Caretaker Policy

1. INTRODUCTION

This policy implements the statutory caretaker period requirements as prescribed by the *Local Government (Elections) Act 1999* (the **Elections Act**).

2. DEFINITIONS

Chief Executive Officer means Council's Chief Executive Officer or their delegate.

Council Staff means any person who is employed full-time, part-time or casually by the Council and receives remuneration for their work.

Council Member means an Elected Member of the District Council of Karoonda East Murray.

Election Period means the period commencing on the day of the close of nominations for a South Australian Local Government election (or an earlier date if determined by the Council) and expiring at the conclusion of the general election.[1]

Designated Decision means a decision:

- relating to the employment or remuneration of the Chief Executive Officer, other than a decision to appoint an Acting Chief Executive Officer or suspend the Chief Executive Officer for serious and wilful misconduct;[2]
- to enter into a contract, arrangement or understanding (other than a prescribed contract for road works, road maintenance or drainage works) the total value of whichever is greater of $100,000 or 1% of the Council's revenue from rates in the preceding financial year:[3]
    - to carry out of works in response to an emergency or disaster;

[1] *Local Government (Elections) Act 1999* s 91A(8).
[2] *Local Government (Elections) Act 1999* s 91A(8).
[3] *Local Government (Elections) Regulations 2025* reg 17(1)(a).

- to undertake works per an agreement where funding is provided by the Commonwealth or State Government;
- relating to the employment of a particular Council employee (other than the Chief Executive Officer);
- relating to an existing Community Wastewater Management Systems scheme;
- relating to any major policy or other significant decision which will significantly affect the Council area or community or will bind the incoming Council;
- is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provisions 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.

Periodic Election means an election that is held at intervals of four (4) years to determine the membership of each South Australian council.[4]

Minister means the Minister for Local Government or other Minister of the South Australian government vested with responsibility for the Elections Act.

3. APPLICATION OF POLICY

3.1 The application of this policy applies throughout the Election Period, commencing on the day of the close of nominations for a South Australian Local Government election (or an earlier date if determined by the Council) and expires at the conclusion of the election.

3.2. This policy applies to both Council Members and Council Staff.

[4] *Local Government Act 1999* s 4, and *Local Government (Elections) Act 1999* s 5.

3.3. This policy is to be taken to form part of the Behavioural Standards for Council Members as gazetted by the Minister on 17 November 2022 and the Members of Council integrity provisions set out in the LG Act,[5] and the Employee integrity provisions set out in the LG Act.[6]

4. PROHIBITION ON DESIGNATED DECISIONS

4.1 The Council and/or a Council Committee are prohibited from making a Designated Decision during the Election Period.

4.2 If the Council considers that it is faced with extraordinary circumstances that 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 such a decision to be made.[7]

4.3 If the Minister grants an exemption to enable Council to make of a Designated Decision during the Election Period, then the Council and Council staff must comply with any conditions or limitations that the Minister imposes on the exemption.

4.4 So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling significant decisions (including major policy decisions) for consideration during the Election Period, ensuring that such decisions are either considered by Council prior to the Election Period, or postponed for determination by the incoming Council.

4.5 The determination as to whether any decision is significant will be made by the Chief Executive Officer after consultation with the Mayor or Council Committee Presiding Member (as relevant).

4.6 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 submit a report to the Council to determine whether the decision should be deferred for consideration by the incoming Council.

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

[5] *Local Government Act 1999* Chapter 5 Part 4.
[6] *Local Government Act 1999* Chapter 7 Part 4.
[7] *Local Government (Elections) Act 1999* s 91A(3).

- why the matter is considered 'significant';
- why the matter is considered urgent;
- what are the financial and other consequences of postponing the matter until after the election, both on the current Council and the incoming Council;
- whether deciding the matter will significantly limit options for the incoming Council;
- whether the matter requires the expenditure of unbudgeted funds;
- whether the matter is the completion of an activity already commenced and previously endorsed by Council;
- whether the matter requires community engagement;
- any relevant statutory obligations or timeframes; and
- whether dealing with the matter in the election period is in the best interests of the Council area and community.

5. PROHIBITION ON THE USE OF COUNCIL RESOURCES

5.1. During the Election Period, Council resources must not be used for the advantage of a particular candidate or group of candidates.

5.2. 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:

- 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.
- Requests to council employees to perform tasks which would confer an advantage on a candidate or group of candidates.
- The ability to issue invitations to council events.
- Council travel arrangements (e.g., access to council-negotiated rates for flights, accommodation or hire cars).
- Access to areas that members of the public cannot access, including areas within the property of third parties (e.g., a 'Mayor's Parlour' at a suburban football oval).
- Council produced promotional brochures and documents.

6. CONSEQUENCES OF CONTRAVENING THIS POLICY

6.1 A Designated Decision made by Council during an Election Period is invalid, except where an exemption has been granted by the Minister.[8]

6.2 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.[9]

6.3 A breach of this policy is a breach of the Behavioural Standards for Council Members and/or integrity provisions for Council Employees.

7. PUBLIC MEETING OF CANDIDATAES

7.1 Council will hold a meeting.

8. DOCUMENT AND ADMINISTRATION CONTROL

COUNCIL POLICY	
Policy title:	Caretaker Policy
Responsible officer:	Chief Executive Officer
Version:	V4.0
First issued/adopted:	June 2018
Review frequency:	Every four (4) years and no later than six (6) prior to the next Local Government Election.
Last reviewed:	October 2026
Next review date:	October 2030

[8] *Local Government (Elections) Act 1999* s 91A(5).
[9] *Local Government (Elections) Act 1999* s 91A(6).