

Council Policy – Election Period Policy 2020

GOVERNANCE RULES 2020 – APPENDIX A

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RESPONSIBLE OFFICER:	Director Corporate & Community Services
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1. INTRODUCTION

- 1.1 In the lead up to an election the Victorian Local Government sector adopts an election period mode (or caretaker mode) to avoid actions and decisions that may be interpreted as influencing voters or binding an incoming Council.
- 1.2 Specific provisions have been incorporated into the Local Government Act 1989 (the Act) that prohibit Council making major policy decisions, or publishing or distributing election material during the election period.
- 1.3 The relevant provisions of the Act and definitions are attached to this Policy – refer to pages 12 to 15.
- 1.4 This Election Period Policy forms part of the Pyrenees Shire Council Governance Rules as Appendix A.

2. PURPOSE

- 2.1 Pyrenees Shire Council is committed to the principle of fair and democratic elections and therefore adopts and endorses the practices detailed within the Policy in addition to legislative requirements.
- 2.2 The Election Period (Caretaker) Policy has been developed in order to ensure that general elections for Pyrenees Shire Council to be held on Saturday 24 October 2020 are conducted in a manner that is fair and equitable to all candidates and is publically perceived as such.

3. DEFINITIONS

- 3.1 In this Policy the terms:

Election (caretaker) period Means the election period as defined by the Local Government Act 1989 – the period that:

- (a) Starts on the last day on which nominations for that election can be received; and
- (b) Ends at 6pm on Election Day.

Electoral matter Means any matter that is intended or likely to affect voting in an election, including publication on any website under the auspices of Council.

This may include an advertisement, handbill, pamphlet or notice; or:

- Council newsletters
- Council invitations
- Advertisements or notices – e.g. job advertisements, public notices of contracts etc
- Media releases
- Leaflets or brochures
- Mail outs to multiple addresses



Material is also electoral matter if it:

- Publicizes the strength or weakness of a candidate
- Advocates the policies of the Council or of a candidate
- Responds to claims of a candidate
- Publicises the achievements of the elected Council
- Publicizes matters that have already been the subject of public debate
- Is about matters that are known to be contentious in the community and likely to be the subject of election debate
- Deals with election candidates' statements
- Refers to Councillors or candidates by name or by implicit reference

Public consultation Means a process that involves inviting individuals, groups or organisations, or the community generally, to comment on an issue or proposed action or policy, and which includes discussion on that matter with the public.

VEC Victorian Electoral Commission – responsible for the conducting of Victorian local government elections.

Websites Council has a range of websites that promote services, day-to-day activities and events. These include:

- Pyrenees Shire Council – www.pyrenees.vic.gov.au
- Tourism – www.visitpyrenees.com.au
- Facebook – www.facebook.com/eventfulpyrenees/

4. ELECTION (CARETAKER) PERIOD

- 4.1 In the lead up to an election the Victorian Local Government sector adopts an election period mode (or caretaker mode). During this period, Council will be deemed to be in election period / caretaker mode and is prohibited from making major policy decisions or publishing / distributing election material.
- 4.2 The next relevant Election Day is Saturday 24 October 2020.
- 4.3 The election (caretaker) period commences noon on Tuesday 22 September 2020 to 6pm Saturday 24 October 2020.
- 4.4 The Chief Executive Officer will ensure that all employees are informed of the requirements of this Policy.

5. DECISION MAKING DURING THE ELECTION PERIOD

- 5.1 It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during a caretaker period. The Council therefore commits to this



principle in that it will make every endeavour to avoid making decisions that inappropriately bind the incoming Council.

- 5.2 This includes a commitment to comply with the requirements of the Local Government Act 1989 (the Act), pertaining to **“Major Policy Decisions”** section 93A and **“Inappropriate Decisions”** section 93B.

- 5.3 To this end, Council **will not hold an ordinary Council Meeting** during the election (caretaker) period.

(a) Scope exists for Council to hold a special Council Meeting but only in the most urgent or extraordinary circumstances or any statutory processes that may arise.

