



Name	GOV05 Caretaker Policy
Policy Type	Council
Responsible Officer	Chief Executive Officer
Approval Date	16/05/2023
Review Date	15/05/2027

1. Purpose

The purpose of this policy is to ensure that Litchfield Council:

- demonstrates compliance with Section 161 of the *Local Government Act 2019* (Act) governing the conduct of Council and its staff during a general election.
- demonstrates that public resources are not used for election campaigning;
- is aware of what can and cannot be done during the election (caretaker) period; and
- continues to provide high standards of service to the community.

2. Scope

This policy applies to current Council Members and Council employees during a Caretaker Period prior to a Council General Election.

3. Definitions

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

Council resources	Any asset or information owned or controlled by a Council is a 'Council resource'. Council resources include: (a) materials published by Council, including Council branding and letter head; (b) facilities and goods owned by the Council, including hardware, software and vehicles; (c) attendance and participation at functions and events; (d) access to Council information; and (e) media services (f) Council staff and contractors
Caretaker Period	Means the period of time during which the caretaker practices are in force prior to the declaration a General Election. The caretaker practices will commence from nomination day until the declaration of the Results of the election pursuant to the <i>Local Government (Electoral) Regulations 2021</i> .
Extraordinary Circumstances	Means a situation that requires a major policy decision of the Council because:

	<p>a) in the CEO’s opinion, the urgency of the issue is such that it cannot wait until after the election;</p> <p>b) of the possibility of legal and/or financial repercussions if a decision is deferred; or</p> <p>c) in the CEO’s opinion, it is in the best interests of the Council and/or Litchfield Council for the decision to be made as soon as possible.</p>
<p>Nomination Day</p>	<p>Means Nomination Day as defined in the <i>NT Local Government (Electoral) Regulations 2021</i>.</p>
<p>Major Policy Decisions</p>	<p>Major Policy Decisions</p> <p>A major policy decision means a decision to:</p> <ul style="list-style-type: none"> • Enter into any un budgeted 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; • Spend unbudgeted monies; • Conduct unplanned public consultation; • Endorse a new policy; • Dispose of Council land; • Approve community grants; or • Progress any matter which is contentious or has been identified as an election issue. <p>Major Policy Decisions do not include:</p> <ul style="list-style-type: none"> • Decisions that relate to the carrying out of works in response to an emergency or disaster; • An expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or Territory Government or otherwise for the council to be eligible for funding from the Commonwealth or Territory Government; • The suspension of the CEO for serious and wilful misconduct. • The appointment of an acting CEO.

4. Policy Statement

- 4.1. The Caretaker Policy has been developed in order to ensure that the conduct of Council, Council Members and Council employees during a caretaker period is responsible, transparent and legally compliant with Section 161 of the Act.
- 4.2. Major Policy Decisions that are made by the Council.
 - 4.2.1. Except in Extraordinary Circumstance the Council will not make Major Policy Decisions during the Caretaker Period. Where Extraordinary Circumstances prevail, the CEO may submit a Major Policy Decision to the Council for its consideration.
 - 4.2.2. To assist the Council to comply with its commitment to appropriate decision making during the Caretaker Period, a Caretaker Statement will be included in each report submitted to the Council where the Council's decision would, or could, be a Major Policy Decision. The Caretaker Statement will state:
 - 4.2.3. The decision the Council may make in relation to this item could constitute a '*Major Policy Decision*' within the context of the Litchfield Caretaker Policy, however, an exemption should be made because (insert the circumstances for making the exemption)
- 4.3. Scheduling Consideration and Announcement of Major Policy Decisions
 - 4.3.1. So far as is reasonably practicable, the CEO should avoid scheduling Major Policy Decisions for consideration during a Caretaker Period, and instead ensure that such decisions are either considered by the Council prior to the Caretaker Period, or scheduled for determination by the incoming Council.
 - 4.3.2. Announcements of earlier decisions may be made during a Caretaker Period however, as far as practicable; any such announcements should be made before the Caretaker Period begins or after it has concluded.
- 4.4. Use of Council Resources
 - 4.4.1. Council resources provided to Council Members should be used for Council business only and are not to be used for election campaign purposes. Doing so would be in breach of the Code of Conduct for Council Members and the Act.
 - 4.4.2. Council employees must not be asked to undertake any tasks connected directly or indirectly with an election campaign. Council employees must avoid assisting Council Members in ways that could create a perception that they are being used for electoral purposes.
 - 4.4.3. Council resources, including material published by Council, like the Litchfield Council logo, branding, letterhead, and media facilities, cannot be used for campaign purposes.
 - 4.4.4. This Policy does not cover material authorised by the CEO or Returning Officer to facilitate the conduct of the election or encourage voter participation.

