

	CARETAKER POLICY	
	CATEGORY:	GOVERNANCE
	LG ACT 2019 REF:	Section 161(1)
	RESPONSIBLE OFFICER:	CHIEF EXECUTIVE OFFICER

1. PURPOSE

Section 161 of the *Local Government Act* requires Council to maintain a Caretaker Policy governing the conduct of Council and its employees during local government general elections.

2. SCOPE

Council is committed to act in an economically efficient and transparent manner, to be socially and environmentally responsible and to provide a high standard of service delivery through its term. During a general election caretaker period, the normal operations and programs of the Council are to continue.

3. DEFINITIONS

For the purposes of this policy, the following definitions apply:

Term	Definition
Campaigning	Includes campaigning activity, wearing or displaying campaign material
Caretaker Period	Means the period that commences on the nomination day for a council general election and ends when the results of the general election are declared in accordance with the Local Government (Electoral) Regulations 2021.
Council Resources	Any asset or information owned or controlled by a Council is a 'Council resource'. Council resources may include: <ul style="list-style-type: none"> a) materials published by Council; b) facilities and goods owned by the Council; c) attendance and participation at functions and events; d) access to Council information; and e) media services. Council employees and contractors engaged by a Council are also Council resources.
Advantage	An advantage will be conferred where a decision allowing the use of Council resources favours one candidate over another. An advantage arises when a candidate utilised resources, information or support that is not available to a candidate in an election who is not an existing Elected Member.

4. POLICY

The Caretaker Policy ensures that the conduct of Council, Elected Members and Council employees during a Caretaker Period is responsible, transparent and legally compliant with Section 161 of the *Local Government Act*.

4.1. Role of the CEO

The CEO will give written notice to all council members and staff prior to the commencement of the caretaker period and that the caretaker principles in this policy will apply.

The CEO will continue to prepare reports and provide information in order for council members to carry out their roles in relation to the day-to-day business of the Council.

4.2. Designated Decisions

During the Caretaker Period, Council will not make any major decisions. The following designated decisions are prohibited from being made directly by Council or indirectly through the Chief Executive Officer:

- 4.2.1. A decision relating to the employment or remuneration of the Chief Executive Officer, other than to appoint an acting Chief Executive Officer or suspend the Chief Executive Officer for serious or wilful misconduct, except where carried out pursuant to Section 225 of the *Local Government Act*.
- 4.2.2. A decision to terminate the appointment of the Chief Executive Officer, except where carried out pursuant to Section 225 of the *Local Government Act*.
- 4.2.3. A decision to enter into a contract, arrangement or understanding, the total value of which exceeds \$100,000.
- 4.2.4. A decision to spend unbudgeted monies, to conduct public consultation previously unannounced, to endorse a new policy, to dispose of Council land, to approve financial or in-kind community support, and to progress a matter that is contentious or has been identified as an election issue.
- 4.2.5. A decision allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates for election).

4.3. Allowable Decisions

During the Caretaker Period, the following allowable are permitted during the Caretaker Period.

- 4.3.1. A decision relating to the carrying out of works in response to an emergency or disaster.
- 4.3.2. A decision relating to expenditure or other decision required to be taken under an existing agreement by which funding is provided to the Council by the Commonwealth or Territory Government or otherwise for Council to be eligible for funding from the Commonwealth or Territory Governments.

4.4. Elected Member Activities during an Election

- 4.4.1. Council branding, letterhead, media or related facilities should not be used for a

candidate's campaign.

- 4.4.2. Council employees are not to be asked to undertake tasks connected directly or indirectly to an election campaign.
- 4.4.3. Council resources provided for the use of Elected Members are not to be used for campaign purposes.
- 4.4.4. Expenses incurred during the Caretaker Period will only be reimbursed according to Council policy where the Elected Member can provide evidence that it was not related to a campaign.

4.5. Council Employee Activities during an Election

- 4.5.1. Public consultation activities during the Caretaker Period may only take place where there is a statutory requirement to do so.
- 4.5.2. Council employees should not undertake any activity that may influence the outcome of the election, except where that activity relates to election process and is authorised by the Chief Executive Officer.
- 4.5.3. Where the use of Council resources can be construed as being related to a candidate's election campaign, the incident must be reported to the Chief Executive Officer.
- 4.5.4. Council employees must not assist a candidate with an election campaign at any time, including outside working hours, except where the assistance is for the equal benefit of all candidates.

5. ASSOCIATED DOCUMENTS

P05 Council Staff Code of Conduct

6. REFERENCES AND LEGISLATION

Local Government Act 2019 (NT)

Local Government (Electoral) Regulations 2021 (NT)

7. REVIEW HISTORY

Date Approved 18/10/2016	Approved By Council Moved: V Pres B Irvine Seconded: Cr A Richmond Vote: AIF	Resolution # 2016/091	Date for review Next Council Election
Date Approved 19/11/2019	Approved By Council Moved: Cr M Vaughan Seconded: Cr N White Vote: AIF	Resolution # 2019/544	Date for review Next Term of Council
Date Approved 17/02/2021	Approved By Council Moved: Cr Michael Vaughan Seconded: Vice-President Tom Dyer Vote: AIF	Resolution # 2021/37	Date for review Next Term of Council
Date Approved 18/01/2022	Approved By Council Moved: Vice President Tom Dyer Seconded: Cr Noeletta McKenzie Vote: AIF	Resolution # 2022/013	Date for review Next Term of Council