

Caretaker Policy

Classification	Council Policy
Responsible Officer	Chief Executive Officer
Relevant Legislation	Local Government Act 1999 Local Government (Elections) Act 1999 Local Government (Elections) Regulations 2025
Related Policies	Behavioural Management Policy Employee Code of Conduct Internal Review of Council Decisions Policy Public Consultation Policy Elected Member Allowances and Benefits Policy Request for Service and General Complaint Handling Policy
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1. Introduction

1.1. This policy:

- 1.1.1. implements the statutory caretaker period requirements under section 91A of the Local Government (Elections) Act 1999; and
- 1.1.2. deals with council's approach to holding a public meeting involving candidates for a general election under section 91B of the Act.

2. Scope

2.1. This policy applies:

- 2.1.1. throughout the Election Period for a general election;
- 2.1.2. to the council;
- 2.1.3. to all Council Staff.

3. Definitions

Chief Executive Officer (CEO)	Means the appointed Chief Executive Officer or Acting Chief Executive Officer or nominee.
Council Staff	Any person that is employed full-time, part-time or casually by the Council who receives remuneration for their work.
Council Member	An elected member of the Corporation of the Town of Walkerville.
Council Resources	Includes, but is not limited to, the following Council Resources: • mobile phones; • Council vehicles; • Council provided landline phones, computers and other office equipment beyond that provided to members of the public (e.g. in a public library); • Council-provided business cards; • Council Staff performing tasks which would confer an advantage on a candidate for election or group of candidates for election; • invitations to Council events; • Council travel arrangements (e.g. access to council negotiated rates for flights, accommodation or hire cars); • access to/use of areas that members of the public cannot access, including areas within the property of third parties (e.g. a 'Mayor's Parlour' at a town hall); • Council produced promotional brochures and documents.
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

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	drainage works) the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year, except if the decision: - relates to the carrying out of works in response to an emergency or disaster within the meaning of the <i>Emergency Management Act 2004</i> (SA), or under section 298 of the <i>Local Government Act 1999</i> (SA); - 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; - relates to the employment of a particular Council employee (other than the Chief Executive Officer); - 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 - relates to a Community Wastewater Management Systems scheme that has, prior to the Election Period, been approved by the Council.
Election Period	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: - under section 5 of the <i>Local Government (Elections) Act 1999</i>; or - pursuant to a proclamation or notice under the <i>Local Government Act 1999</i>.
Minister	Means the Minister for Local Government or other minister of the South Australian government vested with responsibility for the Local Government (Elections) Act.
Public Meeting of Candidates	A meeting of the kind set out in section 91B(1) of the Local Government (Elections) Act 1999.

4. Policy Statement

4.1. Prohibition on Designated Decisions

4.1.1. The Council is prohibited from making a Designated Decision during an Election Period.

4.1.2. A decision of the Council includes a decision of:

- a committee of Council; and

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- a delegate of Council.

4.2. Prohibition on the use of Council Resources

- 4.2.1. Council Resources must not be used for the advantage of a particular candidate or group of candidates.
- 4.2.2. For clarity, neither the Local Government (Elections) Act 1999 nor this policy prohibits a council providing resources to all members of the public, which incidentally includes all candidates for election.
- 4.2.3. 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.

4.3. Consequence of contravening this policy

- 4.3.1. A Designated Decision made by Council during an Election Period is invalid, except where an exemption has been granted by the Minister.
- 4.3.2. Any person who suffers loss or damage as a result of acting in good faith on a Designated Decision made by the Council in contravention of this policy is entitled to compensation from the Council for that loss or damage.

4.4. Application for exemption

- 4.4.1. If the Council considers that it is faced with extraordinary circumstances which require the making of a Designated Decision during an Election Period, the 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.
- 4.4.2. 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 the Council and Council Staff will comply with any conditions or limitations that the Minister imposes on the exemption.

4.5. Public Meeting of Candidates

- 4.5.1. In accordance with section 91B of the Act, Council will, during the Election Period, hold at least one meeting involving any candidates who wish to participate and members of the public relating to issues in the community relevant to the election and informing members of the public of the policies and views of candidates.
- 4.5.2. The Chief Executive Officer, or a person appointed by the Chief Executive Officer, will preside over the Public Meeting of Candidates.

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- 4.5.3. A Public Meeting of Candidates may be held remotely using audio visual technology or any other means of communication determined appropriate by Council.

5. Availability of Policy

- 5.1. This Policy is available on Council's website www.walkerville.sa.gov.au
- 5.2. Copies will also be provided to interested members of the community upon request and payment of associated fees in accordance with Council's schedule of fees and charges.

6. Review

- 6.1 This policy will be reviewed every four years and as deemed necessary in consideration of any changes to legislation and relevant standards, codes, guidelines and audit findings.