

Policy Type

Council

Policy Purpose

The aim of this policy is to:

1. Provide a clear framework for Council operations during the caretaker period to prevent actions that could influence electoral outcomes.
2. Safeguard the transparency and neutrality of Council decision-making, communications, and use of resources.
3. Enable the ongoing delivery of routine Council functions while appropriately limiting non-urgent or significant decisions.

Policy Statement

1. Introduction
 - 1.1 The caretaker period is a critical time in the democratic process, requiring Council business to be conducted in a manner that maintains public confidence, supports fair and impartial elections, and avoids any perception of influencing electoral outcomes.
 - 1.2 This importance is reinforced in legislative requirements that prohibit or restrict Council or the City from making or doing significant acts and prohibit candidates and Elected Members from using City resources for electoral purposes.
 - 1.3 This policy is to be read in conjunction with these legislative requirements, which prevail over this policy where inconsistencies arise.
- 2 Preparation for and Notification of Caretaker Period
 - 2.1. The CEO will provide Elected Members and staff with 30 days' notice of the commencement of the caretaker period.
 - 2.2. The CEO is responsible for ensuring that staff are aware of the requirements of the caretaker period, including those at law and under this policy.
3. Council Business – Significant Acts
 - 3.1. The CEO must ensure that no item is listed for a Council decision during the caretaker period if the CEO considers that the resulting Council decision would constitute a significant act.
 - 3.2. Elected Members must not submit Motions or Matters for Investigation for consideration by Council during the caretaker period if the resulting Council decision would constitute a significant act.

4. Major Policy Decisions – Council Consideration or Briefing
 - 4.1. As far as reasonably practicable, the CEO must not list Major Decisions or Funding Decisions for Council consideration during the caretaker period.
 - 4.2. Such decisions should either be:
 - 4.2.1. considered by the Council prior to the caretaker period; or
 - 4.2.2. scheduled for determination by the incoming Council.
 - 4.3. The CEO may bring a Major Decision or Funding Decision to Council for consideration during the caretaker period if the CEO is satisfied that prevailing circumstances apply.
 - 4.4. When determining whether prevailing circumstances apply, the CEO is to have regard to:
 - 4.4.1. the significance of the decision;
 - 4.4.2. the urgency of the issue;
 - 4.4.3. whether the process has substantially commenced and/or approvals are in place;
 - 4.4.4. the possibility of legal and/or financial repercussions if it is deferred;
 - 4.4.5. whether the decision is a mandatory statutory process or required under existing policy;
 - 4.4.6. whether the decision is likely to be controversial or contentious; and
 - 4.4.7. what is in the best interests of the City and its residents and ratepayers.
 - 4.5. If the CEO is satisfied that prevailing circumstances apply, the CEO is to, either prior or at the same time the agenda for the relevant meeting is provided to Elected Members, provide Elected Members with advice setting out:
 - 4.5.1. the reasons why prevailing circumstances apply; and
 - 4.5.2. how any potential electoral impacts will be managed or mitigated.
 - 4.6. As far as reasonably practicable, the CEO must not list for discussion or briefing at an Elected Members Briefing Forum any proposed Major Decision or Funding Decision, unless the CEO is satisfied that prevailing circumstances apply.
5. Major Announcements during Caretaker Period
 - 5.1. The City should, as far as reasonably practicable, avoid announcing the making of any prior Major Decision or Funding Decision during the caretaker period.
 - 5.2. The City should, as far as reasonably practicable, avoid making any public statement, comment or announcement connected or related to an electoral issue, or which may influence (or be perceived to influence) the result of an election.
6. Public Consultation
 - 6.1. Public consultation should generally be avoided during the caretaker period.
 - 6.2. Public consultation is expressly prohibited on issues which the CEO considers contentious or could reasonably be perceived to influence the result of an election.
 - 6.3. Notwithstanding clauses 6.1-6.2, public consultation may occur during the caretaker period if it is a mandatory statutory process.

