

## POLICY

<b>TITLE:</b>	Caretaker Policy		
<b>DIRECTORATE:</b>	Council		
<b>ADOPTED BY:</b>	Council Resolution:		
<b>DATE OF ADOPTION:</b>	29 November 2024	<b>DATE OF REVIEW:</b>	Next election
<b>POLICY NUMBER:</b>	106		
<b>LEGISLATIVE REF:</b>	<i>Local Government Act 2019; Section 161 (The Act)</i> <i>Local Government Amendment Act 2014; Section 96A</i> <i>Local Government (Electoral) Regulations 2021;</i> <i>Electoral Act 2004; Sections 268-268A</i>		

### 1. INTRODUCTION

#### 1.1. Purpose

The purpose of this Policy is to ensure Council complies with the Caretaker provisions outlined in the Act (or any decisions made by the Minister), 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.

#### 1.2. 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 (as defined in the Local Government (Electoral) Regulations and ends when the results of the general election are formally declared. This Policy does not apply during a by-election.

#### 1.3. Definitions

**Campaigning** includes campaigning activity, wearing or displaying campaign material (refer to definitions of 'campaigning activity' and 'campaign material' under 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.

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

#### 1.4. Responsibilities

All persons within scope of this Policy are required to adhere to this Policy and its associated procedures.

The Chief Executive Officer (CEO) will give written notice to all Elected Members and Council staff prior to the commencement of the caretaker period, advising that the caretaker obligations come into effect via distribution of this Policy.

The CEO is accountable for the overall management of this Policy.

## 2. POLICY STATEMENT

### 2.1 Policy

- 1) Council must, by resolution, adopt this Policy governing the conduct of the Council and its staff during the period that:
  - a. commences on the nomination day for a general election as prescribed by regulation; and
  - b. ends when the result of the general election is declared in accordance with the regulations.
- 2) Subject to any exclusions outlined in this Policy, during the caretaker period all Council operations will function as normal.
- 3) If the Minister makes guidelines relevant to this Policy, Council must formally amend this Policy by resolution so that it complies with the guidelines, as soon as practicable after the guidelines are made.
- 4) This Policy must be published on the Council's website.

## 3. MAJOR DECISIONS

- 1) The Council will not make any major decisions during the caretaker period.
- 2) 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.
- 3) Major decisions include:
  - a. entering into any high value contract or lease agreement exceeding \$99,999.
  - 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 outside the adopted budget;
  - 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.
- 4) 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 decides 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. COMMUNICATIONS

- 1) Council communication methods including media, websites, social media and newsletters will not be used in any way that favours, promotes or criticizes any particular Council member or candidate.
- 2) Council will continue to communicate normal Council business relevant to the community.
- 3) During the caretaker period, the CEO is the preferred spokesperson for any official communications. However, this does not prevent the discretion of the Mayor to speak on behalf of Council as the Council's principal representative.
- 4) Council will defer any public consultation until after the caretaker period, unless:
  - a. it is mandatory public consultation required under legislation; or
  - b. the consultation cannot reasonably be deferred.

#### 5. CONFLICT OF INTEREST

- 1) Existing elected members must ensure that no conflict of interest arises during the caretaker period that could constitute (or be perceived to constitute) a conflict of interest between their responsibilities for Council and any campaign they may be involved in.
- 2) Elected members will not use Council events and functions held during the caretaker period for campaigning.
- 3) No events or functions relating to opening or launching facilities will be held during the caretaker period.

#### 6. RELEVANT POLICIES

Policies and procedures to be read in conjunction with this policy are:

- 1) Code of Conduct (Elected Members)
- 2) Conflict of Interest Policy
- 3) Delegations Manual

#### 7. IMPLEMENTATION AND REVIEW

##### 7.1. Implementation

Relevant personnel will be made aware of this Policy, and it will be published on the Barkly Regional Council website.

##### 7.2. Review

This policy will be reviewed on or before the next Council election.

#### 8. VARIATIONS, REVOCATIONS AND/OR CHANGES

Barkly Regional Council reserves the right to revoke and/or amend this policy from time to time as is considered necessary to better manage its business and/or to comply with any legislative requirements.

#### 9. APPROVAL

This policy is approved.

Chris Kelly  
Chief Executive Officer

  
Signature

29 Nov 2024  
Dated

**END**