

Title	Caretaker Policy
Policy Number	34
Adopted by	Council
Adoption date	22 May 2025
Next review date	22 May 2029
Responsibility	Chief Executive Officer

1. Purpose

1.1 The purpose of the Caretaker policy is to set out how Council members and staff are to conduct their activities and actions during the local government general elections caretaker period.

2. Scope

2.1 This policy applies to all elected members and employees of Tiwi Islands Regional Council.

2.2 This policy commences on the nomination day for a general election and ends when the result of the general elections is declared.

2.3 This policy does not apply during a by-election or when Council has been placed under Official Management in accordance with the *Local Government Act 2019*.

3. Policy statement

3.1 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.

3.2 During a general election caretaker period, the normal operations and programs of the Council are to continue.

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

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



4. Definitions

Campaigning	As defined by section 268 and 268A <i>Electoral Act 2004 (NT)</i> - Includes campaigning activity, wearing or displaying campaign material.
Caretaker period	The period that commences on the nomination day for a local government general election and ends when the results of the general election are declared in accordance with the <i>Local Government (Electoral) Regulations 2021</i> .
Elected members	For the purposes of this policy, elected members refers to the Mayor and Councillors who are elected by the community.
Major decisions	Decisions that have a significant impact on council operations and activities, or otherwise politically sensitive, and a reasonable person would not consider the decision to be part of the normal council operations.
Nomination day	The day that nominations close for a local government general election.

5. Principles

5.1 The role of the CEO

- 5.1.1 The CEO will give written notice to all council members and staff 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 council members to carry out their roles in relation to the day-to-day business of the Council.

5.2 Major decisions.

- 5.2.1 The council will not make any major decisions during the caretaker period.
- 5.2.2 During the Caretaker period, the Council or the CEO, or their nominee or member of staff are prohibited from making the following major decisions:



- 5.2.2.1 A decision relating to the employment or remuneration of the CEO, other than to appoint an acting or temporary CEO or suspend or terminate the CEO for serious or wilful misconduct.
- 5.2.2.2 A decision to enter into a high value contract or lease agreement whereby the total exceeds \$100 000.
- 5.2.2.3 A decision to commit council funds outside the adopted budget.
- 5.2.2.4 A decision to enter into a new or substantially changed funding agreement, unless there is a real risk the eligibility for funding will be lost.
- 5.2.2.5 Amending existing council policies or endorsing new policies.
- 5.2.2.6 Amending council delegations.
- 5.2.2.7 A decision allowing the use of Council resources for the advantage of a particular candidate or group of candidates.

5.3 Major decisions do not include:

- 5.3.1 Decisions that relate to the carrying out of works in response to an emergency or disaster.
- 5.3.2 An urgent matter that cannot wait until a newly elected council decides on that matter.
- 5.3.3 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.
- 5.3.4 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.
- 5.3.5 The signing of an agreement where the majority of the negotiations were undertaken or resolved by Council prior to the commencement of the caretaker period.

5.4 Council Resources

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



- 5.4.2 Council resources may be used to help with running the general election or to encourage voter participation.
- 5.4.3 Reimbursements of Councillors' out-of-pocket and travel expenses during the pre-election 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.
- 5.4.4 The Chief Executive Officer or any staff member should not be asked to undertake any tasks connected directly with campaigning.
- 5.4.5 No election material or active campaigning is to be conducted or displayed at Council sponsored events.

5.5 Community Engagement

5.5.1 Communications

- 5.5.1.1 Council communication methods, including but not limited to media, websites, social media and newsletters will not be used in any way that favours, promotes or criticises any particular council member or candidate.
- 5.5.1.2 Council will continue to communicate normal council business relevant to the community.
- 5.5.1.3 During the caretaker period, the CEO is the preferred spokesperson for any official communications. This does not fetter the discretion of the mayor to speak on behalf of the Council as the Council's principal representative.



5.5.2 Public consultation

5.5.2.1 Council will defer any public consultation until after the caretaker period, unless:

- (a) it is mandatory public consultation required under legislation,
- (b) the consultation cannot reasonably be deferred.

5.5.3 Events and functions

5.5.3.1 Council members will not use council events and functions held during the caretaker period for campaigning.

5.5.3.2 No events or functions relating to opening or launching facilities will be held during the caretaker period.

5.5.4 Electoral Information

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

6. Legislative Framework

6.1 *Local Government Act 2019 (NT).*

6.2 *Local Government (Electoral) Regulations 2021 (NT).*

6.3 *Electoral Act 2004.*

7. Document Management

7.1 The CEO is responsible for implementing the caretaker practises in this policy.

7.2 The CEO is responsible for ensuring that all elected Members and staff are aware of the Caretaker Policy and practices at least 30 days prior to the start of the Caretaker period.

7.3 The CEO is responsible for ensuring that any major policy decisions required to be made by the Council are scheduled for Council consideration prior to the Caretaker period or deferred where possible for determination by the incoming Council.

7.4 This policy will be reviewed every four (4) years, or as required.

