

POLICY

TITLE:	CARETAKER POLICY		
ADOPTED BY:	COUNCIL		
DATE OF ADOPTION:	OCTOBER 2020	DATE OF REVIEW:	OCTOBER 2025
MOTION NUMBER:	OC 318/20 – 29 October 2020		
POLICY NUMBER:	CP 37		
LEGISLATIVE REF:	Section 161(1) of the Local Government Act 2019		

PURPOSE:

The purpose of this policy is to set out how council members and staff are to conduct their activities and actions during the local government general elections caretaker period.

1. DEFINITIONS

For the purposes of this policy:

Campaigning includes campaigning activity, wearing or displaying campaign material (refer to definitions of ‘campaigning activity’ and ‘campaign material’ at sections 268 – 268A of the Electoral Act 2004).

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.

Nomination day means the day that nominations close for a local government general election.

2. PRINCIPLE

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. APPLICATION OF POLICY

3.1 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.

3.2 Major decisions

The Council will not make any major decisions during the caretaker period.

Major decisions are those decisions that have a significant impact on Council operations and activities, or are otherwise political sensitive, and a reasonable person would not consider the decision to be part of the normal Council operations.

Major decisions include:

- (a) entering into any high value contract or lease agreement exceeding \$99,999.
- (b) entering into a new or substantially changed funding agreement, unless there is real risk the eligibility for funding will be lost;
- (c) committing Council funds outside the adopted budget;
- (d) amending the Council's caretaker policy;
- (e) amending the Council's delegations; and
- (f) making a decision relating to the employment or remuneration of the CEO or Acting CEO.

However, major decisions do not include:

- (a) a decision that relates to the carrying out of works in response to an emergency or disaster; or
- (b) an urgent matter that cannot wait until a newly elected Council makes a decision on that matter; or
- (c) a matter that has the possibility of legal or significant financial repercussions if a decision on the matter is deferred until the new Council has been elected; or
- (d) an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or Northern Territory Government or otherwise for the Council to be eligible for funding from the Commonwealth or Northern Territory Government; or
- (e) the signing of an agreement where the majority of the negotiations were undertaken or resolved by Council prior to the caretaker period commencing.

3.3 Council resources

Council resources are not to be used for the purposes of campaigning for a candidate.

Council resources may be used to help with running the general election or to encourage voter participation.

3.4 Community engagement

3.4.1 Communications

Council communication methods – including media, websites, social media and newsletters – will not be used in any way that favours, promotes or criticises any particular Council member or candidate.

Council will continue to communicate normal council business relevant to the community.

During the caretaker period, the CEO is the preferred spokesperson for any official communications. However, this does not fetter the discretion of the Mayor to speak on behalf of the Council as the Council's principal representative.

3.4.2 Public consultation

Council will defer any public consultation until after the caretaker period, unless:

- (a) it is mandatory public consultation required under legislation; or
- (b) the consultation cannot reasonably be deferred.

3.4.3 Events and functions

Council members will not use council events and functions held during the caretaker period for campaigning.

No events or functions relating to opening or launching facilities will be held during the caretaker period.

3.4.4 Electoral information

Council will only publish electoral information that is educational or promotional material relating to the election process and voter engagement.

4. EVALUATION AND REVIEW

Within six (6) months of a new term of Council.