

Caretaker Period Policy v3

Hard copies of documents are uncontrolled and may not be current - please refer to the electronic version.



1. Legislation

The caretaker period commences on the day that nominations close 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 (NT). Council manages this period in adherence to Section 161(1) of the *Local Government Act 2019* (NT).

2. Definitions

Council means the MacDonnell Regional Council's administration.

The Council means the Councillors, President and Deputy President.

CEO means the Chief Executive Officer.

Member is any person sitting on *the Council*.

Employee is any person working for Council.

Campaigning includes campaigning activity, wearing or displaying campaign material (refer to definitions of 'campaigning activity' and 'campaign material' at Sections 268 and 268A of the *Electoral Act 2004* (NT)).

3. Statement

This policy provides the principles to:

- Ensure Council business continues, and ordinary matters of administration are addressed.
- Provide a high standard of service delivery and continue normal operations and programs.

4. Policy

4.1 Principles

4.1.1 Respect for the Role

Manage the caretaker period in a way that allows Council to avoid any perception of acting in a politicised manner.

4.1.2 Ensuring Legal Compliance

Promote transparency in Council business to ensure members operate in a way that aligns with legislation and regulation.

4.2 Role of the CEO

4.2.1 The CEO will provide written notice to all members and employees prior to the commencement of the caretaker period and that the caretaker principles in this policy will apply.

4.2.2 The CEO will continue to prepare reports and provide information in order for members to carry out their roles in relation to the day-to-day business of Council.

4.3 Major Decisions

4.3.1 *The Council* will not make any major decisions during the caretaker period, Major Decisions are those decisions that have a significant impact on Council

Caretaker Period Policy v3

Hard copies of documents are uncontrolled and may not be current - please refer to the electronic version.



operations and activities, or are otherwise political sensitive, and a reasonable person would not consider the decision to be part of normal Council operations. These include:

- 4.3.1.1 Entering into any high value contract or lease agreement in excess of \$100,000 and must have been approved under budget;
 - 4.3.2.2 Entering into a new or substantially changed funding agreement, unless there is real risk the eligibility for funding will be lost;
 - 4.3.2.3 Committing Council funds outside the adopted budget;
 - 4.3.2.4 Amending the Caretaker Period Policy;
 - 4.3.2.5 Amending the Delegations Register; and
 - 4.3.2.6 Making a decision relating to the employment or remuneration of the CEO or Acting CEO.
- 4.3.2 Decisions can be made during the caretaker period that don't have a significant impact on Council operations and activities, or are otherwise political insensitive, and a reasonable person would consider the decision to be part of normal Council operations. These include:
- 4.3.2.1 Relating to the carrying out of works in response to an emergency or disaster; or
 - 4.3.2.2 An urgent matter that cannot wait until *the Council* is newly elected; or
 - 4.3.2.3 A matter that has the possibility of legal or significant financial repercussions if a decision on the matter is deferred until *the Council* has been elected; or
 - 4.3.2.4 An expenditure or other decision required to be taken under an agreement by which funding is provided to Council by the Commonwealth or Northern Territory Government or otherwise for Council to be eligible for funding from the Commonwealth or Northern Territory Government; or
 - 4.3.2.5 The signing of an agreement where the majority of the negotiations were undertaken or resolved by *the Council* prior to the caretaker period commencing.

4.4 Council Resources

- 4.4.1 Council resources are not to be used for the purposes of campaigning for a candidate.
- 4.4.2 Council resources may be used to help with running the general election or to encourage voter participation.

4.5 Communications

- 4.5.1 Council communication methods – including media, websites, social media and newsletters – will not be used in any way that favours, promotes or criticises any particular member or candidate.
- 4.5.2 Council will continue to communicate normal Council business relevant to the community.
- 4.5.3 During the caretaker period, the CEO is the preferred spokesperson for any official communications. However, this does not fetter the discretion of the President to speak on behalf of *the Council* as the Council's principal representative.

4.6 Public Consultation

- 4.6.1 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.

Caretaker Period Policy v3

Hard copies of documents are uncontrolled and may not be current - please refer to the electronic version.



4.7 Events and Functions

- 4.7.1 Members will not use Council events and functions held during the caretaker period for campaigning.
- 4.7.2 No events or functions relating to opening or launching facilities will be held during the caretaker period.

4.8 Electoral Information

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

5. Breaches and Consequences

Action or behaviour that does not comply with any element of this policy can be found to have breached the Code of Conduct. Such action or behaviour must be referred to as 'suspected misconduct' until a decision is made that the action or behaviour amounts to a breach of the Code by a person appointed in accordance with procedure.

6. Authority

The Council, 20 March 2026

7. Owner

Office of the CFIO, Governance and Strategy

8. Review Date

20 March 2029

9. Related Documents

Nil