

 Wattle Range COUNCIL	POLICY	Version:	6.1
	Caretaker	Date Adopted:	14 April 2026
		Next Review Due:	April 2030

1. STATEMENT

The *Local Government (Elections) Act 1999* (the Elections Act) requires Councils to prepare and adopt a caretaker policy to manage the conduct of the council and its staff during the election period for a Local Government Election. Section 91A(2) of the Elections Act stipulates that the Caretaker Policy must, at a minimum, prohibit during an election period, the making of a designated decision and the use of Council resources for the advantage of a particular candidate or group of candidates.

This policy has been prepared to meet these legislative obligations. Caretaker Guidelines have also been prepared to assist Council comply with its legislative requirements under section 91A of the Elections Act and should be read in conjunction with this policy.

2. DEFINITIONS

Chief Executive Officer (CEO) means the appointed Chief Executive Officer or Acting Chief Executive Officer or nominee of the Wattle Range Council.

Council Member means an elected member of the Wattle Range Council.

Council Staff means any person who is 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 CEO, other than a decision to appoint an acting CEO or to suspend the CEO for serious and wilful misconduct
- b) to terminate the appointment of the CEO
- c) to enter into a contract, arrangement or understanding (other than a contract for road works, road maintenance or 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:
 - 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* (SA)
 - 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 CEO)
 - 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 the Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the 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.

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27	Public	Chief Executive	Chief Executive Officer	4 yearly
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General Election means a general election of Council members held:

- a) under section 5 of the Elections Act; or
- b) pursuant to a proclamation or notice under the *Local Government Act 1999*.

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

3. SCOPE

This policy applies to Council members, the CEO and Council staff.

4. PRINCIPLES

Outgoing elected Councils should not use public resources for election campaigning, nor make decisions that may unreasonably, inappropriately or unnecessarily bind an incoming Council.

This Caretaker Policy and the associated Caretaker Guidelines affirm Council's commitment to fair and democratic elections and assist in ensuring that Council conducts its business throughout the election period in a responsible and transparent manner that is in accordance with statutory requirements.

5. APPLICATION OF THIS POLICY

5.1 This policy applies throughout the election period for a General Election.

5.2 This policy applies to:

- a) the Council, and
- b) Council staff.

6. PROHIBITION ON DESIGNATED DECISIONS

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

6.2 A decision of the Council includes a decision of:

- a) a Committee of Council; and
- b) a delegate of Council.

7. PROHIBITION ON THE USE OF COUNCIL RESOURCES

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

7.2 For clarity, neither the Elections Act nor this policy prohibits Council from providing resources equally to all candidates for election.

7.3 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:

- Council provided mobile phones (Mayor only – where applicable)
- Council provided vehicles (Mayor only)
- Council provided landline phones, computers and other office equipment beyond that provided to members of the public (e.g. in a public library)
- Council business cards

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- 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.

8. CONSEQUENCES OF CONTRAVENING THIS POLICY

- 8.1 A designated decision made by Council during an election period is invalid, except where an exemption has been granted by the Minister¹.
- 8.2 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 damage².
- 8.3 A breach of this policy is a breach of the Behavioural Standards for Council Members and Council's Corporate Standards for Employees.

9. APPLICATION FOR EXEMPTION

- 9.1 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 Elections Act and this policy³.
- 9.2 If the Minister grants an exemption to enable the making of a designated decision, then the Council and Council staff will comply with any conditions or limitations that the Minister imposes on the exemption⁴.

10. TREATMENT OF OTHER SIGNIFICANT DECISIONS

- 10.1 So far as is reasonably practicable, the CEO should avoid scheduling significant decisions (including major policy decisions) for consideration during an election period and ensure that such decisions:
- are considered by Council prior to the election period or
 - are scheduled for determination by the incoming Council.
- 10.2 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.
- 10.3 A major policy decision includes any decision (not being a designated decision):
- to spend unbudgeted monies
 - to conduct unplanned public consultation
 - to endorse a new policy

¹ Refer to section 91A(5) of the Local Government (Elections) Act.

² Refer to section 91A(6) of the Local Government (Elections) Act.

³ Refer to section 91A(3) of the Local Government (Elections) Act.

⁴ Refer to section 91A(4) of the Local Government (Elections) Act.

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- d) to dispose of Council land
- e) to approve community grants
- 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 CEO.

10.4 The determination as to whether or not any decision is significant will be made by the CEO in consultation with the Mayor. The CEO must keep a record of all such determinations made by CEO including by previous CEOs and make the list available to candidates upon request.

10.5 Where the CEO has determined that a decision is significant but circumstances arise that require the decision to be made during the election period, the CEO will prepare a report to Council.

10.6 The purpose of the CEO's report is to assist Council members assess whether the decision should be deferred for consideration by the incoming Council.

10.7 The CEO'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.

10.8 Council will consider the CEO's report and determine whether or not to make the decision.

11. REVIEW

This policy is scheduled for review by Council in March 2030 in the lead up to the next Local Government General Election.

12. AVAILABILITY

This policy is publicly available on Council's website: www.wattlerange.sa.gov.au.

A printed copy may be purchased from Council offices upon payment of the relevant fee in Council's Fees and Charges Schedule.

13. REFERENCES & FURTHER READING

References	Model Caretaker Policy and Caretaker Guidelines 2025 prepared by the Local Government Association of South Australia
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Relevant Legislation:	• <i>Local Government (Elections) Act 1999</i> • <i>Local Government (Elections) Regulations 2025</i> • <i>Emergency Management Act 2004</i>
Relevant Policies/Procedures/Guidelines	This policy should be read in conjunction with: • Caretaker Guidelines • Behavioural Standards for Council Members • Corporate Standards for Council Employees

14. COUNCIL ENDORSEMENT

The table below sets out the adoption, review and amendment history of the policy.

Version No:	Issue Date:	Authorised by:	Description of Change:	Minutes Reference:
1	11 May 2010	Council	Adopted	Folio 4358; Item 11.1.9
2	15 February 2011	Council	Reviewed	Folio 4518; Item 11.1.9
3	8 July 2014	Council	Amended	Folio 5611; Item 12.2.5
4	12 June 2018	Council	Adapted into new format, minor amendments per LGA model	Folio 7653; Item 13.1.2
5	8 March 2022	Council	Reviewed due to LGA reform	Folio 9901; Item 15.2.2
6	14 April 2026	Council	Adopted as presented	Folio 11483; Item 15.2.3
6.1	10 September 2026	ELT	Minor change to remove reference to 2026 LG election date	Item 11.1, page 3

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