7. City Communications

- 7.1 The City will not print or publish electoral material, other than material:
 - 7.1.1. announcing the next local government election;
 - 7.1.2. which encourages residents and ratepayers to enrol to vote;
 - 7.1.3. which encourages nominations;
 - 7.1.4. which promotes any candidate information session being held by the City; or
 - 7.1.5. which encourages electors to vote.
- 7.2. Subject to clause 9 below, the City will not feature or promote any candidates or Elected Members in City communications printed or published during the caretaker period, including imagery of candidates.
- 7.3. Clause 7.2 does not apply to City communications which were published prior to the caretaker period or which the City is required to publish, by law.
- 7.4. Elected Member profiles on the City's website cannot be used for electoral purposes, and changes to these profiles will not be made during the caretaker period if the Elected Member is a candidate in an election.

8. Elected Member/Candidate Communications

- 8.1 Candidates cannot claim or represent that electoral material they print or publish (or cause to be printed or published) originates from or is authorised by the City.
- 8.2 Candidates must not use or display the City of Cockburn logo or crest on electoral material.
- 8.3 Candidates must not use photos of staff in electoral material.
- 8.4. Candidates must not distribute electoral material at City events or functions, or display such material in City facilities or venues.
- 8.4 Candidates must not comment on City of Cockburn social media accounts during the caretaker period.

9. Media and Publicity

- 9.1. The CEO will as far as reasonably practicable, limit any proactive media or publicity campaigns during the caretaker period.
- 9.2. The CEO may permit proactive media or publicity campaigns where it concerns routine operational matters, such as the promotion of City services and facilities or community service announcements.
- 9.3. In accordance with the Mayor's statutory role as the spokesperson for the City under section 2.8(1)(b) of the Act, the Mayor (or Deputy Mayor as the case may be) may still be featured and quoted in media releases or responses issued during the caretaker period.
- 9.4. Media advice and opportunities will not be provided to Elected Members during the Caretaker Period, other than to the Mayor (or Deputy Mayor as the case may be) to facilitate a release or response in accordance with clause 9.3 above.

10. Attendance and Participation at Events and Functions

- 10.1. Elected Members may continue to attend events and functions during the caretaker period.
- 10.2. Where reasonably practicable, the City should avoid hosting or holding any major events or functions during the caretaker period.
- 10.3. The City must not host or hold a major event or function during the caretaker

period if the CEO considers, on reasonable grounds, that the event or function could influence (or be perceived to influence) the result of an election.

- 10.4. Elected Members who are a candidate in a local, state or federal election may not, during the caretaker period, officiate or give a speech at a City event or function.
- 10.5. Clause 10.2 does not apply to routine City services, programs and events, for example library, community and recreation centre programs, and other regularly scheduled activities.
- 10.6. Clause 10.4. does not apply where the Mayor (or Deputy Mayor as the case may be) is carrying out their functions under section 2.8(1)(b) of the Act.
- 10.7. Candidates must not promote their election campaign at City events or functions.

11. Delegates or Representatives to Community and Advisory Groups

- 11.1. Elected Members may continue to participate and attend meetings where they have been appointed as a delegate or representative of Council.
- 11.2. Elected Members must not use their attendance at these meetings to promote their or another candidate's election campaign.

12. Use of City of Cockburn Resources

- 12.1. The Elected Member Code of Conduct prohibits the use of City resources for an electoral purpose.
- 12.2. Staff must not undertake any tasks that are connected directly or indirectly with an election campaign.
- 12.3. Where a staff member is unsure whether a task may be connected directly or indirectly with an election campaign, they should seek advice from the CEO prior to undertaking that task.
- 12.4. City facilities and venues must not be used for an electoral purpose.
- 12.5. Election signs may be installed on or in thoroughfares in accordance with the relevant City of Cockburn local law or Main Roads requirements (where applicable).
- 12.6. Where an election sign is placed on a thoroughfare adjacent to private property, consent from the owner or occupier of that property is required.
- 12.7. Election signs must not be installed on any other City property.
- 12.8. Elected Members must not wear their Elected Members uniform, or any other clothing with the City of Cockburn Council crest, City of Cockburn logo, or the title of their office, while campaigning or in photos used for their campaign.

