

Caretaker Period Policy

Council Policy



Owner	Elected Members		
Responsible Officer	Chief Executive Officer		
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1 Purpose

The purpose of this policy is to set out how Elected Members, candidates and team members of Alice Springs Town Council (Council) are to conduct their activities and actions during the local government general election caretaker period. This includes ensuring that:

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

2 Definitions

For the purpose of this policy, the following definitions apply:

Term	Definition
Anti-democratic conduct	Behaviour or actions by any person or organisation that constitute an offence under the <i>Electoral Act 2004</i> or <i>Local Government Act 2019</i> , 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 <i>Electoral Act 2004</i>, or the <i>Local Government Act 2019</i>, or to ensure compliance with those Acts.
Campaigning	Includes campaigning activity, wearing or displaying campaign material (refer to definitions at sections 268-268A of the <i>Electoral Act 2004</i>)
Caretaker period	The period commencing on the nomination day (23 rd day before election day) for a council general election, and ends when the results of the election are declared in accordance with the <i>Local Government (Electoral) Regulations 2021</i> .
Nomination day	The day nominations close for a local government general election.

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Major decisions	Major decisions are those decisions that have a significant impact on Council's operations and activities, or are otherwise political sensitive, and a reasonable person would not consider the decision to be part of normal council operations.
Team members	Council staff employed by Alice Springs Town Council, regardless of the capacity in which they are employed, and including: all temporary agency staff, all authorised representatives, all contractors whilst engaged in any capacity and all volunteers.
Workplace	Includes any location work is performed on behalf of Alice Springs Town Council including a vehicle, vessel, aircraft or other mobile structure, home or remote location work tasks are performed.

3 Policy Statement

Council is committed to acting in an efficient and transparent manner during a general election caretaker period. Normal operations and programs 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.

3.1 Major decisions

Council will not make any major decisions during the caretaker period.

Major decisions include:

- entering into any high value contract or agreement involving expenditure inclusive of GST that exceeds one per cent (1%) of the annual budgeted operational revenue in the relevant financial year;
- entering into a new or substantially changed funding agreement, unless there is real risk the eligibility for funding will be lost;
- committing Council's funds outside the adopted budget;
- amending Council's policies or by-laws;
- amending Council's delegations; and
- making a decision relating to the employment or remuneration of the CEO or Acting CEO, other than to appoint an acting or temporary CEO or suspend or terminate the CEO for serious or wilful misconduct.

Major decisions do not include:

- 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
- an urgent matter that cannot wait until the newly elected Council decides on that matter; or
- 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
- 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
- the signing of an agreement where the majority of the negotiations were undertaken or resolved by Council prior to the caretaker period commencing; or

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- f) the employment of team members in accordance with Council's adopted budget and staffing structure.

3.2 Council resources

Council resources are not to be used for the purposes of campaigning for a candidate.

Council resources may be used to help with running the general election, or to encourage voter participation and candidate nominations.

3.3 Community engagement

3.3.1 Communications

Council communication methods – including media, websites, social media and newsletters – will not be used in any way that favours, promotes or criticises any Council member or candidate. This does not limit the CEO from exercising their discretion to be able to factually respond to candidate claims or public statements that may impact on the reputation of Council.

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.

3.3.2 Public consultation

Council will defer any public consultation on matters outside of the election until after the caretaker period, unless:

- a) it is mandatory public consultation required under legislation; or
- a) the consultation cannot reasonably be deferred.

3.3.3 Events and functions

Elected Members and candidates will not use Council events and functions held during the caretaker period for campaigning. No events or functions relating to opening or launching facilities will be held during the caretaker period, unless required by a funding agreement.

3.3.4 Electoral information

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

3.4 Elected Member requirements

Elected Members are not to use their access to Council team members 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 team members directly or indirectly in relation to an election campaign or activity that may be construed as benefiting an election campaign. The *Elected Member and Staff Interaction Policy* still applies during the caretaker period.
- Council resources provided for the use of Elected Members, such as computers, phones, stationery, vehicles and business cards, can continue to be used for Council business only, not for campaign purposes.

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No candidate is to be permitted to canvass votes or otherwise influence potential voters at the following Council workplaces: Council Civic Centre, Alice Springs Aquatic and Leisure Centre, and Alice Springs Public Library. The exception is, when permitted by Council, for early voting and election day in relation to the voting centre at the Council Civic Centre.

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

Council team members 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, Directors, Executive Assistants, Executive Office Manager, Marketing and Communications Unit, and Governance Unit.

3.5 Team members requirements

Council team members 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 team members. The facilities or resources of Council (including information) are not to be used for private electioneering purposes.

Council team members 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 team member, the candidate, the Council and for the integrity of the election process. Due precautions need to be taken by the team member to ensure that they:

- a) are not seen to be representing Council in any way
- b) are not wearing Council branded items or using Council resources
- c) do not disclose information or documents acquired in the course of their employment that is not available in the public domain
- d) are not in contravention with Council's *Conflicts of Interest Policy*, *Gifts and Benefits Policy (Team Members)* or *Code of Conduct*.

3.6 Reporting anti-democratic conduct

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

4 Responsibilities

The CEO is responsible for the implementation of this policy. They will give written notice to Elected Members and Council team members of the caretaker period.

5 Related Legislation and Documents

- *Local Government Act 2019*

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- *Local Government (Electoral) Regulations 2021*
- *Electoral Act 2004*
- Caretaker Period – Guidelines
- CEO Code of Conduct Policy
- Code of Conduct (Council Members, Council Committee and Audit Committee)
- Code of Conduct (Team Members)
- Conflicts of Interest Policy (CEO and Employees)
- Conflicts of Interest Policy (Council Members)
- Delegations Register
- Elected Member Allowance and Expense Policy
- Elected Member and Staff Interaction Policy
- Gifts and Benefits Policy (Team Members)

6 Communication and Training

Will this policy be communicated through consultation to teams?	Yes
Where will this policy be available?	Council Website
Will training needs arise from this policy? If yes, who will be responsible.	Yes, CEO