

## CARETAKER POLICY

Type:	Council – Elected Members		
Owner:	Council		
Responsible Officer:	Chief Executive Officer		
Approval Date:	22/04/2025	Next Review:	1/01/2029
Records Number:	179562	Council/CEO Decision:	OMC-2025-89
Legislation Reference:	Section 161(1) of the <i>Local Government Act 2019</i> .		

### 1 PURPOSE

This policy sets out how elected members, candidates, and council 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*. This includes ensuring that:

- major decisions are not made by Council in the caretaker period that would prohibitively bind an incoming Council,
- Council resources are not used for the advantage of a candidate in a local government general election, and
- the requirement to act impartially in relation to all candidates standing for election is clearly understood.

### 2 SCOPE

This policy applies to elected members, candidates, and council staff with Katherine Town Council.

### 3 DEFINITIONS

**Anti-democratic conduct** means behaviour or actions by any person or organisation that constitute an offence under the *Electoral Act 2004* or *Local Government Act 2019*, that affect, or are intended to affect:

- the behaviour of the community, or people in the community, about how they vote in elections,
- the reputation, power or influence, or resources of a political party or candidate,
- the ability of the public to understand the resources and associated entities of a political party or candidate,
- the Electoral Commissioner's ability to detect and investigate breaches of the *Electoral Act 2004*, or the *Local Government Act 2019*, or to ensure compliance with those Acts.

**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*).

**Candidates** means a person who is nominating for election.

**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*.

**CEO** means Chief Executive Officer.

**Council staff** employed by Katherine Town Council, regardless of the capacity in which they are employed, and including all temporary staff, all authorised representatives, all contractors whilst engaged in any capacity, and all volunteers.

**Elected Members** means the Mayor and Councillors elected by the community.

**Large-scale Projects** means any project defined as Major Capital Works as required in the quarterly Finance report.

**Major decisions** are those decisions that have a significant impact on council operations and activities or are otherwise politically 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.

**Principal Representative** of a council means the member appointed or elected to be the principal member under section 60 or 61 of the *Local Government Act 2019*.

## 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, however, Council commits to the principle that it will make every endeavour to avoid making major decisions that bind an incoming Council.

### 4.1 Role of the CEO

The CEO will notify all Elected Members and Council staff in writing at least 30 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 Elected 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 \$150,000.00 (GST exclusive);
- (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 Council's caretaker policy;
- (e) committing Council's funds outside the adopted budget;
- (f) amending Council's policies or By-Laws;
- (g) amending Council's delegations; and

(h) making a decision relating to the employment or remuneration of the CEO or Acting CEO.

Major decisions do not include:

- (a) a decision that relates to the carrying out of works in response to an emergency or disaster, as defined by the Northern Territory Government; 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; or
- (f) the employment of Council staff in accordance with Council's adopted budget and organisational structure.

The Chief Executive Officer will maintain a register of major decisions and contracts entered into under extraordinary circumstances for presentation to the incoming Council.

### **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 and candidate nominations.

### **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 Elected Member or candidate.

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

During the caretaker period, the CEO is the preferred spokesperson for any official communications. However, this does not hinder the discretion of the Mayor to speak on behalf of Council, as the Principal Representative.

#### **4.4.2 Public consultation**

Council will defer any public consultation outside of the election 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**

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

No events or functions relating to opening or launching facilities will be held during the caretaker period, unless required by a funding agreement.

#### 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.

Council will not publish or distribute election-related materials intended to influence voters or affect election outcomes.

All publications and communications proposed for release immediately before or during the Caretaker Period must be reviewed and approved by the CEO before distribution. During this period, materials must not:

- Persuade or appear to persuade voters in an election,
- Favor or highlight specific candidates to the exclusion of others, or
- Emphasise or promote major policy decisions or electoral campaign issues.

However, Council may publish electoral information that is purely educational or aimed at promoting voter participation and candidate nominations in the election process.

