



ADMINISTRATIVE POLICY
MOUNT ISA CITY COUNCIL
Caretaker Period Policy

CEO APPROVED 28/11/2019 VERSION V1

APPLIES TO ADMINISTRATIVE POLICIES ONLY

This an official copy of the **Caretaker Period Policy** made in accordance with the provisions of *Local Government Act 2009* and the *Local Government Electoral Act 2011*. The **Caretaker Period Policy** is approved by the Chief Executive Officer of Mount Isa City Council as an **Administrative Policy** for the operations and procedures of Council.

This Policy serves as staff instruction and is not a Council policy adopted by Council resolution. This policy is managed by the Chief Executive Officer and distributed to staff for their instruction.

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 Sharon Ibardolaza
Chief Executive Officer

DOCUMENT VERSION CONTROL

Governance/Policies/Administrative Doc ID# 679903			POLICY TYPE	Administrative
VERSION	DATE	AUTHORISING OFFICER	DETAILS	
V1	28.11.2019	Chief Executive Officer	Responsible Officer – Chief Executive Officer	
			REVIEW DUE	11.2023

DISTRIBUTION AND DISSEMINATION

Internal email to all employees	X	Section meetings / Toolbox talks	X
Internal email to all Councillors	X	Included in employee inductions	
Staff noticeboards	X	Uploaded to Council website	X
Internal training to be provided		External training to be provided	
Magiq	X		



1. PURPOSE

The *Local Government Act 2009* ("LG Act") imposes a number of restrictions on Councils and councillors during the caretaker period. The purpose of this policy is to detail these restrictions and to provide clear guidelines on how Mount Isa City Council ("Council") will continue to provide service to the community during the caretaker period.

2. COMMENCEMENT

This policy will commence on and from 28 November 2019. It replaces all other policies or arrangements governing the caretaker period (whether written or not).

3. APPLICATION

3.1 This policy applies to all current councillors including the mayor, Council employees, agents and contractors.

3.2 This policy applies to quadrennial elections only and does not apply to by-elections or fresh elections.

4. CARETAKER PERIOD

4.1 The caretaker period for a local government is the period during an election for the local government that:

- (a) starts on the day when public notice of the holding of the election is given under section 25(1) of the *Local Government Electoral Act 2011* ("LGE Act"); and
- (b) ends at the conclusion of the election (further defined in section 7 of the LGE Act).

4.2 There is no caretaker period during a by-election or fresh election.

5. PROHIBITION OF MAJOR POLICY DECISIONS

5.1 In accordance with section 90B of the LG Act, a local government must not make a major policy decision (see clause 15, Definitions) during a caretaker period.

5.2 However, in exceptional circumstances the local government may apply to the Minister for approval where the:

- a) Need for the decision was unforeseeable;
- b) Decision is essential to the functioning of the local government;
- c) Decision cannot wait until the end of the caretaker period; and
- d) The decision is in the public interest.

5.3 Applications to the Minister should include:

- a) Details of the proposed major policy decision; and
- b) An explanation of how circumstances of the decision are exceptional; and
- c) An explanation of how the decision is in the public interest.

Applications should be addressed to the:

Northern Office, Local Government Division
PO Box 5666
Townsville QLD 4810

6. USE OF COUNCIL RESOURCES

6.1 In accordance with section 90D of the LG Act, a local government must not, during the caretaker period for the local government, publish or distribute election material (for more information see clause 9).



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- 6.2 The use of Council resources by all councillors will continue during the caretaker period for official duties and responsibilities only in accordance with the Reimbursement of Expenses and Provision of Facilities for Mayor and Councillors Policy.
- 6.3 Councillors may continue to request information from Council employees in accordance with the Councillor Acceptable Request Guidelines. No information or advice will be provided to councillors for campaigning purposes.

7. ADVERTISING

- 7.1 All Council advertising will continue in accordance with the Advertising Policy.

8. MEDIA

- 8.1 All media and communications will continue in accordance with the Media Policy. No Council media publications or Council communications will be provided to councillors for campaigning purposes.
- 8.2 Council employees will not provide media advice to councillors who have nominated as candidates.
- 8.3 Updates of Council's website will be limited to the following:
- a) Uploading of essential operational media releases, restricted to administrative or operational information of public interest and of a time sensitive nature;
 - b) Road work updates or road closures;
 - c) Health or emergency warnings;
 - d) Material that is purely factual and does not promote Council's decisions;
 - e) Updates to existing forms;
 - f) Aesthetic changes;
 - g) Fixing broken links or repairing web issues; and/or
 - h) Compliance with legislative requirements.