13. Use of City Information & Elected Member Requests

- 13.1. The Act and Elected Member Code of Conduct prohibit Elected Members from making improper use of their office to:
 - 13.1.1 secure a personal advantage for themselves or others; or
 - 13.1.2 to cause detriment to the City or any other person.
- 13.2. Elected Members may only request information from the City where that information is necessary for them to fulfil their statutory duties and responsibilities.
- 13.3. Elected Members may not use information obtained or acquired through

their role as an Elected Member for an electoral purpose.

- 13.4. Elected Members must not use the Elected Members Request process for an electoral purpose.

14. Additional Rules for Staff

- 14.1. Staff are reminded of their obligations to act professionally, apolitically and impartially, and not in a way that undermines public confidence in the integrity of City.
- 14.2. To ensure the maintenance of an impartial and apolitical public service during the caretaker period, the following staff rules apply:
- 14.2.1. Staff must not make any public statement or comment that relates to an election issue, unless authorised by the CEO;
- 14.2.2. Staff must not undertake work, provide information or otherwise assist an Elected Member where the assistance is primarily for an electoral purpose, or could reasonably be perceived as conferring an electoral advantage on a candidate; and
- 14.2.3. Staff must not campaign, either in a paid or volunteer capacity, for a candidate in a City of Cockburn local government election.

15. Enquiries about the electoral process

- 15.1. All enquiries about the electoral process will be referred to the Returning Officer in the first instance, as the primary point of contact for electoral matters.
- 15.2. Where an enquiry falls outside the functions of the Returning Officer, the CEO will allocate the enquiry to the appropriate officer for response.

16. Elected Members Nominating for State and Federal Government

- 16.1. In accordance with the Act and Elected Member Code of Conduct, Elected Members should avoid any perception that their position on Council is being used as a platform for a State or Federal election campaign.
- 16.2. Elected Members who are pre-selected to contest a State or Federal election, or who are standing for State or Federal elections, must notify the CEO, in writing, of that fact as soon as reasonably practicable after they are pre-selected or nominate (whichever the case may be).
- 16.3. Elected Members are encouraged, and may choose to, take a leave of absence from Council in the lead-up to a State or Federal election.

Related policies:

Nil

Definitions:

Act means the Local Government Act 1995.

Caretaker period has the meaning given in section 1.4A of the Act.

CEO means the Chief Executive Officer of the City of Cockburn.

City means the City of Cockburn.

City communications means any form of communication printed or published by, or on behalf of, the City, including printed publications, electronic publications, media releases, websites, social media channels, advertising and other promotional material.

Elected Member Code of Conduct means the Code of Conduct adopted by Council under section 5.104 of the Act.

Election Issue means any matter that is publicly identified as an issue in a local government election campaign, including matters on which candidates have expressed differing views, and which could reasonably be perceived as influencing electors in determining how they vote.

Electoral material means any advertisement, article, handbill, letter, notice, pamphlet, placard or poster the purpose of which is to influence voters in an election.

Electoral purpose has the meaning in clause 17(1) of the Local Government (Model Code of Conduct) Regulations 2021.

Event and Function means any organised meeting, gathering, ceremony, activity or other formal occasion or similar event, whether organised by the City or a third party.

Funding Decisions means any decision relating to grants, sponsorships or funding allocations, or to enter into a sponsorship or other similar agreement.

Major Decision means any decision that would establish or alter the strategic direction or priorities of the City, and which has significant, long-term, or difficult-to-reverse impacts that could reasonably be expected to bind or limit the discretion of an incoming Council. Without limiting the generality of the foregoing, examples of major policy decisions may include:

- (a) Changing or substantially amending strategic and corporate direction
- (b) Introducing or substantially changing Council policy or frameworks
- (c) Decisions to expand, reduce or fundamentally change service levels
- (d) Adopting or changing major advocacy positions
- (e) Adopting or materially changing long-term financial strategy or resourcing priorities or allocation

Print has the meaning in section 98(1) of the Criminal Code.

Public consultation means a process undertaken by the City to seek comments, feedback, submissions or input from individuals, groups, organisations or the community generally.

Publish has the meaning in section 98(1) of the Criminal Code.

Significant act has the meaning given in section 3.73(1) of the Act.

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