Caretaker Policy

Strategic Reference	**Leadership** *Priority Area 2: Engagement & Communication* Action 5.2.5 – Prepare and deliver a 'Meet your Council' roadshow following the 2026 Local Government Elections. Action 5.2.6 – Provide the community an opportunity to meet with candidates at a public meeting held in the district in the lead up to the 2026 Local Government Elections. Action 5.2.10 – Elected Members will demonstrate effective governance and community leadership through active participation in Council, committee meetings, regular engagement with residents, community groups and stakeholders to advocate for, and deliver on local priorities and represent the community's interests.
File reference	AR18/12706
Responsibility	Office of Chief Executive Officer
Revision Number	5
Effective date	June 2010
Last revised date	September 2026
Minutes reference	265/26, 048/22, 129/18, 190/14, 095/10
Next review date	February 2031
Applicable Legislation	Local Government (Elections) Act 1999
Related Policies	Community Engagement Policy
Related Documents	Local Government Association – Caretaker Guidelines

1. Purpose

This policy satisfies the statutory caretaker period requirements under section 91A of the *Local Government (Elections) Act 1999.*

This policy also deals with Council's approach to holding a public meeting involving candidates for a general election under section 91B of the *Local Government (Elections) Act 1999.*

2. Scope

This policy applies throughout the election period for a general election. For the purposes of the Local Government Elections to be held in April 2027, this policy commences at noon on 9 February 2027 and ends at the conclusion of the election, once results have been declared.

This policy applies to:

- Council; and
- Council staff

3. Definitions

For the purposes of this policy the following definitions apply:

"Chief Executive Officer" means the appointed Chief Executive Officer, Interim Chief Executive Officer, Acting Chief Executive Officer or nominee.

"Council Member" means an elected member of the Coorong District Council.

"Council staff" means any person that is directly employed full-time, part-time or casually by the Council who receives remuneration for their work.

"Designated decision" means a decision:

(a) relating to the employment or remuneration of the Chief Executive Officer, other than a decision to appoint an acting Chief Executive officer or to suspend the Chief Executive Officer for serious and wilful misconduct;

(b) to terminate the appointment of the Chief Executive Officer;

(c) to enter into a contract, arrangement or understanding (other than a contract for road construction, road maintenance or drainage works) the total value of which exceeds whichever is greater of $100,000 or 1% of the Council's revenue from rates in the preceding financial year, except if the decision:

i. relates to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004 (SA),* or under section 298 of the *Local Government Act 1999;*

ii. is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government;

iii. relates to the employment of a particular Council employee (other than the Chief Executive Officer);

iv. is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the

budget of the Council for the relevant financial year and the negotiations commenced prior to the election period; or

v. relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by Council

"Election period" means the period commencing on the day of the close of nominations for a general election and expiring at the conclusion of the general election.

"General election" means a general election of council members held:

(a) under section 5 of the *Local Government (Elections) Act 1999*; or

(b) pursuant to a proclamation or notice under the *Local Government Act 1999.*

"Major policy decision" means as described in clause 5.2.3 of this Policy.

"Minister" means the Minister for Local Government or other minister of the South Australian government vested with responsibility for the *Local Government (Elections) Act 1999.*

"Public meeting of candidates" means a meeting of the kind set out in section 91B(1) of the *Local Government (Elections) Act 1999.*

4. Roles & Responsibilities

Council:

- Approve a policy that clarifies Council's responsibilities during the Caretaker period.

Chief Executive Officer:

- Avoid scheduling designated and/or significant decisions for consideration during the election period.

Senior Leadership Team:

- Ensure staff are aware of the timing and impact and their subsequent responsibilities within the Caretaker period.

5. Policy Statement

5.1 Prohibition on Designated Decisions

5.1.1 Council is prohibited from making a designated decision during an election period.

5.1.2 A decision of Council includes a decision of:

(a) a committee of Council; and

(b) a delegation of Council.

5.2 Treatment of Other Significant Decisions

5.2.1 So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling significant decisions (including major policy decisions) for consideration during an 'election period' and ensure that such decisions:

(a) are considered by Council prior to the 'election period'; or

(b) are scheduled for determination by the incoming Council.

5.2.2 A 'significant decision' is any major policy or other decision which will significantly affect the Council area or community, or will bind the incoming Council.

5.2.3 A 'major policy' decision includes any decision (not being a designated decision):

(a) to spend unbudgeted monies;

(b) to conduct unplanned public consultation;

(c) to endorse a new policy;

(d) to dispose of Council land;

(e) to approve community grants or donations;

(f) to progress any matter which has been identified as an election issue; and

(g) any other issue that is considered a major policy decision by the Chief Executive Officer.

5.2.4 The determination as to whether or not any decision is significant will be made by the Chief Executive Officer, after consultation with the Mayor.

