

## 1 PURPOSE

Section 96A of the *Local Government Act 2008* (NT) requires Council to maintain a Caretaker Policy to govern the conduct of Council and its staff during a general election.

The purpose of this policy is to ensure Council complies with the Caretaker provisions outlined in Section 96A of the *Local Government Act 2008* (NT) By restricting Council from making major decisions prior to an election which would:

- Bind an incoming Council; or
- Allow the use of public resources in ways that are seen as advantageous or disadvantageous to candidates (new or existing) in an election.

## 2 SCOPE

This policy applies to all Elected Members and Council Staff during the caretaker period for a local government general election. This policy commences on the nomination day for a general election and ends when the results of the general election are formally declared. This policy does not apply during a by-election.

## 3 POLICY STATEMENT

The following decisions and activities will not be permitted to be made or undertaken by Council and/or the Chief Executive Officer and delegates during a caretaker period:

- A decision that binds an incoming Council to a decision or policy position.
- A decision relating to the employment or remuneration of the Chief Executive Officer, other than to appoint an acting Chief Executive Officer or suspend or terminate the Chief Executive Officer for serious or willful misconduct.
- A decision to enter into a contract, arrangement or understanding whereby the total value of the contract, arrangement or understanding exceeds \$100,000 (other than a contract for the appointment of staff in accordance with Council's adopted budget and staffing structure and other than the Chief Executive Officer, or in the case of an emergency or disaster event as declared by the Northern Territory Government).
- A decision allowing the use of Council resources for the advantage of a particular candidate or group of candidates.
- Accessing council branding, letterhead, media or related facilities 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.
- Directing staff directly or indirectly in relation to an election campaign or activity that may be construed as benefiting an election campaign.



- Accessing Council resources, other than the resources which have been provided to Elected Members to enable them to perform the role of Elected Member.
- Claiming reimbursement of expenses for expenses incurred during the Caretaker Period, as a result of campaigning or in addition to Council’s adopted policy for expenses.
- Undertaking public consultation activities except where there is a statutory requirement to do so.
- 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 Chief Executive Officer.
- Council staff 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.

Elected Members and Council staff will comply with this policy by:

- Including a Caretaker Statement 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:

*The decision the Council may make in relation to this item could constitute a ‘Major Policy Decision’ within the context of the City of Darwin Caretaker Policy, however, an exemption should be made because .... (insert the circumstances for making the exemption)*

- The Chief Executive Officer making Elected Members and Council staff aware of the Caretaker Period at least 30 days prior to the start of the period and any matters scheduled for consideration by Council during this period will be deferred.
- Ensuring Council’s advertising and marketing materials adhere to election campaign guidelines and rules during the Caretaker Period.
- Reporting any incidents of non-compliance with this policy to the Chief Executive Officer.

This policy will not apply when:

- Council has been placed under Official Management in accordance with Sections 224, 225 and 226 of the Local Government Act 2008 (Sections 318,319 and 321 of the Local Government Act 2019) and the Minister for Local Government, Housing and Community Development has appointed an Official Manager.

#### 4 DEFINITIONS

**Caretaker Period** means 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 Lord Mayor. The Caretaker Period applies from the close of nominations on Nomination Day until the declaration of Election Results pursuant to Regulation 56 of the *Local Government (Electoral) Regulations 2008*.

**Elected Members** are the Lord Mayor and Alderman who are elected by the community.

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Responsible Officer: Chief Executive Officer		Next Review Date: 27/10/2024



## 5 LEGISLATIVE REFERENCES

Local Government Act 2008 (NT)  
Local Government (Electoral) Regulations 2008 (NT)

## 6 PROCEDURES AND RELATED DOCUMENTS

1100.100.E.R – Elected Member Code of Conduct  
0015.100.E.R – Elected Member Protocols and Interactions  
0017.100.E.R – Elected Member Expenses, Facilities and Support

## 7 RESPONSIBILITY AND APPLICATION

The Chief Executive Officer (or delegated authority) is responsible for ensuring these policies are understood, and adhered to, by Elected Members and relevant City of Darwin staff.

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