

Name:	Caretaker		
Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Governance and Strategy Manager		
Approval Date:	2/03/2021	Next Review Date:	2/03/2024
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1 PURPOSE

Section 161(1) of the *Local Government Act 2019* requires Council to maintain a Caretaker Policy governing the conduct of Council and its staff during a general election.

2 PRINCIPLES

City of Palmerston 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
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 staff 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 utilises resources, information or support that is not available to a candidate in an election who is not an existing Council Member.
Campaigning	Campaigning includes campaigning activity, wearing or displaying campaign material.
Caretaker Period	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 <i>Local Government (Electoral) Regulations 2021</i> .

4 POLICY STATEMENT

4.1 Designated Decisions

During the Caretaker Period, the following designated decisions are prohibited from being made directly by Council or indirectly through the Chief Executive Officer, or their nominee, or a senior member of staff:

- 4.1.1 A decision relating to the employment or remuneration of the Chief Executive Officer, other than to appoint an acting or temporary Chief Executive Officer or suspend or terminate the Chief Executive Officer for serious or wilful misconduct.
- 4.1.2 A decision to enter into a contract, arrangement or understanding other than a contract for roadworks, road maintenance or drainage works, employment of staff, or in the case of an emergency or disaster as defined by the Northern Territory Government. In some circumstances the CEO may permit a matter including but not limited to:
 - a. the urgency of the issue is such that it cannot wait until after the election;
 - b. whether the process has substantially commenced and / or approvals are in place;
 - c. the possibility of legal and/or financial repercussions if a decision is deferred;
 - d. the best interests of the City and community for the decision to be made as soon as possible.
- 4.1.3 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).

4.2 Elected Members Activities during Caretaker period

- 4.2.1 Council Branding, letterhead, media facilities or related facilities should not be used for a candidate's campaign. It is appropriate however for a Councillor or Mayor to make it clear in written communication that they are currently an Elected Member.
- 4.2.2 Council staff who provide support to Elected Members are not to be asked to undertake any tasks connected directly or indirectly to an election campaign.
- 4.2.3 Council resources provided for the use of Elected Members such as computers, stationery and business cards can continue to be used for Council business only, and are not to be used for campaign purposes. Doing so is a violation of the Code of Conduct.
- 4.2.4 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.

4.3 Council Staff Activities during Caretaker period

- 4.3.1 The CEO will notify all Council members and staff in writing prior to the commencement of the caretaker period of the commencement date
- 4.3.2 Public consultation activities during the Caretaker Period may only take place where there is a statutory requirement to do so.

- 4.3.3 Council staff should not undertake any activity in relation to an election, except where that activity relates to the election process and is authorised by the Chief Executive Officer.
- 4.3.4 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.
- 4.3.5 Council staff must not assist a candidate with their election campaign at any time, including outside working hours, except where the assistance is for the equal benefit of all candidates.

5 ASSOCIATED DOCUMENTS

- 5.1 City of Palmerston *Code of Conduct*
- 5.2 City of Palmerston *Code of Conduct for Employees*

6 REFERENCES AND RELATED LEGISLATION

- 6.1 *Local Government Act 2019 (NT)*
- 6.2 *Local Government (Electoral) Regulations 2021 (NT)*