

CARETAKER POLICY

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.

PRINCIPLES

City of Palmerston is committed to act in an accountable and transparent manner, to be economically efficient, 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.

DEFINITIONS

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

TERM	DEFINITION
Council Resources	<p>Any asset or information owned or controlled by a Council is a 'Council resource'. Council resources may include:</p> <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. <p>Council staff and contractors engaged by a Council are also Council resources.</p>
Campaigning	<p>Campaigning includes campaigning activity, wearing or displaying campaign material. Refer to definitions at sections 268-268A of the <i>Electoral Act 2004</i> (NT) for guidance.</p>
Caretaker Period	<p>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> (NT).</p>


POLICY STATEMENT

1. Major Decisions

- 1.1. Council will not make any major decisions during the caretaker period.
- 1.2. 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.
- 1.3. During the Caretaker Period, the following major decisions are prohibited from being made directly by Council or indirectly through the Chief Executive Officer (CEO), or their nominee, or a member of staff:
 - 1.3.1. A decision relating to the employment or remuneration of the CEO, other than to appoint an acting or temporary CEO or suspend or terminate the CEO for serious or wilful misconduct.
 - 1.3.2. 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.
 - 1.3.3. 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).
 - 1.3.4. Council resources may be used to help with running the general election or to encourage voter participation.
 - 1.3.5. Entering into a new or substantially changed funding agreement, unless there is a real risk the eligibility for funding will be lost.
 - 1.3.6. Committing council funds outside the adopted budget.
 - 1.3.7. Amending Council policies.
 - 1.3.8. Amending Council's delegations.
 - 1.3.9. 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.
 - (e) an expenditure or other decision required to be taken under an agreement by which funding is provided to council by the Commonwealth or Northern Territory Government or otherwise for council to be eligible for funding from the Commonwealth or Northern Territory Government; or
 - (f) the signing of an agreement where the majority of the negotiations were undertaken or resolved by Council prior to the caretaker period commencing.

2. Elected Members Activities during Caretaker period

- 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.

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- 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.
 - 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.
 - 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.

3. Council Staff Activities during Caretaker period

- 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
- 3.2. Public consultation activities during the Caretaker Period may only take place where there is a statutory requirement to do so.
- 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.
- 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.
- 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.

4. Community and Events

- 4.1. Communications

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 Council as Council's principal representative.
- 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.
- 4.3. Events and Functions

Council members or candidates 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 unless required by external funding agreements.

ASSOCIATED DOCUMENTS

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

REFERENCES AND RELATED LEGISLATION

- *Electoral Act 2004* (NT)
- *Local Government Act 2019* (NT)
- *Local Government (Electoral) Regulations 2021* (NT)

POLICY DETAILS

OWNER	CEO	RESPONSIBLE OFFICER	General Manager Finance and Governance
APPROVAL DATE	17 September 2024	NEXT REVIEW DUE	Once in the 11th term of Council
RECORDS NUMBER	609646	COUNCIL DECISION	10/1519