



ELECTION CARETAKER PERIOD & CONVENTIONS POLICY

TITLE	ELECTION CARETAKER PERIOD & CONVENTIONS POLICY
RESPONSIBLE PERSON	CEO
APPROVED BY COUNCIL	21 JULY 2026
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AMENDED ON	
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1 AUTHORITY & APPLICATION

Date of approval	19/05/2026
Source of approval	Chief Executive Officer
Start Date	19/05/2026
Related Council Documents	This Policy should be considered in conjunction with the following policies and procedures: • <i>Code of Conduct Policy</i> • <i>Payment of Councillors' Expenses and Provision of Facilities Policy</i>
Date of Review	19/05/2029
Previous policies replaced by this Policy	N/A
Publication of Policy	Sorell Council Intranet, MagiqDocs

2 PURPOSE

The purpose of this policy is to ensure that:

- i. Major policy decisions are not made by Council in the leadup to an election that would prove binding for an incoming Council.
- ii. Council resources are not used for the advantage of a candidate in a local government general election.
- iii. The requirement to act impartially in relation to all candidates standing for election is clearly understood.

3 COVERAGE

This policy applies to elected members and employees of Sorell Council for the duration of the caretaker period for a local government general election.

This policy does not apply to local government by-elections.

4 POLICY STATEMENT

Sorell Council (Council) is committed to acting in the best interest of the community and to upholding the principles of honesty, integrity, and transparency, which are all key components of good governance.

It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. Council commits to the principle that it will make every endeavour to avoid making major policy decisions that bind an incoming Council.

This policy establishes clear guidelines for the conduct of Elected Members and staff in the lead up to a local government general election involving Sorell Council and ensures that the ordinary business of Council continues in a responsible, transparent and legally compliant manner in the period leading up to an election.

5 RESPONSIBILITIES

This policy assigns responsibility for Election Caretaker Period and Conventions to all Councillors, managers, and employees. All Departments will be required to implement practices consistent with this policy and associated procedures.

6 PROCEDURE (POLICY DETAIL)

6.1 During the Caretaker Period, the following conventions and provisions shall apply:

- 6.1.1 **Tenure of the General Manager/Chief Executive Officer** - Council shall not appoint, dismiss, nor renew the contract of a General Manager during the Caretaker Period. An Acting General Manager/Chief Executive Officer may be appointed in accordance with Section 61B of the Local Government Act, as required.
- 6.1.2 **Planning Instruments** - Council will not make, amend, nor repeal a local planning instrument under the *Land Use Planning and Approvals Act 1993* (i.e. a planning scheme, a temporary local planning instrument or a planning scheme policy).
- 6.1.3 **By-Laws** - Council will not make a new By-Law during the Caretaker Period.
- 6.1.4 **Policies** - Council will not approve nor renew any Council policies during the Caretaker Period.
- 6.1.5 **Distribution of Electoral Material** - no electoral material shall be permitted to be displayed or distributed on any Council-owned or managed property.
- 6.1.6 **Use of Council Equipment and Stationery** - Council-supplied equipment and Council-branded material shall not be used by Councillors nor staff in any manner that supports a candidate's election campaign. Councillors may continue to use Council equipment and branded material throughout the course of the Caretaker Period to carry out their regular functions as described in Section 28 of the *Local Government Act*.

- 6.1.7 **Media** - Councillors will not use their position as an elected representative, nor their access to employees or resources, to gain media attention in support of their, or any other candidate's election campaign.
- 6.1.8 **Council Committees and Groups** - a Councillor shall not use their membership of a Council Advisory Committee nor appointment as a member of an external group to disseminate information or promote their, or any other candidate's election campaign.