Major Policy Decisions

- 5.4 Section 93A of the Act prohibits the making of “Major Policy Decisions” during the election (caretaker) period.

- 5.5 In the context of this Policy, a **“major policy”** decision is 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 of Council under section 186(1)} note – amounts fixed are \$150,000 for good and services contracts and \$200,000 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.

- 5.6 If Council considers that there are extraordinary circumstances where the Pyrenees community would be significantly disadvantaged by Council not making a particular major policy decision, Council will, by resolution, request an exemption from the Minister for Local Government in accordance with section 93A(2) of the Act.

Inappropriate Decisions

- 5.7 Amendments in 2015 to the Local Government Act have incorporated the term **“inappropriate decisions”** and this Policy must specify the process to prevent Council from making such decisions.

- 5.8 “Inappropriate Decisions” 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.

Election Policy Content

5.9 Section 93B (3) of the Act makes it mandatory for councils to include in their Election Period (Caretaker) Policy:

- (a) Procedures preventing Council from making an inappropriate decision or using resources inappropriately;
- (b) Limits on public consultation and scheduling of Council events; and
- (c) Procedures to ensure that access to information held by Council is made equally available to candidates during an election.

5.10 To confirm with these provisions Council has adopted the following:

- (a) no Council Meeting of Assembly or Assembly of Councillors Meeting to be held during the election (caretaker) period;
- (b) from 31 August 2020;
 - (i) no draft Strategies will be initiated; and
 - (ii) no new processes to be initiated that require public consultation.
- (c) All processes requiring public consultation should to be completed in the four weeks of August 2020.
 - (i) refer to Section 6 of this Policy for further details.
- (d) No Council event – either sponsored or under the auspices of or run by – is to be scheduled or held during the election (caretaker) period.
- (e) Information / documentation provided to any candidate or Councillor during the Election (Caretaker) Period will be publically published on Council’s website. Refer to clauses 8.1 and 8.3 in particular to for further details.

5.11 Examples of major or inappropriate decisions include:

- Acquisition of land
- Adoption or amendment of the Pyrenees Shire Planning Scheme
- Adoption or amendment of policies, protocols, strategies, master plans or frameworks
- Adoption or amendment of the Council Plan
- Adoption of a revised budget
- Adoption or amendment of a Local Law
- Allocation of grants or awards to individuals or organisations
- Appointing representatives to Council committees
- Disposal of land or assets
- Endorsing submissions to government or public bodies
- Employment matters pertaining to the CEO



- Entering into a contractor or entrepreneurial agreement exceeding the prescribed amount
- Entering into agreements (excluding an Enterprise Agreement), deeds or leases
- Naming or re-naming of roads, reserves or features
- Reviewing of programs or service provision
- Any other decision that the CEO considers may affect voting at the election or is a decision that can be made outside of the election period.

5.12 Decisions made prior to the election period by Council or by an officer under delegation can be implemented during the election period.

6. PUBLIC CONSULTATION

- 6.1 Public consultation means a process that involves inviting individuals, groups or organisations or the community generally to comment on an issue or proposed action or proposed policy, and which includes discussion on that matter with the public.
- 6.2 Public consultation will cease to be initiated as from 31 August 2020 and will not occur during the end of the election period.
- 6.3 An exemption to the requirements of Clause 6.2 (above) relate to statutory public consultation required under the *Planning and Environment Act 1987*, or matters subject to section 223 of the Act but only where the matter **could not be avoided** during the election (caretaker) period.
- 6.4 Consultations under statutory provision outlined in Clause 6.3 shall only proceed after express agreement by the relevant Director in consultation with the Chief Executive Officer and then if it relates solely to the normal day-to-day business of Council.

