

Caretaker Period Policy

GS05-CP Superseding CP113



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1. Purpose

The purpose of this policy is to set out how MacDonnell Regional Council (MRC) will ensure neutrality and transparency in the way they conduct their activities and actions during the local government general election caretaker period.

2. Scope

The policy applies during a caretaker period to all MacDonnell Regional Council (MRC) members (including Councillors, Local Authority members, Committee members) employees, volunteers, contractors and suppliers to MRC whether paid or otherwise.

3. Objectives

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.

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 <i>Electoral Act 2004</i>).
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.
Major decisions	are those decisions that have a significant impact on MRC operations and activities, or are otherwise political sensitive, and a reasonable person would not consider the decision to be part of the normal MRC operations.
Members	means appointed and elected members including Councillors, Local Authority members and Committee members
Nomination day	means the day that nominations close for a local government general election.

5. Statement

5.1. Role of the CEO

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

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

5.2. Major Decisions

5.2.1. MRC will not make any major decisions during the caretaker period.

5.2.2. Major decisions are those decisions that have a significant impact on MRC operations and activities, or are otherwise politically sensitive, and a reasonable person would not consider the decision to be part of the normal MRC operations.

5.2.3. Major decisions include:

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- a. entering into any high value contract or lease involving expenditure inclusive of GST that exceeds one per cent (1%) of the annual budgeted revenue in the relevant financial year.
- b. entering into a new or substantially changed funding agreement, unless there is real risk the eligibility for funding will be lost;
- c. committing MRC funds outside the adopted budget;
- d. amending the MRC's caretaker policy;
- e. amending the MRC's delegations; and
- f. making a decision relating to the employment or remuneration of the CEO or acting CEO.

5.2.4. 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 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 MRC by the Commonwealth or Northern Territory Government or otherwise for the MRC 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 MRC prior to the caretaker period commencing.

5.3. MRC resources – campaigning

5.3.1. MRC resources are not to be used for the purposes of campaigning for a candidate. MRC resources include employee's time while they are performing their role at MRC, equipment and stationary. No MRC events, logos, letterheads, assets (including computers) or other material should be used for or linked in any way to a candidate's election campaign.

5.4. MRC resources - reimbursements

5.4.1. Reimbursements of Councillors (elected members) out-of-pocket and travel expenses during the caretaker period will only apply to costs that have been incurred in the performance of normal Council duties and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

5.5. MRC resources for general election processes and voter participation

5.5.1. MRC resources may be used to help with running the general election or to encourage voter participation.

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

5.5.3. To encourage voter participation in the electoral process, all candidates are allowed to place one poster on MRC noticeboards.

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5.6. Community Engagement

5.6.1. Communications

- a. MRC communication methods – including media, websites, social media and newsletters – will not be used in any way that favours, promotes or criticises any particular MRC member or candidate.
- b. MRC will continue to communicate normal council business relevant to the community.
- c. 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 MRC as MRC's principal representative.

5.6.2. Public Consultation

MRC 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.

5.7. Events and functions

- 5.7.1. MRC members will not use MRC events and functions held during the caretaker period for campaigning.
- 5.7.2. No events or functions relating to opening or launching facilities will be held during the caretaker period.
- 5.7.3. Events and functions organised by MRC and held during the caretaker period will be limited to those that the CEO considers appropriate and should not in any way be associated with any issues likely to influence or be perceived to influence the outcome of an election.

6. Policy Details

Replaces Policy No: (if applicable)	CP113 Caretaker Period Policy
Responsible Directorate/Department:	Directorate of Corporate Services Governance and Engagement
Approval Date:	26 February 2021
Minutes Reference and Resolution number:	Resolution # 114 – Item # 15.1 Ordinary Council Meeting 26 February 2021
Review Cycle:	February 2025. Review every four (4) years or after changes to relevant legislation or Council policy

7. Legislation and References

Related Legislation:	Local Government Act 2019 Local Government (Electoral) Regulations 2021
Related Policies:	Code of Conduct Members Code of Conduct Staff
Associated Documents:	

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8. Version Control

Version No	Approval Date	Policy No.	Minutes reference and Resolution number (previous version)
1	26 February 2021	GS05-CP	Resolution # 014 OCCM 29 February 2021 Item # 15.1