7 GUIDELINES

- 7.1 Nothing in this policy prevents the Mayor, Councillors and staff from carrying on the business of the Council during the Caretaker Period.
- 7.2 Council meetings shall continue to be held during the Caretaker Period and will consider Agenda items that relate to the ordinary business of Council other than those matters identified in Section 5 of this Policy.
- 7.3 The CEO may still exercise all delegations provided by Council during the Caretaker Period, including the appointment of staff.
- 7.4 Projects as approved by Council as part of the annual budget process and subsequently approved by the awarding of a tender, can proceed during the Caretaker Period, regardless of their scale.
- 7.5 The Mayor and Councillors will continue to accept invitations to attend community functions and may continue to correspond with constituents on matters related to Council business during the caretaker period.
- 7.6 The Mayor shall be the spokesperson for Council in accordance with Section 27 of the *Local Government Act* and shall carry out the civic and ceremonial functions of the Mayoral Office during the Caretaker Period.
- 7.7 Individual Councillors may continue to represent the community and facilitate communication between Council and the community for the duration of the Caretaker Period. In fulfilling these duties during this period, Councillors may claim allowances and expenses as provided under Council's *Payment of Councillors Expenses and Provision of Facilities Policy*.
- 7.8 Council employees shall maintain the normal business activities of Council during the Caretaker Period. Employees shall undertake their duties in an appropriate manner and take all steps necessary to avoid any real or perceived support for a candidate to protect the organisation's ability to impartially serve any incoming Council following an election.



Robert Higgins

Chief Executive Officer

Definitions	
Term	Meaning
Amendment	Council retains the sole discretion to vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.
Applicable Laws	All laws in connection with Local Government general elections, the Caretaker Period and Conventions, including: • <i>Local Government Act 1993</i> (Tas) • <i>Tasmanian Electoral Act 2004</i> (Tas) • <i>Land Use Planning and Approvals Act 1993</i> (Tas)
Breach of Policy	Persons covered under paragraph 3 (Coverage) who engage in Infringing Workplace Behaviour may (as is appropriate and as applicable) be subject to appropriate disciplinary action in accordance with Disciplinary Policy and Procedure (Employees). Infringing Workplace Behaviour may also amount to breaches of Applicable Laws: (a) exposing individuals to legal proceedings; and (b) making Council vicariously liable for the conduct of others.
By-Election	An election to replace a councillor after the councillor's office becomes vacant.
Candidate	A person standing for election.
Caretaker Period	The period from the notice of election through until the close of the polls of the relevant local government general election.
Council	Sorell Council
Council Property	Any real or tangible property (e.g., cash, motor vehicles, plant, and equipment); and any intangible property (e.g., intellectual property and goodwill) owned by Council or in Council's possession or control.
Councillor	An elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a 'councillor' as defined under section 3 of the <i>Local Government Act 1993</i> (Tas).
Electoral Material	Any advertisement, handbill, pamphlet, notice, flyer or article that is intended or calculated to affect the result of an election.
Election Campaign	The activities of candidates to win voter support in the period preceding an election and includes activities such as door knocking, bulk emails, production of signs and flyers,

	telephone canvassing, social media campaigns and advertising.
Employee	A person who conducts work for Council as an employee of Council.
General Manager / Chief Executive Officer	The general manager of Council as appointed under Section 61 of the <i>Local Government Act 1993</i> (Tas).
Infringing Workplace Behaviour	Any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.
Interpretation of Policy	(a) The singular includes the plural and vice versa. (b) A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacements, or re-enactments of any of them. (c) A reference to policy or procedure means any approved policies or procedures of Council unless otherwise stated. (d) 'Including' and similar expressions are not words of limitation. (e) A reference to a document (including this document) is to that document as amended, novated, or replaced unless otherwise stated. (f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning. (g) Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive. (h) Unless expressly provided for, this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any Employee's contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency. (i) It is not intended that this Policy impose any obligations on the Council or those covered by it that

	are unreasonable or contrary to the operation of Applicable Laws. Any obligation, direction, instruction, or responsibility imposed by this Policy must be conducted in a manner that an objective third party would consider to be fair and reasonable considering and in the context of all the relevant Applicable Laws, operational and personal circumstances. Questions relating to the interpretation, application or enforcement of this Policy should be directed to a person's Manager/Supervisor.
Manager/Supervisor	A person at the Workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.
Policy	This Code of Conduct Policy including the 'Authority and Application'.
Reporting of Breaches	Persons covered under paragraph 3 (Coverage) must report breaches of Infringing Workplace Behaviour as follows: For breaches by (a) an Employee (other than the General Manager) the report must go to the reporting person's applicable Manager/Supervisor; and/or (b) the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and as otherwise required or permitted by Applicable Laws.
Training	Council will provide all persons covered by this Policy with appropriate training, so they are made aware of their responsibilities and obligations under the Policy.