

## CARETAKER POLICY

Type:	Council – Elected Members		
Owner:	Council		
Responsible Officer:	Chief Executive Officer		
Approval Date:	27/06/2023	Next Review:	1/11/2025
Records Number:	179562	Council/CEO Decision:	Council OCM-052-2023
Legislation Reference:	Section 161(1) of the <i>Local Government Act 2019</i> .		

### 1 PURPOSE

This policy sets out how council members and staff are to conduct their activities and actions during the local government general elections caretaker period in accordance with section 161(1) of the *Local Government Act 2019*.

### 2 SCOPE

This policy applies to elected members and Council employees with Katherine Town Council.

### 3 DEFINITIONS

**CEO** means Chief Executive Officer.

**Campaigning** includes campaigning activity, wearing or displaying campaign material (refer to definitions of ‘campaigning activity’ and ‘campaign material’ at sections 268 – 268A of the *Electoral Act 2004*).

**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 *Local Government (Electoral) Regulations 2021*.

**Nomination day** means the day that nominations close for a local government general election.

**Major decisions** are those decisions that have a significant impact on council operations and activities and a reasonable person would not consider the decision to be part of the normal council operations.

### 4 DETAILS

Council 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.

## 4.1 Role of the CEO

The CEO will notify all council members and staff in writing at least 60 days prior to the commencement of the caretaker period of the commencement date of the caretaker period and that the caretaker principles in this policy will apply.

The CEO will continue to prepare reports and provide information and briefs for council members to carry out their roles.

## 4.2 Major decisions

The Council will not make any major decisions during the caretaker period. Major decisions include:

- (a) entering into any high value contract or lease agreement exceeding \$100,000.00 (Inclusive GST);
- (b) entering into a new or substantially changed funding agreement, unless there is real risk the eligibility for funding will be lost;
- (c) committing council funds for new large-scale projects;
- (d) amending the Council's caretaker policy;
- (e) amending the Council's delegations; and
- (f) making a decision relating to the employment or remuneration of the CEO or Acting CEO.

However, major decisions do not include:

- (a) a decision that relates to the carrying out of works in response to an emergency or disaster; or
- (b) an urgent matter that cannot wait until a newly elected council makes a decision on that matter; or
- (c) a matter that has the possibility of legal or significant financial repercussions if a decision on the matter is deferred until the new council has been elected; or
- (d) an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or Northern Territory Government or otherwise for the Council to be eligible for funding from the Commonwealth or Northern Territory Government; or
- (e) the signing of an agreement, where the majority of the negotiations were undertaken or resolved by Council prior to the caretaker period commencing.

## 4.3 Council resources

Council resources are not to be used for the campaigning purposes of a candidate.

Council resources may be used to help with running the general election or to encourage voter participation.

## 4.4 Community engagement

### 4.4.1 Communications

Council communication methods – including media, websites, social media and newsletters – will not be used in any way that favours, promotes or criticises any particular council member or candidate.

Council will continue to communicate normal council business relevant to the community.

### 4.4.2 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) it cannot reasonably be deferred.

### 4.4.3 Events and functions

Council members will not use council events and functions held during the caretaker period for campaigning purposes.

#### 4.4.4 Electoral information

Council will only publish electoral information that is educational or promotional material relating to the election process and voter engagement.

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### ASSOCIATED POLICIES/DOCUMENTS

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Elected Members Code of Conduct

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### REFERENCES AND RELATED LEGISLATION

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*Local Government Act 2019*

#### Revision History

Version	Approval date	Details of change	Responsible officer
1	24/11/2020	Created and adopted	Policy Review Committee
2	20/06/2023	Reviewed – changed to new template and minor administrative amendments.	Governance and Executive Officer
3			