

Caretaker Period

Council Policy 113



Policy Number	CP113
Area Responsible	Governance and Planning
Strategic Plan Reference	Goal 4 A Supportive Organisation
Approval date	13/04/17
Minutes Reference	Item 13.2 Ordinary Council Meeting 13/04/17
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1. Purpose

To ensure that MacDonnell Regional Council (MRC) provides clear and transparent practices during the process of an election so as to avoid actions and decisions that may be interpreted as influencing voters.

2. Scope

The policy applies during a Caretaker Period to all members of Council, Local Authorities, and Committees of Council (herein referred to as members), employees, volunteers, contractors and suppliers to MRC whether paid or otherwise.

3. Policy Objectives

The Council commits to the principle that it will make every endeavour to avoid making decisions during a Caretaker Period that inappropriately bind an incoming Council.

During a Caretaker Period Council will endeavour where possible to avoid:

- Making decisions on major policy initiatives;
- Making appointments of major significance; or
- Entering major contracts or undertakings.

4. Policy Statement

4.1. Caretaker Period

In line with the *Local Government Act (LG Act)* the Caretaker Period commences on the nomination day, which is 23 days prior to the polling day for a general election, and continues until the declaration of results.

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4.2. Decision Making

During the Caretaker Period, the following decisions will not be made directly by Council or indirectly through the Chief Executive Officer (CEO), their nominee, a senior member of staff, or any other delegated authority:

- A decision relating to the employment or remuneration of the CEO, other than to appoint an acting CEO or suspend the CEO for serious misconduct, except where carried out pursuant to Section 225 of the *LG Act*.
- A decision to terminate the appointment of the CEO except where carried out pursuant to Section 225 of the *LG Act*.
- A decision to enter into a contract, arrangement or understanding (other than a contract for road works, road maintenance, or drainage works, employment of staff, or in the case of an emergency or disaster) the total value of which exceeds \$150,000.
- A decision allowing the use of Council resources for the advantage of a particular candidate or group of candidates.
- A decision on major policy changes or new initiatives.

Some examples include:

Major policy decisions are decisions that:

- involve expenditure of resources that have not been allocated in the budget such as
 - entering into any contract or lease involving expenditure that exceeds one per cent (1%) of the annual budgeted revenue in the relevant financial year. However a contract may be signed if it has previously been formally approved;
 - disposing of Council assets;
 - approving community grants;
- appoint or terminate the appointment of a CEO;
- make a decision about the CEO's remuneration;
- endorse a new policy;
- progress any matter which is contentious or has been identified as an election issue.

Major policy decisions DO NOT include:

- Decisions that relate to the carrying out of works in response to an emergency or disaster;
- An expenditure or decision required to be taken, under an agreement by which funding is provided to the Council by an external funder, for the council to be eligible for such funding;
- The suspension of the CEO for serious or wilful misconduct;
- The appointment of an Acting CEO.

4.3. Scheduling announcements of major policy decisions

Announcements of earlier major policy decisions should as far as practicable be made before the caretaker period begins or after it has concluded.

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4.4. Use of Council resources

Council resources must not be used for the advantage of a particular candidate or group of candidates.

Apart from such special circumstances, Council resources, including offices, support staff, equipment and stationery are to be used exclusively for normal Council business during the caretaker period, and shall not be used in connection with any electioneering activity.

Reimbursements of Councillors 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.

No Council events, logos, letterheads, photographs, assets (including computers) or other material should be used for or linked in any way to a candidate's election campaign.

No staff are to be asked to undertake any tasks connected directly or indirectly with electioneering. Council staff must not assist a candidate with their election campaign at any time including outside working hours, except where the assistance is for the equal benefit of all candidates.

No election material or active campaigning is to be conducted at Council sponsored events or displays.

This Policy does not apply to material authorised by the CEO or Returning Officer to facilitate the conduct of the election or encourage voter participation.

4.5. Access to Information

All candidates have equal rights to public information and any assistance and advice provided to candidates as part of the conduct of the Council election will be provided equally to all candidates. Usual Freedom of Information (FOI) procedures will apply.

4.6. Communication

Council communication, including media, websites, social media and newsletters, will not be used in any way that might influence the outcome of a Council election. No publicity will be provided that involves specific Councillors or candidates.

4.7. Attendance and participation at Council organised activities and events

Events, and or functions organised by the Council 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 the outcome of an election.

Elected members who are candidates will not be permitted to make speeches at events or functions sponsored by the Council without the prior approval of the CEO.

All known candidates will be invited to civic events or functions organised by the Council.

This policy does not apply to events hosted by external bodies during the caretaker period.

4.8. Public Consultation

Public consultations will not be commissioned or approved where it is likely that such consultation will continue into the caretaker period.

Note: This does not apply to any mandatory public consultation required under any Act or contract.

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5. Legislation and References

Related Legislation	Local Government Act
Related Policies	CP102 Code of conduct
Related Procedures	
Associated Documents	

6. Delegation and Implementation

Delegate	Chief Executive Officer / Director Corporate Services
Implementation Officer	Manager Governance and Planning

7. Administration

InfoXpert file number	
On Internet (Council Policy)	28/04/17
On Intranet (Operational Policy)	