7. COUNCIL RESOURCES

- 7.1 It is an established democratic principle that public resources must not be used in a manner that would influence the way people vote in elections. **Council therefore commits to this principle in that it will ensure Council resources are not used inappropriately during an election period.** This includes a commitment to comply with the following procedures in addition to the requirements of section 55D of the Act.
- 7.2 Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice is to be sought from the staff's Director.
- 7.3 Council resources, including offices, support staff, hospitality services, equipment and stationary will be used exclusively for normal Council business during the election (caretaker) period, and shall not be used in connection to any electioneering activity.
- 7.4 Reimbursements of Councillors' out-of-pocket expenses during the election caretaker period will only apply to costs that have been incurred in the performance of normal Council duties,



and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

- 7.5 No Council events, logo, letterheads, or other Pyrenees shire council branding should be used for, or linked in any way to, a candidate's election campaign.
- 7.6 The Chief Executive Officer or any staff should not be asked to undertake any tasks connected directly or indirectly with electioneering.
- 7.7 Photos or images taken or provided by Council **are not** to be used by Councillors for the purposes of electioneering or in support of their election campaign. This applies equally to;
 - (a) images on Council websites or social media that may be able to be copied. *Refer also to Clause 9.9*
 - (b) posts and comments on social media that may be able to be forwarded and commented on.
- 7.8 No election material or active campaigning is to be conducted at Council sponsored events or be displayed in any Council building.
- 7.9 Allocations on budget for Councillors seminars / training and attendance at conferences are to be **allocated on a pro rata basis** between the commencement of the financial year and the election date, ie pro rata basis of 4 months out of 12 month period.
- 7.10 The Council will also ensure other Pyrenees resources are not used inappropriately in ways that may influence voting in an election or provide an undue advantage for a candidate. This includes financial, human and material resources.
 - (a) Council staff will not undertake an activity that may affect voting in the election;
 - (b) Council staff will not authorise, use or allocate a Council resource for any purpose that may influence voting in the election; and
 - (c) Council staff that feel they are / may be placed in a compromising situation by a request from a Councillor should politely **refer the Councillor to the Chief Executive Officer for clarification.**
 - (i) Requests from Councillors during the election (caretaker) period should be directed in the first instance to either the Chief executive Officer and / or the appropriate Director.
- 7.11 Prior to the election (caretaker) period the **Chief Executive Officer** will ensure that all members of Council staff are advised in regard to the application and scope of the caretaker procedures.
- 7.12 Any staff member who considers that a particular use of Council resources may influence voting in an election or provide an undue advantage for a candidate shall immediately advise their Director before authorising, using or allocating the resource.
 - (a) The Director **in consultation with the Chief Executive Officer** will decide if the use of Council resources is appropriate or not.



- 7.13 In applying these principle, the Council understands that the following will be normal practice during election (caretaker) period:
- (a) Public Council events will not be organised during the election (caretaker) period;
 - (b) If totally unavoidable or expected, an event will only be conducted with the express permission of the **Chief Executive Officer**;
 - (c) Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operation of Council;
 - (d) Media services, including media releases, will not be provided for Councillors during the caretaker period;
 - (e) Media releases will not mention or quote any Councillor(s) during the election caretaker period;
 - (f) No Council newsletters will be printed od distributed by Councillors during the caretaker period;
 - (g) Neither the Council logo nor Council stationary will be used by Councillors in any way that relates to the election; and
 - (h) Social Media – refer to Appendix 2 of this Policy.
- 7.14 Equipment and facilities provided to Councillors for the purpose of conducting normal Council business **should not** be used for campaigning purposes.
- (a) Where it is impractical for Councillors to discontinue use of these during the election (caretaker) period, Councillors will keep a log of usage and reimburse the Council for expenses incurred.
 - (b) It is strongly suggested that Councillors consider the specific ways to administer this procedure. For instance, Councillors may decide to use a private mobile phone for all election enquiries and publicise such number on election literature.

8. INFORMATION

- 8.1 The Council recognises that all election candidates have rights to information from the Council administration. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected rolls.
- (a) Neither Councillors nor candidates will receive information or advice from Council Officers that might be perceived to support election campaigns, and there shall be complete transparency in the provision of information and advice during the election caretaker period.
 - (b) *Refer to Clause 8.3*
- 8.2 Information and any other briefing material prepared for Councillors during the election (caretaker) period will relate only to factual matters or existing Council services to assist Councillors in conducting normal day-to-day activities.
- (a) Such information will be sent / transmitted to Councillors only be the appropriate Director and or Chief Executive Officer.



