



Policy No. 70 – Local Government Election Caretaker Period

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OBJECTIVE

The purpose of this Policy is to ensure that:

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

SCOPE

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

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

DEFINITIONS

The definitions of terms used in this Policy are set out below.

Term	Definition
By-Election	is an election to replace a councillor after the councillor’s office becomes vacant.
Candidate	is a person standing for election.
Council	means the Dorset Council
Caretaker Period	is the period from the publication of the notice of election through until the close of the polls of the relevant local government general election.
Electoral Material	means any advertisement, handbill, pamphlet, notice, flyer, letter or article that is intended or calculated to affect the result of an election.
Election Campaign	refers to 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.
Extraordinary Circumstances	means a situation that requires a major policy decision of the Council because:

	<ul style="list-style-type: none"> a. in the General Manager’s opinion, the urgency of the issue is such that it cannot wait until after the election; b. of the possibility of legal and / or financial repercussions if a decision is deferred; or c. in the General Manager’s opinion, it is in the best interests of the Council for the decision to be made as soon as possible.
General Election	means a general election of councillors held every four years pursuant to Part 15 of the <i>Local Government Act 1993</i> .
Local Government Act	means the Tasmanian <i>Local Government Act 1993</i> .
Major Policy Decision	<p>refers to</p> <ul style="list-style-type: none"> a. the appointment, remuneration or termination of the General Manager b. approval of contracts greater than 1% of Council’s net revenue c. adoption or renewal of policies d. making, amending or repealing planning schemes e. establishment of By-Laws <p>Major Policy Decisions do not include:</p> <ul style="list-style-type: none"> a. decisions that relate to the carrying out of works in response to an emergency or disaster b. the signing of an agreement where the majority of the negotiations were undertaken or resolved by Council prior to the caretaker period commencing

POLICY

This Policy establishes clear guidelines for the conduct of Councillors and staff in the lead up to a local government general election involving the Dorset 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.

CARETAKER PERIOD PROVISIONS

During the Caretaker Period the following provisions shall apply:

1. Tenure of General Manager– Council shall not appoint, dismiss or renew the contract of a General Manager during the Caretaker Period. An Acting General Manager may be appointed in accordance with Section 61B of the Local Government Act, if required.
2. Planning Instruments – Council will not make, amend or 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).
3. By-Laws – Council will not make a new By-Law during the Caretaker Period.
4. Policies – Council will not approve or renew any Council policies during the Caretaker Period.
5. Distribution of Electoral Material – no electoral material shall be permitted to be displayed or distributed on any Council owned or managed property.
6. Use of Council Equipment and Stationery – Council supplied equipment and Council branded material shall not be used by Councillors or 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.
7. Media - Councillors will not use their position as an elected representative, or their access to employees or resources, to gain media attention in support of their, or any other candidate's election campaign.

8. Council Committees and Groups – a Councillor shall not use their membership of a Council Advisory Committee or appointment as a member of an external group to disseminate information or promote their, or any other candidate's election campaign.

GUIDELINES

1. Nothing in this Policy prevents the Mayor, Councillors and staff from carrying on the business of the Council during the caretaker period.
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 the above provisions of this Policy.
3. The General Manager may still exercise all delegations provided by Council during the Caretaker Period, including the appointment of staff.
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.
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.
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. 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 Policy No. 2 – Councillor Expenses.
8. Council employees shall maintain the normal business activities of Council during the Caretaker Period. Employees shall undertake their duties in an appropriate way and take all steps to avoid any real or perceived support for a candidate in order to protect the organisation's ability to impartially serve any incoming Council following an election.

EXTRAORDINARY CIRCUMSTANCES

1. The determination as to whether or not any decision is 'extraordinary' will be made by the General Manager, after consultation with the Mayor or Chairperson (as relevant). The General Manager must keep a record of all such determinations made by the General Manager including by previous General Managers and make the list available to candidates upon request.
2. Where the General Manager has determined that a decision is 'extraordinary', but circumstances arise that require the decision to be made during the election period, the General Manager will report this to the Council.
3. The General Manager's report to Council will address the following issues (where relevant):
 - i. why the matter is considered 'extraordinary';
 - ii. why the matter is considered urgent;
 - iii. what are the financial and other consequences of postponing the matter until after the election, both on the current Council and the incoming Council;
 - iv. whether deciding the matter will significantly limit options for the incoming Council;
 - v. whether the matter requires the expenditure of unbudgeted funds;
 - vi. whether the matter is the completion of an activity already commenced and previously endorsed by Council;
 - vii. whether the matter requires community engagement;
 - viii. any relevant statutory obligations or timeframes; and
 - ix. whether dealing with the matter in the election period is in the best interests of the Council area and community.

4. Council will consider the General Manager’s report and recommendation at either the next available Ordinary Meeting of Council, or in the case of urgent extraordinary circumstances, a Special Meeting of Council may be convened.

LEGISLATION

- *Local Government Act 1993 (Tas)*
- *Local Government (Code of Conduct) Order 2024*
- *Land Use Planning and Approvals Act 1993*

RELATED COUNCIL DOCUMENTS

- Local Government – Councillor Code of Conduct

IMPLEMENTATION AND REVIEW

This Policy will be made available to all staff, Councillors, customers, members of the public and shall be provided free of charge at the Council Chambers and on Council’s website www.dorset.tas.gov.au

This Policy will be reviewed prior to every Local Government election or more frequently, if required.

DOCUMENT INFORMATION

Version	Doc Ref	Date Reviewed	Author	Comments
1.1	DOC/26/1707	4 February 2026	Executive Assistant	Implementation using sector suggested template – Kingborough Council.
1.2		24 February 2026		Updated to include clauses relating to extraordinary circumstances and definitions, using examples from Central Desert Regional Council and Wattle Range Council Policies.