4.5. Access to Information

- 4.5.1. All candidates will have equal rights to access public information and any assistance and advice provided to candidates as part of the conduct of the Council election will be provided equally to all candidates. Usual Freedom of Information (FOI) procedures will apply.

4.6. Media

- 4.6.1. No media advice or support will be provided in relation to election issues or regarding publicity that involves specific Council Members. If satisfied that advice sought by a Council Member during the Caretaker Period does not relate to the election or publicity involving any specific Council Member(s), the CEO may authorise the provision of a response to such a request.

4.7. Website

- 4.7.1. During the Caretaker Period, any new material placed on the Council website which refers to the election should only relate to the election process by way of information, education or publicity. Information about Council Members should be restricted to names, contact details, titles, membership of committees and other bodies to which they have been appointed by the Council.

4.8. Attendance and participation at Council organised activities and events.

- 4.8.1. Events and/or functions organised by Council and held during the Caretaker Period will be limited to only those that the CEO considers appropriate and should not in any way be associated with any issues that in the CEO's opinion, are considered relevant to, or likely to influence the outcome of, an election.
- 4.8.2. Excluding the Mayor and Deputy Mayor fulfilling their functions as prescribed by Sections 59 of the Act, Council Members that are also candidates should not, without the prior approval of the CEO, be permitted to make speeches or addresses at events/functions organised or sponsored by the Council during the Caretaker Period.
- 4.8.3. All known candidates are to be invited to civic events/functions organised by Council during the Caretaker Period.
- 4.8.4. Council Members may continue to attend events and functions hosted by external bodies during the Caretaker Period.

4.9. Public consultation during the Caretaker Period

- 4.9.1. Council will not commission or approve any public consultation where it is likely that such consultation will continue into the Caretaker Period.
- 4.9.2. This Policy does not prevent any mandatory public consultation required by the Act or any other relevant Act which is required to be undertaken to enable Litchfield Council to fulfil its functions.

4.10. Role of the CEO in Implementing Caretaker Practices

4.10.1. The role of the CEO in implementing the caretaker practices outlined in this Policy is as follows.

4.11. The CEO will ensure, as far as possible, that:

4.11.1. All Council Members and staff are aware of the Caretaker Policy and practices at least 30 days prior to the start of the Caretaker Period; and,

4.11.2. Any major policy or significant decisions required to be made by the Council are scheduled for Council consideration prior to the Caretaker Period or deferred where possible for determination by the incoming Council.

4.12. Council employees

4.12.1. Council employees should avoid any actual, potential, or perceived conflict of interest if they are engaged in political activities related to the election.

4.12.2. Council employees should not use their role and position to influence the outcome of the election.

4.12.3. Council employees should not use Council resources for the purposes to influence the outcome of an election.

4.12.4. Should a Council employee resign in order to stand as a candidate for election to a Council, the Legislative Assembly, the Commonwealth House of Representatives or the Senate, they must do so in accordance with Section 181 of the Act.

5. Associated Documents

Code of Conduct for Elected Members

Code of Conduct for Employees

6. References and Legislation

Northern Territory Local Government Act 2019

Northern Territory Local Government (Electoral) Regulations 2021

7. Review History

Date Reviewed	Description of changes (Inc Decision No. if applicable)
15/10/2015	Policy established
19/7/2017	Policy updated as per checklist from Local Government and Community Development

16/06/2021	Amended to include references to the Local Government Act 2019
16/05/2023	Changes made to policy scope and section 4.12.4 as per the compliance review undertaken by the local government division, Department of the Chief Minister and Cabinet recommendation. Minor administrative changes made.