- 8.3 An **Information Register** will be maintained by the Director Corporate & Community Services commencing on the opening of nominations on Thursday 17 September 2020.
- (a) This Register will be a public document (available on Council's website) that records all requests for information of a non-election nature by all candidates, and the responses / documents provided to those requests.
 - (b) Details to be included within the Register include not only the request and response but also the name of the candidate making the request and the date the request was made.
- 8.4 **Responses to candidate's requests – as per Clause 8.3 – will be provided by Directors or the Chief Executive Officer.** Directors will be required to discuss the request and the proposed response with the Chief Executive Officer prior to the response being provided. Only information that can reasonably be accessed will be released.
- 8.5 Section 76D of the Act prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in their role of Councillor, to gain an advantage.
- 8.6 Any **Freedom of Information (Fol) requests** lodged during the election (caretaker) period on matters regarding current Councillors will be dealt with in accordance with the statutory procedure prescribed by the Fol Act. Where possible the request will be dealt with outside of the election (caretaker) period (the Fol Act specifies a 45 day period in providing a response to a Fol request).

9. COMMUNICATION

- 9.1 Council communication **will not be used in any way** that might influence the outcome of a Council election.
- 9.2 During the election caretaker period, no employee will initiate any public statement that relates to an election issue. **Public statements are not only formal media releases but also verbal comments at meetings, functions and events where attending as part of their Council role.**
- 9.3 Any requests from Councillors for media advice or assistance during the election caretaker period will be channelled through the Chief Executive Officer.
- 9.4 In response to media enquiries the Chief Executive Officer, Directors or Communications Officer **will only** provide a response and such information should relate to current services and operations.
- 9.5 In the election (caretaker) period no media releases will be issued quoting or featuring a Councillor.
- 9.6 During the election (caretaker) period, Council initiated communications shall be restricted to the communication of normal Council activities.
- 9.7 No media advice or assistance will be provided to Councillors in relation to election campaign matters.



- 9.8 No publicity will be provided that involves specific Councillors.
- 9.9 Councillors should not use their position as an elected representative or their access to staff and other Council resources or information in support of an election campaign. **This includes photos or images or images provided by Council** for past Council activities.
- 9.10 Contact with the local media will be restricted to the communication of normal Council and responding to questions not involving the election or possible election outcomes.
- 9.11 Publicity of Council events (if any during the caretaker period) will be restricted to the communication of factual material and will not feature, mention or quote or contain any photo of any Councillor.
- 9.12 Councillor participation at Council sponsored events (if any during the election (caretaker) period) should not be used to gain attention in the support of an election campaign. Council sponsored events include launches, events, and any other public forum outside the normal Council meeting cycle.

10. COUNCIL PUBLICATIONS

- 10.1 Section 55D of the Act places limitations on Council from printing, publishing or distributing publications during a caretaker period. This is to ensure Council does not utilise public funds that may influence or be seen to influence people's voting intentions.
- 10.2 **Council must not print, publish or distribute a publication during the caretaker period unless it has been certified by the Chief Executive Officer.**
- 10.3 The Chief Executive Officer **must not certify** a publication that contains electoral matter – it is an offence for the Chief executive Officer to contravene this requirement.
- 10.4 An "electoral matter" is any matter that is intended or likely to affect voting in an election. *Refer to Clause 10.2*
- 10.5 The certification by the Chief Executive Officer must be in writing and cannot be delegated. Certification wording – over the Chief Executive Officer's signature should be as follows – **"Certified by the Chief Executive Officer in accordance with section 55D of the Local Government Act 1989"**.
- 10.6 The interpretation of section 55D is extremely broad. Even though section 55D refers specifically to "an advertisement, handbill, pamphlet or notice" it has been interpreted to refer to documents produced for the purpose of communicating with the community including:
- (a) Council newsletters;
 - (b) Council invitations;
 - (c) advertisements and notices, for example – job advertisements, public notices of contracts, etc;



- (d) media releases;
- (e) leaflets or brochures; and
- (f) mail outs to multiple addresses.