5.2.5 The Chief Executive Officer must keep a record of all such determinations made by the Chief Executive Officer and make this list available to candidates upon request.

5.2.6 Where the Chief Executive Officer has determined that a decision is significant, but circumstances arise that require the decision to be made during the election period, the Chief Executive Officer will report this to Council.

5.2.7 The aim of the Chief Executive Officer's report is to assist Council Members assess whether the decision should be deferred for consideration by the incoming Council.

5.2.8 The Chief Executive Officer's report to Council will address the following issues (where relevant):

(a) why the matter is considered 'significant';

(b) why the matter is considered urgent;

(c) what are the financial and other consequences of postponing the matter until after the election, both on the current Council and the incoming Council;

(d) whether deciding the matter will significantly limit options for the incoming Council;

(e) whether the matter requires the expenditure of unbudgeted funds;

(f) whether the matter is the completion of an activity already commenced and previously endorsed by Council

(g) whether the matter requires community engagement;

(h) any relevant statutory obligations or timeframes; and

(i) whether dealing with the matter in the election period is in the best interests of the Council area and community.

5.2.9 Council will consider the Chief Executive Officer's report and determine whether or not to make the decision.

5.3 Prohibition on the use of Council Resources

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

5.3.2 For clarity, neither the *Local Government (Elections) Act 1999* nor this Caretaker Policy prohibits a council providing resources to all members of the public, which incidentally includes all candidates for election.

5.3.3 The following Council resources must not be used for the advantage of a particular candidate or group of candidates, and may only be used by Council Members, where necessary, in the performance of their ordinary duties as a Council Member:

(a) Mobile phones

(b) Council provided landline phones, computers and other office equipment beyond that provided to members of the public

(c) Council provided business cards

(d) Customer requests to Council to perform tasks which would confer an advantage on a candidate or group of candidates

(e) The ability to issue invitations to Council events

(f) Council travel arrangements (ie. access to council-negotiated rates for flights, accommodation or hire cars)

(g) Access to areas that members of the public cannot access, including areas within the property of third parties

(h) Council produced promotional brochures and documents

(i) Council vehicles

5.4 Consequences of Contravening this Policy

5.4.1 A designated decision made by Council during an election period is invalid, except where an exemption has been granted by the Minster[1].

5.4.2 Any person who suffers loss or damage as a result of acting in good faith on a designated decision made the Council in contravention of this policy is entitled to compensation from Council for that loss or damage[2].

5.4.3 A breach of this policy is a breach of the Council Members Behavioural Standards.

5.5 Application for Exemption

5.5.1 If Council considers that it is faced with extraordinary circumstances which require the making of a designated decision during an election period, Council may apply in writing to the Minister for an exemption to enable the making of a designated decision that would otherwise be invalid under section 91A of the *Local Government (Elections) Act 1999* and this policy[3].

5.5.2 If the Minister grants an exemption to enable the making of a designated decision that would otherwise be invalid under section 91A of the *Local Government (Elections) Act 1999* and this policy, then Council and Council staff will comply with any conditions or limitations that the Minister imposes on the exemption[4].

5.6 Public Meeting Provisions

5.6.1 This policy confirms Council's position to hold a public meeting (or meetings) of candidates for a general election, in accordance with the statutory requirements under section 91B of the *Local Government (Elections) Act 1999.* In determining the location and format of such meetings, Council will have regard to the geographic spread of the district and will seek to hold meetings in locations that provide reasonable and equitable access to communities across the Council area.

6. Availability/Accessibility

This Policy is available for inspection at Council's offices during normal business hours and Council's website and will be emailed to interested parties on request (please lodge request in writing via email to council@coorong.sa.gov.au).

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1 Section 91A(5) *Local Government (Elections) Act 1999*
2 Section 91A(6) *Local Government (Elections) Act 1999*
3 Section 91A(3) *Local Government (Elections) Act 1999*
4 Section 91A(4) *Local Government (Elections) Act 1999*

7. Document History

This Policy will be reviewed at least every four (4) years or more frequently if legislation or Council requires.

Version	Adopted	Minute No	Description of change(s)
1	16 March 2010	095/10	New policy
2	19 August 2014	190/14	Cyclical review
3	17 July 2018	129/18	Cyclical review
4	15 March 2022	048/22	Cyclical review Minor formatting Provision of specific information regarding the election period and application of policy (clause 3) Removal of operational information (ie. publications, media release, events) which are either replicated elsewhere in policy or referenced in Caretaker Guidelines
5	15 September 2026	265/26	Cyclical review Insertion of requirements under section 91B of the *Local Government (Elections) Act 1999* with respect to holding a public meeting involving election candidates Additional requirements of Council (ie. treatment of other significant decisions) inserted within policy itself, rather than appended