

# Caretaker policy

## No. 1052.100.E.R

### 1 Purpose

The purpose of this policy is to govern the conduct of Elected Members and workplace participants during the local government general election caretaker period.

### 2 Scope

This policy applies to Elected Members and workplace participants.

This policy commences on the nomination day for a general election and ends when the result of the general election is declared.

This policy does not apply during a by-election or when Council has been placed under official management in accordance with the *Local Government Act 2019* (NT).

### 3 Policy statement

#### 3.1 Major decisions

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

Major decisions include:

- a decision that binds an incoming Council to a decision or policy position or amending Council's delegations
- a decision relating to the employment or remuneration of the Chief Executive Officer (CEO), other than to appoint an acting CEO or suspend or terminate the CEO for serious or wilful misconduct
- a decision to enter into a contract, arrangement or understanding that exceeds Council's delegations to the CEO, except in the case of an emergency or disaster event as declared by the Commonwealth or Northern Government
- a decision committing Council funds outside the adopted budget
- a decision allowing the use of Council resources for the advantage of a particular candidate or group of candidates, such as:
  - accessing Council branding, letterhead, media or related facilities for a candidate's campaign. It is appropriate however for an Elected Member to make it clear in written communication that they are currently an Elected Member
  - directing staff directly or indirectly in relation to an election campaign or associated activity
  - accessing Council resources, except to enable them to perform the role of an Elected Member

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**Responsible Officer:** Chief Executive Officer

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- o claiming reimbursement for campaign expenses
- o undertaking public consultation activities except where there is a statutory requirement to do so
- o undertaking an activity that may influence the outcome of the election, except where that activity relates to the election process and is authorised by the CEO
- o workplace participants assisting Elected Members with their election campaign at any time, including outside working hours, except where the assistance is for the equal benefit of all candidates.

Major decisions do not include:

- a decision that relates to the carrying out of works in response to an emergency or disaster
- a matter that can't be reasonably deferred until a newly elected council makes a decision on that matter
- 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
- 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
- the signing of an agreement where the majority of the negotiations were undertaken or resolved by Council prior to the caretaker period commencing.

## 3.2 Community engagement

### Communications

City of Darwin media, websites, social media and newsletters will not be used in any way that promotes or criticises any particular Elected Member or candidate.

City of Darwin will continue to communicate with the public about normal Council operations.

The CEO will be the preferred spokesperson for official communications however the Lord Mayor may, in their capacity as Council's principal representative speak on behalf of Council.

### Public consultation

Any public consultation will be deferred until after the caretaker period, unless:

- it is mandatory public consultation required under legislation
- the consultation cannot reasonably be deferred.

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## Events and functions

Elected Members 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.

## Electoral information

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

### 3.3 Council resources

City of Darwin resources may be used to help with running the general election or to encourage voter participation and not for the purposes of campaigning for a candidate.

Council meetings will not be scheduled during the caretaker period. A special Council meeting may be convened on an urgent issue that requires a decision.

Elected Members and workplace participants must:

- include a caretaker statement in each report submitted to Council where the Council's decision would, or could, be a Major Policy Decision. The caretaker statement will state:  
The decision the Council may make in relation to this item could constitute a 'Major Policy Decision' within the context of the Caretaker Policy, however, an exemption should be made because .... (insert the circumstances for making the exemption).
- ensure Council's advertising and marketing materials adhere to election campaign guidelines and rules
- report any incidents of non-compliance with this policy to the CEO.

The CEO will give written notice to Elected Members and workplace participants prior to the commencement of the caretaker period, any changes to business requirements during this period and that the caretaker principles in this policy will apply.

## 4 Definitions

**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 local government general election and ends when the results of the general election are declared in accordance with the *Local Government (Electoral) Regulations 2021*.

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**Elected Member** for the purpose of this policy are the Lord Mayor and Councillors who are elected by the community.

**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.

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

**Workplace participants** means City of Darwin employees, volunteers, work experience placements, contractors, consultants, and labour-hire staff.

## 5 Legislative references

*Local Government Act 2019 (NT)*

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

*Electoral Act 2004*

## 6 Procedure and related documents

Schedule 1 Code of Conduct

City of Darwin Code of Conduct

Elected Member Protocols and Interactions Policy

Elected Member Expenses, Facilities and Support Policy

## 7 Responsibility / application

Elected Members and the CEO are accountable for the overall establishment and periodic review of this policy.

Elected Members, the CEO and workplace participants are responsible for complying with this policy.

This policy will be reviewed every four years, or as required.