#### 4.4.5 Elected Member requirements

Councillors shall not use any information gained during the course of the role as Councillors for the purpose of gaining electoral advantage or as part of their campaign. Councillors doing so may be in breach of the Code of Conduct for Elected Members.

Elected Members are not to use their access to Council staff or resources to gain media or public attention in support of their, or any other candidate's election campaign:

- Council branding, letterhead, media facilities or related facilities should not be used for a candidate's campaign.
- Elected Members should not direct Council staff directly or indirectly in relation to an election campaign or activity that may be construed as benefiting an election campaign. The *Elected Member Information and Interaction with Staff Policy* remains in effect throughout the caretaker period and must be adhered to.
- Council resources provided for the use of Elected Members, such as computers, stationery and business cards, can continue to be used for Council business only, not for campaign purposes.

No candidate is to be permitted to canvass votes or otherwise influence potential voters at the following Council workplaces: Council Civic Centre, Katherine Visitor Information Centre, Katherine Public Library, Katherine Aquatic Centre, Katherine Waste Management Facility, and Council Depot. The exception is on election day in relation to any voting centre located at a Council facility.

Expenses incurred for Elected Members during the caretaker period will only be reimbursed according to the Elected Members' *Reasonable Expenses for Travel and Accommodation by Elected Member Policy* where they can provide evidence it was not related to a campaign.

Council staff who provide support to Elected Members should not be asked to undertake any tasks connected directly or indirectly with an election campaign for an Elected Member, except where similar support is provided to all candidates. This includes the CEO, Managers, Advisory Committee secretariats, and all staff of the Office of the CEO.

#### 4.4.6 Council staff requirements

Council staff must maintain a professional and politically neutral attitude in all their interactions with political candidates, and their supporters and campaign staff.

Under no circumstance is any candidate to be given or offered any assistance or preferential treatment by Council staff. The facilities or resources of Council (including information) are not to be used for private electioneering purposes.

Council staff are permitted to assist or work with a candidate in their own time when they are not on duty, however, such campaign assistance can create reputational risks for the staff member, the candidate, the Council and for the integrity of the election process. Due precautions need to be taken by the staff member to ensure that they:

- a) are not seen to be representing Council in any way; and
- b) are not wearing Council branded items or using Council resources, including their time during work hours; and
- c) do not disclose information or documents acquired in the course of their employment that is not available in the public domain; and
- d) are not in contravention with Council's *Conflicts of Interest - Employees and CEO Policy, Gifts and Benefits – CEO and Staff Policy, Code of Conduct for CEO Policy, Code of Conduct for Employee Policy, Secondary Employment Policy or Volunteer Policy*, noting that policies include responsibilities for conduct outside of work hours.

#### 4.4.7 Reporting anti-democratic conduct

Elected Members, the CEO and Council staff must report any suspected corrupt or anti-democratic conduct to the Independent Commissioner Against Corruption (ICAC), unless the person knows that the conduct has already been reported to ICAC.

## 5 ASSOCIATED POLICIES/DOCUMENTS

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Elected Members Code of Conduct  
Elected Member Information and Interaction with Staff Policy  
Reasonable Expenses for Travel and Accommodation by Elected Member Policy  
Code of Conduct for CEO Policy  
Code of Conduct for Employee Policy  
Conflicts of Interest - Employees and CEO Policy  
Gifts and Benefits – CEO and Staff Policy  
Secondary Employment Policy  
Volunteer Policy  
Instrument of Delegations Policy Council to CEO  
Instrument of Delegations Policy CEO to Staff

## 6 REFERENCES AND RELATED LEGISLATION

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Local Government Act 2019  
Local Government (Electoral) Regulations 2021  
Electoral Act 2004  
Katherine Town Council By-Laws  
Katherine Town Council Signs Code