All these publications will require certification by the Chief Executive Officer provided that the Chief Executive Officer is certain it does not contain electoral matter. This duty cannot be delegated to another member of Council staff.

- 10.7 Electoral matter means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.

Material is **electoral matter** if it contains an express or implicit reference to, or comment on, the election, a candidate in the election, or an issue submitted to, or otherwise before, the voters in connection with the election.

- 10.8 Section 55D also applies to the publication of material specified in Clause 9.6 on Council's website. **This applies to all websites under the auspices of Council – new pages on the website or new material will require the certification of the Chief Executive Officer.**

- 10.9 **Websites** – Council has a range of websites that promote services, day-to-day activities and events. These include:

- (a) Pyrenees Shire Council – www.pyrenees.vic.gov.au
- (b) Tourism – www.visitpyrenees.com.au
- (c) Facebook – www.facebook.com/eventfulpyrenees/

All websites categorised under **Council Matters** will require certification by the Chief Executive Officer of any page change.

- 10.10 **All social media messaging, including post and responses on all Council platforms (Facebook, Twitter, YouTube)** will require certification by the Chief executive Officer.
- 10.11 **The recommended practice – in line with State and Federal Governments – is where possible to avoid all publication activity during the election caretaker period except where it is essential for the conduct of Council operations.**
- 10.12 Council publications with reference to either current Councillors or candidates, **both online and on public display will be withdrawn from view** during the election (caretaker) period.
- 10.13 During the election (caretaker) period Council's website will not contain material which is precluded by this Policy or the statutory requirements relating to publications. Any references to the election will only relate to the election process – for example, *the date of the election*.



- 10.14 Profiles of the Mayor and Councillors will be removed from Council's website during the election (caretaker) period, but retain their contact details for their day-to-day role as Councillor – for example, *names, photos, and contact number*.
- 10.15 Any new material published on Council's website during the election (caretaker) period must be subject to the certification process. Council Agendas, Minutes and the Annual Report are considered exempt from certification.
- 10.16 Council pursuant to the provisions of the Local Government Act is required to produce an Annual Report, and the Annual Report 2015/16 will be published during the election (caretaker) period.
 - (a) The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors, but will fulfil Council's statutory obligations on reporting matters.

11. ASSISTANCE TO CANDIDATES

- 11.1 Council affirms that all candidates for the Council election will be treated equally.
 - (a) For the purposes of this Policy, any Councillor – whether standing for Council or not – will be regarded as a candidate.
- 11.2 Any assistance and advice to be provided to candidates as part of conduct of the Council election will be provided equally to all candidates.
- 11.3 All election related enquiries from candidate, including sitting Councillors, will be directed to the Returning Officer.

12. CARETAKER STATEMENT – SPECIAL COUNCIL MEETING REPORTS

- 12.1 As Council will not hold an ordinary Council Meeting during the election (caretaker) period, this section only applies to reports for a special Council Meeting, if such a meeting is called.
- 12.2 In order to facilitate compliance with its commitment to ensuring appropriate decision making during elections, Council hereby adopts the following procedures as outlined in Clauses 12.3 to 12.5.
- 12.3 During the caretaker period, the Chief Executive Officer will ensure that a "Caretaker Statement" is included in every report submitted to a Special Council Meeting (if required) for a decision.
- 12.4 The "Caretaker Statement" will specify one of the following:
 - (a) "The recommended decision is not a '**Major Policy Decision**' as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Election Period (Caretaker) Policy".
 - (b) "The recommended decision is not a **Major Policy Decision**" within the context of the Local Government Act 1989. The recommended is a "Significant Decision" within the



meaning of the Election Period (Caretaker) Policy, but an exemption should be made for the following reason [insert reasons for making an exemption]”.

- (c) “The recommended decision is to seek an exemption from the Minister because the matter requires a ‘Major Policy Decision’ within the meaning of section 93A of the Local Government Act 1989”.
- (d) “The recommended decision is a ‘Major Policy Decision’, as defined in section 93A of the local Government Act 1989, but an extraordinary circumstances exemption was granted by the Minister for Local Government on [insert date]”.