9. ELECTION MATERIAL PROHIBITION

- 9.1 In accordance with section 90D of the LG Act, a local government or a controlled entity of a local government must not, during a caretaker period for the local government, publish or distribute election material. Election material is anything able to, or intended to:
- a) influence an elector about voting at an election; or
 - b) affect the result of an election; and
 - c) Does not apply to making a how-to-vote card available under section 179(6) of the LGE Act.
- 9.2 An example of election material includes a fact sheet or newsletter that raises the profile of a councillor.
- 9.3 All election material must comply with existing Planning Schemes, Local Laws and Subordinate Local Laws, specifically Subordinate Local Law No.1 (Administration).

10. COUNCILLOR TRAINING AND DEVELOPMENT

- 10.1 During the caretaker period Council will not fund or conduct any training or professional development activities for councillors.

11. COUNCIL EMPLOYEES

- 11.1 Council employees shall maintain the normal business activities of Council during the caretaker period.



- 11.2 Council employees must not authorise, use or allocate any Council resources for any purpose that may be perceived as campaigning or which may influence voting in the election.
- 11.3 Council staff will not assist a councillor or a candidate in a way that is or could create a perception that they are being used for electoral purposes.
- 11.4 Where a Council employee would like to provide support of any kind to a councillor or a candidate in their own time as a private citizen including on the day of the election, they must in no way be seen to be acting as a representative of Council and in these action's, they are acting as a private citizen only.

12. VARIATIONS

- 12.1 Council reserves the right to vary, replace or terminate this policy from time to time.

13. BREACH OF POLICY

- 13.1 Where an employee, agent or contractor breaches this policy, the matter must be referred to the Chief Executive Officer. The matter will be dealt with under the Performance and Misconduct Policy.
- 13.2 Where a councillor breaches this policy, the matter will be dealt with under the conduct and performance obligations of the LG Act.

14. COMMUNICATION AND DISTRIBUTION

- 14.1 Council will make available to the public, the Caretaker Period Policy on our website at www.mountisa.qld.gov.au.
- 14.2 Supervisors will ensure the policy is distributed as per the distribution and dissemination table on this policy.

15. DEFINITIONS

- a) **By-election** – means an election to replace a councillor after the councillor's office becomes vacant.
- b) **Fresh election** – means an election of all the councillors of a local government that is not a quadrennial election.
- c) **Major policy decision** – as defined by the LG Act means a decision:
 - (a) about the appointment of a chief executive officer of the local government; or
 - (b) about the remuneration of the chief executive officer of the local government; or
 - (c) to terminate the employment of the chief executive officer of the local government; or
 - (d) to enter into a contract the total value of which is more than the greater of the following—
 - i. \$200,000;
 - ii. 1% of the local government's net rate and utility charges as stated in the local government's audited financial statements included in the local government's most recently adopted annual report; or
 - (e) relating to making or preparing an arrangement, list, plan or register in the way provided under a regulation made under this Act that can be used to establish an exception to obtaining quotes or tenders when entering into a contract; or
 - (f) to make, amend or repeal a local law; or
 - (g) to make, amend or repeal a local planning instrument under the Planning Act; or
 - (h) under the Planning Act, chapter 3, part 3, division 2 on a development application that includes a variation request under that Act if the application proposes to—
 - i. vary the category of development or category of assessment of development; or



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- ii. vary the assessment benchmarks or criteria for accepted development that would apply to development; or
 - iii. facilitate development that would result in a greater demand on infrastructure than the demand anticipated in the local government's local government infrastructure plan; or
- (i) under the Planning Act, chapter 3, part 5, division 2, subdivision 2 on a change application under that Act that includes a change to a variation approval if the application is being assessed under section 82 of that Act and the application proposes to—
- i. further vary the category of development or category of assessment of development; or
 - ii. further vary the assessment benchmarks or criteria for accepted development that would apply to development; or
 - iii. facilitate development that would result in a greater demand on infrastructure than the demand anticipated in the local government's local government infrastructure plan.

ASSOCIATED LEGISLATION AND POLICIES

- *Local Government Act 2009*
- *Local Government Electoral Act 2011*
- Performance and Misconduct Policy
- Advertising Policy
- Media Policy
- Reimbursement of Expenses Provision of Facilities for Mayor and Councillors Policy
- Councillor Acceptable Request Guidelines
- Code of Conduct for Councillors
- Subordinate Local Law No.1 (Administration)