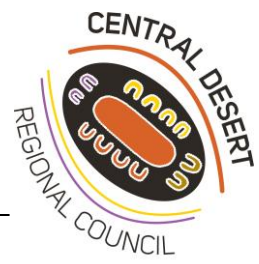


# Council Policy



two ways :: one outcome

Title	Caretaker Period Policy	<b>P60</b>	
Type	Council Policy		
Document Owner	Director Corporate Services		
Approval Date	30 January 2020	Review Date	November 2021
Controlled Document ID	276953	Council Resolution Number	OC014/2020

## PURPOSE

The purpose of this policy is:

- to ensure that there are clear boundaries around what can and cannot be actioned during the caretaker period;
- to ensure that Council conducts its business in an accountable and transparent manner;
- to ensure that Council avoids any decisions or activities that can be perceived as acting in a politicised manner during the caretaker period;
- to ensure compliance with the Local Government Act 2008 (“the Act”); and
- to ensure that Council resources are not diverted for electoral purposes.

## SCOPE

This policy applies to Elected Members, Council staff and persons employed through labour hire agencies and any other Council delegates. This policy applies to the Territory’s quadrennial elections but not by-elections.

## DEFINITION AND TERMS

*Caretaker Period*

A predetermined period that commences on nomination day for a general election and ends when the result of the general election where special arrangements are applied to Council, Elected members and staff by avoiding actions and decision making which could be perceived as influencing voters or having a significant impact on the incoming Council.

*Extraordinary Circumstances*

Means a situation that requires a major policy decision of the Council because:

- (a) in the CEO’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 CEO’s opinion, it is in the best interests of the Council for the decision to be made as soon as possible.

*Major Policy Decision*

Means a decision including but not limited to:

- Enter into any contract or lease involving expenditure inclusive of GST that exceeds one per cent (1%) of the annual budgeted revenue in the relevant financial year.

- Appoint or terminate the appointment of a Chief Executive Officer;
- Make a decision relating to the Chief Executive Officer's remuneration

Major Policy Decisions do not include decisions that relate to the carrying out of works in response to an emergency or disaster.

## LEGISLATION AND REFERENCE

*NT Local Government Act, 2008*

*Electoral Act, 2004*

*Local Government (Electoral) Regulations*

## POLICY STATEMENT

Prior to an election Council and its Elected members enter into a caretaker period, avoiding actions and decision making which could be perceived as influencing voters or having a significant impact on the incoming Council.

During this period, Councillors and Council officers must ensure that the ordinary business of Council continues in a responsible, transparent and legally-compliant manner.

### Council and Elected Member Protocol

- 1.1 Council affirms its commitment the following special arrangements during the caretaker period:
  - the continuation of Council's day to day business activities for the benefit of residents in an efficient and transparent manner;
  - Council and Council officers will not take actions and decision making that can be perceived to bind an incoming Council in its operations;
  - the suspension of major Council policy decisions;
  - maintain neutrality and independence of Council officers; and
  - Adhere to the principle that public funds will not be used for electoral purposes.
- 1.2 During the caretaker period, Councillors who may also be candidates are reminded that any election commitments which they make are made in their capacity as a candidate, rather than any kind of commitment being made on behalf of the Council or which reflects the majority view of Council.
- 1.3 Councillors are advised to ensure that any campaign activity bears no perception of the use of Council resources.
- 1.4 In accordance to any provisions of the Local Government Act and Annual Meeting calendar, Council shall continue to meet during the caretaker period for the purpose of making decisions in the public interest. However Council shall defer any decisions during the caretaker period which:
  - could be perceived as unreasonably binding an incoming Council in its operations; or
  - Constitute a major policy decision and entering into contracts.
- 1.5 If Council considers that, having regard to exceptional circumstances that apply, it is necessary to make a major policy decision in the public interest, Council shall, require the CEO to provide to Council with advice as to why the Exceptional Circumstances apply, and how potential electoral impacts will be

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managed or mitigated. Details of this advice is to be retained with the minutes or briefing notes as a local government record.

- 1.6 Councillors shall not use any information gained during the course of the role as Councillors for the purpose of gaining electoral advantage or as part of their campaign. Councillors doing so may be in breach of the Code of Conduct for Elected Members.
- 1.7 Complaints about Councillor conduct made during the caretaker period shall continue to be assessed according to Council policy and where appropriate forwarded for assessment to the relevant authority.
- 1.8 Council officers shall maintain the normal business activities of Council during the caretaker period and undertake their duties in an appropriate way and take all steps to avoid any real or perceived bias.
- 1.9 Council officers shall not fulfil any request that is or could be perceived to be, an electioneering activity.
- 1.10 Councillors are entitled to use Council resources and facilities as for routine activities in the fulfilment of their roles and responsibilities as Councillors, until their term of office comes to an end.
- 1.11 The Principal member shall continue to use their vehicle until their term of office comes to an end provided that they do not affix or allow to be affixed any sticker, poster, decal or other adhesive device that promotes the Councillor as an actual or potential candidate for the general election.
- 1.12 Councillors and Council officers shall not use Council equipment or resources for election purposes.

## Publications and Communication

- 1.13 Council will not publish or distribute election material intending to influence an elector about voting at an election or affect the result of an election.
- 1.14 All publications and communications proposed to occur immediately prior to, throughout or during a Caretaker Period must be reviewed and approved by the CEO prior to publication or distribution. All publications and communications distributed during a Caretaker Period must not include content that:
  - May actually, or be perceived to, persuade voting in an election; or
  - Is specific to a candidate or candidates, to the exclusion of other candidates; or
  - Draws focus to or promotes a matter which is a major policy decision or which is an electoral campaign issue.

## REPORTING

The Chief Executive Officer is will:

- a) Maintain a register of any major decisions made and contracts entered into made under extraordinary circumstances for presentation to the incoming Council.

## REVIEW HISTORY

Date	Details
6 Feb 2015	New policy (CRN OC18/2015)
30 January 2020	Reviewed and adopted (CRN OC014/2020)