12.5 During the election (caretaker) period, Council will not make a decision on any matter that does not include one of the Caretaker Statements as outlined above.

13. ATTACHMENTS

Attachment 1 – Relevant sections from the Local Government Act 1989

SECTION 3(1)

"**Election period**", in relation to an election, means the period that—

- (a) starts on the last day on which nominations for that election can be received; and
- (b) ends at 6 p.m. on election day.

"**Electoral advertisement, handbill, pamphlet or notice**" means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting.

"**Publish**" means publish by any means including by publication on the Internet.

SECTION 3(1A)

In this Act, "**electoral matter**" means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.

SECTION 3(1B)

Without limiting the generality of the definition of *electoral matter*, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on—

- (a) the election; or



- (b) a candidate in the election; or
- (c) an issue submitted to, or otherwise before, the voters in connection with the election.

SECTION 55D - Prohibition on Council

- (1) A Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.
- (2) The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process.

Penalty: 60 penalty units.

- (3) Despite section 98(2), the Chief Executive Officer must not delegate the power to certify any advertisement, handbill, pamphlet or notice under this section to a member of Council staff.
- (4) A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer under this section.

Penalty: 60 penalty units.

SECTION 93A - Conduct of Council during election period

- (1) Subject to this section, a Council, a special Committee or a person acting under a delegation given by the Council must not make a major policy decision during the election period for a general election.
- (2) If a Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to the Minister for an exemption from the application of this section to the major policy decision specified in the application.
- (3) If the Minister is satisfied that there are extraordinary circumstances, the Minister may grant an exemption from the application of this section to the major policy decision specified in the application subject to any conditions or limitations that the Minister considers appropriate.
- (4) A major policy decision made in contravention of this section is invalid.
- (5) Any person who suffers any loss or damage as a result of acting in good faith on a major policy decision made in contravention of this section is entitled to compensation from the Council for that loss or damage.



- (6) In this section, a "major policy decision" 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); or
 - II. 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year;
 - d. to exercise any power under section 193 if the sum assessed under section 193(5A) 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.

SECTION 93B - Council to adopt an election period policy

- (1) A Council must prepare, adopt and maintain an election period policy in relation to procedures to be applied by Council during the election period for a general election.
- (2) A Council must prepare and adopt an election period policy as required by subsection (1)—
 - a. by 31 March 2016; and
 - b. following the general election on 22 October 2016, continue to maintain the election period policy by reviewing and, if required, amending the policy not later than 12 months before the commencement of each subsequent general election period.
- (3) An election period policy must include the following—
 - a. procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election;
 - b. limits on public consultation and the scheduling of Council events;
 - c. procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.
- (4) A copy of the election period policy must—
 - a. be given to each Councillor as soon as practicable after it is adopted; and
 - b. be available for inspection by the public at the Council office and any district offices; and
 - c. be published on the Council's Internet website maintained under section 82A.
- (5) In this section—

"inappropriate decisions" made by a Council during an election period includes any of the following—



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

SECTION 95 - Conduct principles

- (1) Council staff must in the course of their employment—
- a. act impartially;
 - b. act with integrity including avoiding conflicts of interest;
 - c. accept accountability for results;
 - d. provide responsive service.

Attachment 2 – Social Media Activity – Election (Caretaker) Period

Social media activity during the caretaker period is to conform with the following:

1. On Facebook pages the “post comments” to be disabled.
2. Facebook and Twitter posts to be kept to a minimum, normal day-to-day activities only.
3. No launches or announcements of any new projects, policy initiatives or programs.
4. YouTube videos to be made private and only those pertaining to operational matters of Council day-to-day activities remaining active.
5. No hosting or responding to political content at all is permitted.
6. During this time ensure moderation of all Council social media sites, including Facebook, Twitter and YouTube

14. DOCUMENT HISTORY

Version Number	Issue date	Description of change
1.0	March 2016	Initial release
2.0	August 2019	Updated for 2020 General Election
2.1	August 2020	Updated as part of implementing the Local Government Act 2020 to form part of the Governance Rules 2020 (Appendix A).

