillors, but not for election or politically related matters. The Communication Team will not assist with any election campaign media activities.

Any circumstances where the use of TRC resources might be misconstrued as being related to a candidate's election campaign must be reported to the CEO.

Information requests

The Chief Executive Officer will ensure Councillors are provided with appropriate support to continue to fulfil their official duties and responsibilities during the caretaker period. Councillors may request information and advice from TRC Officers in accordance with the Acceptable Request Guidelines.

During the caretaker period, Councillors shall limit information requests to those matters that are either routine, or essential to continue TRC operations. Requests for reports on substantive matters shall not be processed during the caretaker period unless they involve a matter of public safety or are requested by a resolution of Council.

Councillors must not request or receive information or advice from TRC Officers to support election campaigns.

Requests for information by candidates (including Councillors in their role as a candidate) will be dealt with the same as a request by a member of the public.

Requests by candidates for information that is outside the public domain (for example, information that has not been published) will be referred to the appropriate agency.

There shall be transparency in the provision of all information and advice during the caretaker period.

Election material

Councillors and TRC employees must not publish or distribute election material that could influence an elector about their vote or affect the election result.

Media

Media releases will be limited to operational activities rather than policy and/or major projects. Media releases will be issued if time critical and relating to the efficient continuation of TRC's day to day business or promoting transparent actions and decision-making.

A TRC spokesperson will respond to media enquiries, with approval from the Chief Executive Officer.

TRC will not make comment on individual election campaigns except if harmful, inaccurate comments are made by a candidate that directly relates to TRC operations. In these circumstances, the Chief Executive Officer reserves the right to correct the inaccuracy.

TRC Officers will not provide media advice to Councillors who have nominated as candidates regarding public comment on the election.

TRC social media

TRC controlled social media sites will carry a notice to exclude political comment. No response will be made to any political comments posted and TRC reserves the right to remove any such comments. Content of a political nature posted to TRC's social media will be removed.

TRC Officers

Any TRC Officer proposing to stand as a candidate for the election must be absent on leave from their appointment during the caretaker period.

Context

An election period is defined under the *Local Government Electoral Act 2011* as:

- starting on the day when public notice of the holding of the election is given under section 25(1) of the Act
- ending on the close of the poll for the election.

Relevant Legislation

- *Local Government Act 2009 (LGA)*
- *Local Government Electoral Act 2011 (LGEA)*
- *Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Act 2023*
- Local Government Electoral Regulation 2023
- Local Government Legislation (Boundary Changes and Other Matters) Amendment Regulation
- TRC Local Laws

Related Documents

- Employee Code of Conduct
- Councillor Interaction with Organisation Policy
- Councillor Remuneration, Expenses Reimbursement and Resources Policy
- Advertising Spending Policy
- Acceptable Request Guidelines
- Electoral Commission Queensland – Information for election participants

Corporate Plan Links

This policy aligns with the Corporate Plan 2021– 26 theme – Our organisation is progressive, efficient, transparent and collaborative.

Human Rights Commitment

Tablelands Regional Council has considered the human rights protected under the *Human Rights Act 2019* (Qld) when adopting and/or amending this policy. When applying this policy, TRC will act and make decisions in a way that is compatible with human rights.

Responsibility

Council is responsible for the adoption, amendment and repeal of the policy and the Chief Executive Officer is responsible for the development and amendment of any associated procedures and guidelines relevant to the policy.

This policy is to remain in force until the completion of the 2024 quadrennial election.

Adopted By	Council	Responsible Officer	General Manager Community & Corporate Services
Adopted Date	26/10/2023	Review Date	26/10/2027
Version	2	This policy repeals any previous versions.	