## 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	14/04/2025	<p>Reviewed –</p> <ol style="list-style-type: none"> <li>1. Inclusion of candidates within the scope of the policy;</li> <li>2. Section 1 - inclusion of: <ul style="list-style-type: none"> <li>- <i>This includes ensuring that:</i> <ol style="list-style-type: none"> <li>a) <i>major decisions are not made by Council in the caretaker period that would prohibitively bind an incoming Council,</i></li> <li>b) <i>Council resources are not used for the advantage of a candidate in a local government general election,</i></li> <li>c) <i>the requirement to act impartially in relation to all candidates standing for election is clearly understood.</i></li> </ol> </li> </ul> </li> <li>3. Inclusion of definitions <i>Anti-democratic conduct, Candidates, Large-scale Projects, Major decisions, and Principal Representative.</i></li> <li>4. Section 4 Details - addition of: <ul style="list-style-type: none"> <li>- <i>however, Council commits to the principle that it will make every endeavour to avoid making major decisions that bind an incoming Council</i></li> </ul> </li> <li>5. Section 4.1 changed to 30 days (from 60 days) for notification by CEO;</li> <li>6. Section 4.2 2 (a) raised value from \$100,000 to \$150,000 to align with the decision of Council for Major Capital Works, and inclusion of: <ul style="list-style-type: none"> <li>– <i>(e) committing Council’s funds outside the adopted budget; and (f) amending Council’s policies or By-Laws; and The Chief Executive Officer will maintain a register of major decisions and contracts entered into under extraordinary circumstances for presentation to the incoming Council.</i></li> </ul> </li> <li>7. Section 4.3 addition to encourage candidate nominations;</li> <li>8. Section 4.4.1 addition of: <ul style="list-style-type: none"> <li><i>During the caretaker period, the CEO is the preferred spokesperson for any official communications. However, this does not hinder the discretion of the Mayor to speak on behalf of Council, as the Principal Representative.</i></li> </ul> </li> <li>9. Section 4.4.3 addition of: <ul style="list-style-type: none"> <li><i>No events or functions relating to opening or launching facilities will be held during the caretaker period, unless required by a funding agreement.</i></li> </ul> </li> <li>10. Section 4.4.4 addition of: <ul style="list-style-type: none"> <li><i>Council will not publish or distribute election-related materials intended to influence voters or affect election outcomes. All publications and communications proposed for release immediately before or during the Caretaker Period must be reviewed and approved by the CEO before distribution. During this period, materials must not:</i></li> </ul> </li> </ol>	CEO

		<ul style="list-style-type: none"> <li>· <i>Persuade or appear to persuade voters in an election,</i></li> <li>· <i>Favor or highlight specific candidates to the exclusion of others, or</i></li> <li>· <i>Emphasise or promote major policy decisions or electoral campaign issues.</i></li> </ul> <p><i>However, Council may publish electoral information that is purely educational or aimed at promoting voter participation and candidate nominations in the election process.</i></p> <p>11. Added Sections 4.4.5, 4.4.6 and 4.4.7</p> <p>12. Section 5 added the following relevant documents:  <i>Elected Member Information and Interaction with Staff Policy</i>  <i>Reasonable Expenses for Travel and Accommodation by Elected Member Policy</i>  <i>Code of Conduct for CEO Policy</i>  <i>Code of Conduct for Employee Policy</i>  <i>Conflicts of Interest - Employees and CEO Policy</i>  <i>Gifts and Benefits – CEO and Staff Policy</i>  <i>Secondary Employment Policy</i>  <i>Volunteer Policy</i>  <i>Instrument of Delegations Policy Council to CEO</i>  <i>Instrument of Delegations Policy CEO to Staff</i></p> <p>13. Section 6 added the following legislative documents:  <i>Local Government (Electoral) Regulations 2021</i>  <i>Electoral Act 2004</i>  <i>Katherine Town Council By-Laws</i>  <i>Katherine Town Council Signs Code</i></p> <p>14. Administrative amendments such as council members changed to Elected Members.</p>	
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