



## CP 1.5 | Caretaker Period

### Objective

To prevent the Council of the City of Perth from making major decisions prior to an election that would bind an incoming Council.

Prevent the use of public resources to promote, advantage or disadvantage council members seeking re-election or nominees seeking election; and

Recognise the requirement for the City of Perth administration to act impartially in relation to all candidates.

### Scope

The caretaker period will begin from the opening of nominations (44 days prior to the election day as per section 4.49(a) of the *Local Government Act 1995*) and ends upon declaration of the result of the election (as per section 4.77 of the *Local Government Act 1995*).

This Policy will apply for any election that is to elect four (4) or more council members.

This Policy applies to council members of the City of Perth and covers:

- decisions made by Council
- roles and responsibilities of the CEO and council members
- published materials
- functions and events
- public consultation and campaigns
- use of the City's resources
- access to information

Candidates are required to comply with the [City of Perth Code of Conduct for Council Members, Committee Members and Candidates](#).



## Policy statement

### Decisions Made by Council

1. The following decisions are considered major decisions and are not to be made during the caretaker period, unless considered an extraordinary circumstance by the CEO:
  - a. Decisions relating to the recruitment, performance, or termination of the CEO.
  - b. Decisions relating to entering the City into an arrangement that would constitute expenditure exceeding 0.5% of the City's annual budgeted revenue (GST inclusive) in the relevant financial year.
  - c. Decisions relating to the allocation of grants, sponsorships, donations, or other direct funding to organisations.
  - d. Decisions relating to changes to the planning scheme, policies, and local laws.
  - e. Changes to the documents within the Integrated Planning and Reporting Framework or its informing strategies.
  - f. Decisions relating to entering into a major trading undertaking or a major land transaction as defined by section 3.59 of the *Local Government Act 1995*.
  - g. Decisions that, in the CEO's opinion, will have a significant impact on the City of Perth or the community, or be publicly perceived as an election campaign issue.
2. Where an extraordinary circumstance exists, the CEO may permit a matter requiring a major decision to be submitted to the Council for determination during the caretaker period. Extraordinary circumstances include the following situations:
  - a. Where the urgency of the issue is such that it cannot wait until after the election; or
  - b. Where there is the possibility of legal and/or financial repercussions if a decision is deferred.
3. Where a major decision is put to Council during the caretaker period, a statement will be included in the report to detail why the matter has been presented to Council.

### Roles and Responsibilities

#### The CEO

4. The CEO is responsible for implementing the caretaker provisions contained in this policy by:
  - a. Ensuring, as far as practicable, that all council members and staff are aware of the Caretaker Policy and its provisions at least 30 days prior to the start of the caretaker period.
  - b. Ensuring, as far as practicable, that any major decisions required by the Council are scheduled for Council resolution outside the caretaker period.



- c. Ensuring that all announcements regarding major decisions made by Council are not publicised during the caretaker period.

## Council Members

5. Council members are required to comply with the provisions contained in this policy.

## Published Materials

6. Candidates and council members are permitted to publish campaign material on their own behalf but cannot claim for that material to be originating from or authorised by the City (including the use of the logo or crest).
7. During the caretaker period, the City's website, publications and social media will not make any references to the election apart from details of the election process itself and any information the City is required to publish in accordance with legislation.

## Functions and Events

### Events held by external bodies

8. Council members may continue to attend events and functions hosted by external bodies during the caretaker period.

### Speaking at events

9. Excluding the Lord Mayor fulfilling their functions as prescribed by sections 2.8 and 2.9 of the *Local Government Act 1995* (or the Deputy Lord Mayor acting in the position of Lord Mayor, as per section 5.34), candidates will not be authorised to make speeches or addresses at events and functions organised or sponsored by the City during the caretaker period as far as is practicable.

### Representation at external bodies

10. Council members appointed to external organisations as representatives of the City will not use their attendance at meetings of these organisations to promote their personal or other candidate's electoral campaigns.

### Civic Events and Functions

11. Events and functions organised by the City and held during the caretaker period will be limited to only those that the CEO considers essential to the operation of the City.

### Public Consultation and Campaigns

12. Only public consultation that is required by legislation to be undertaken during the caretaker period is permitted to occur.



13. The City will not run any campaigns related to election campaign issues during the caretaker period.

## Use of the City's Resources

14. This policy reaffirms the rules of conduct in the *Local Government (Model Code of Conduct) Regulations 2021* regarding the prohibition of the use of the resources of a local government for an electoral purpose.

15. Council members are not permitted to use City of Perth photography, business cards or facilities to promote candidates or their own candidacy.

## Access to Information

16. All election process enquiries from candidates are to be made to the Returning Officer.

17. Where a candidate submits a request on behalf of a member of the public, that information will be provided directly to the requesting member of the public where possible.

## Document control

### Policy context

Legislation, standards & external guidelines	<i>Local Government Act 1995</i> – section 4.94(c) <i>Local Government (Model Code of Conduct) Regulations 2021</i>
Policies and procedures	City of Perth Code of Conduct for Council Members, Committee Members and Candidates
Strategies, plans and frameworks	

### Document custodian

Alliance	CEO	Service unit	Governance
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### Review management

Next review due	April 2023	Document management ref.	EDRMS-1336483316-535
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### Document management

Version	Adopted by	Adoption date	Synopsis of changes
1.0	Ordinary Council Meeting	22 April 2008	Council Policy adopted
2.0	Ordinary Council Meeting	27 January 2010	Council Policy amended
3.0	Ordinary Council Meeting	27 April 2021	Council Policy 1.5 adopted
4.0	Ordinary Council Meeting	22 November 2022	Council Policy amended