

CARETAKER PERIOD POLICY



TITLE: CARETAKER PERIOD POLICY

ADOPTED BY: COUNCIL

RESPONSIBILITY: CHIEF EXECUTIVE OFFICER

NEXT REVIEW DATE: 27/04/2017

Version	Decision Number	Adoption Date	History
1		26/04/2016	DRAFT
2			
3			
4			

1. CARETAKER PERIOD POLICY

The Caretaker Period Policy (~~Policy~~) relates to Katherine Town Council (~~Katherine Town Council~~).

2. COMMENCEMENT OF POLICY

This Policy will commence from 27/04/2016. It replaces all other policies, if any, relating to a ~~caretaker period~~ prior to Council general elections of a by-election for the Mayor (whether written or not).

3. SCOPE

3.1 The Policy relates to all full-time, part-time and casual employees of Katherine Town Council (~~Katherine Town Council Employees~~), as well as Elected Members and includes use of an Elected Members ~~or an Employees~~ own device.

3.3 The Policy does not form part of any contract of employment with Katherine Town Council. Nor does it form part of any contract for service with Katherine Town Council.

4. SUMMARY

This Policy applies during a ~~Caretaker Period~~ prior to a Council general election or a by-election for the position of Mayor to cover major policy decisions that are made by the Council; the use of Katherine Town Council resources, including materials published by Katherine Town Council; as well as attendance and participation in Council functions and events and access to Council information.

5. AIM

To ensure that public resources, including staff resources, are not used in election campaigning or in a way that may bind an incoming Council, improperly influence the result of an election, or improperly advantage existing Council Elected Members as candidates in the elections.

That the Katherine Town Council administration act impartially in relation to all candidates.

6. DEFINITIONS

Act . Northern Territory *Local Government Act*

Caretaker Period . the period of time during which the caretaker practices are in force prior to the declaration of a general election or a by-election for the position of Mayor. The caretaker practices will apply from the close of nominations on Nomination Day until the Declaration of the Results of the election pursuant to Regulation 56 of the Northern Territory *Local Government (Electoral) Regulations*.

Extraordinary Circumstances . a situation that requires a major policy decision of Council due to the possibility of legal and/or financial repercussions if a decision is deferred.

Major Policy Decisions . refers to any decisions:

- Relating to the employment or remuneration of the Chief Executive Officer;
- To terminate the appointment of the Chief Executive Officer;
- To enter into a contract to the total value of which exceeds \$50,000;
- Irrevocable decisions that commit Council to substantial expenditure of Council revenue on unbudgeted items;
- Endorse any new Policy;
- Irrevocable decisions that will have a significant impact on the municipality or the community.

Nomination Day . as defined in the Northern Territory *Local Government (Electoral) Regulations*.

7. PROCEDURES

Major Policy Decisions

Except in extraordinary circumstances the Council will NOT make major policy decisions during a caretaker period. If an extraordinary circumstance arises the Chief Executive Officer may submit a major policy decision to Council for consideration. To assist Council to comply with its commitment to appropriate decision making during a caretaker period the Chief Executive Officer's report to Council for a major policy decision will include a statement including:

☐The decision the Council may make in relation to this item constitutes a major policy decision within the context of Katherine Town Council's Caretaker Period Policy and an exemption should be made because (insert the circumstances for making the exemption).q

Major Policy Decisions . Consideration and Announcement

So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling a major policy decision for consideration during the caretaker period. Instead, the Chief Executive Officer should ensure such decisions are either considered by the Council prior to the caretaker period or await the incoming Council. Announcements of earlier decisions may be made during the caretaker period however, as far as practicable; any such announcements should be made before the caretaker period begins or after it has concluded.

Use of Council Resources

The *Local Government Act* and the Katherine Town Council Employee and Elected Members Code of Conduct provide that the Council's resources are only to be utilised for authorised activities. For Example . the use of employees for personal tasks or use of equipment for non-Council business is not permitted. This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of Council resources for electoral purposes is not restricted to the caretaker period.

Council employees must not be asked to undertake any tasks associated directly or indirectly with an election campaign and must avoid assisting Elected Members in ways that could create a perception that they are being used for electoral purposes. If any such circumstance arises the employee must advise the Chief Executive Officer immediately.

Council resources, including material published by Council, cannot be used for the advantage of a particular candidate or group of candidates. Council resources must only be used for normal Council business and not for the preparation or dissemination of campaign materials.

NOTE: This Policy does not cover material authorised by the Chief Executive Officer and Electoral Returning Officer to facilitate the conduct of the election or encourage voter participation.

Access to Information

All candidates will have equal rights to access public information and any assistance and advice provided to candidates as part of the conduct of Council elections will be provided equally to all candidates. Council's Freedom of Information Policy and procedures will apply.

Media

No media advice or support will be provided, during the caretaker period, in relation to election issues or in regard to publicity that involves specific Elected Members.

Council's Website

During the caretaker period any new material placed on Council's website, which refers to the election will only relate to the election process.

Council Organised Activities and Events

Events and/or functions organised by Council and held during a caretaker period will be limited to only those that the Chief Executive Officer considers appropriate and should not in any way be associated with any issues that are considered relevant to, or likely to influence the outcome of, an election.

Current Elected Members can continue to attend activities and/or events hosted by external bodies during the caretaker period.

Public Consultation

Council will NOT commission or approve any public consultations during the caretaker period. However, this Policy does not prevent any mandatory public consultations required by the *Local Government Act* which is required to be undertaken to enable Council to fulfil its obligations.

Implementation and Delegation

The Chief Executive Officer is responsible for implementing the caretaker practices during a caretaker period. This includes that all Elected Members and employees are aware of this Policy at least thirty (30) days prior to the start of a caretaker period.

8. BREACH OF THIS POLICY

8.1 Any breach of the Policy may result in disciplinary action, including, but not limited to, issue of a warning, demotion, suspension or termination of employment.

9. KATHERINE TOWN COUNCIL CONTACT

Any questions about this Policy should be directed to Chief Executive Officer 8972 5500.

VARIATIONS

Katherine Town Council reserves the right to vary, replace or terminate this Policy from time to time.

ASSOCIATED DOCUMENTS

- *Local Government Act*
- Code of Conduct

POLICY VERSION AND REVISION INFORMATION

Policy Authorised by: Robert Jennings
Title: Chief Executive Officer
Policy Maintained by: Sophie Henderson
Title: Community Services Executive
Manager
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