Port Pirie Regional Council

CARETAKER POLICY	
Type	Governance
Category	Office of the Chief Executive
Responsible Officer	Chief Executive Officer
First Issued / Adopted	26 May 2010
Review Period	4 years or before each general election
Last Reviewed	22 April 2026, 22 February 2023, 21 December 2022, 27 July 2022, 27 April 2022, 25 July 2018, 25 June 2014, 22 June 2011
Minutes Reference	OM080/26, OM67/23, OM272/22, OM131/22, OM199/18, OM134/14
Next Review Date	June 2030
Applicable Legislation	Local Government (Elections) Act 1999, s91A & s91B
Related Documents	Behavioural Management Policy (Council Members) Code of Conduct for Council Employees Code of Conduct for Council Members LGA SA Caretaker Guidelines for Local Government General Elections February 2026 LGA SA Caretaker Model Policy February 2026
Public Consultation Required	No
File Reference	2024.1239 working documents 2025.0771 master document

1. PURPOSE

To clearly set the manner in which the Council will operate during a Caretaker period so that it avoids actions and decisions which could be perceived as intended to affect the results of an election or otherwise to have a significant impact on or unnecessarily bind the incoming Council.

2. SCOPE

This Policy applies throughout the election period for a general election.

This Policy applies to the Council, and employees of Council.

3. DEFINITIONS

See **Appendix 1.**

4. POLICY STATMENT

This Policy implements the statutory Caretaker period requirements under section 91A of the *Local Government (Elections) Act 1999.*

4.1 Prohibition on Designated Decisions

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

A decision of the Council includes a decision of:

- a committee of Council; and
- a delegate of Council.

4.2 Treatment of Other Significant Decisions

So far as is reasonably practicable, the Chief Executive Officer (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.

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.

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;
- to dispose of Council land:
- to approve community grants;
- to progress any matter which has been identified as an election issue; and
- any other issue that is considered a major policy decision by the CEO.

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

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

report this to the Council.

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

The CEO's report to Council will address the following issues (where relevant):

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

4.3 Prohibition on the Use of Council Resources

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

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.

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 (eg 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 (eg 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 (eg a 'Mayor's Parlour' at a suburban football oval); and
- Council produced promotional brochures and documents.

4.4 Consequences of Contravening this Policy

A designated decision made by Council during an election period is invalid, except where an exemption has been granted by the Minister (*LG (Elections) Act sect 91A(5)*).

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 (*LG (Elections) Act sect 91A(6)*).

4.5 Application for Exemption

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* and this policy.

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* and this policy, then the Council and Council employee/s will comply with any conditions or limitations that the Minister imposes on the exemption.

5. DOCUMENT REVIEW

This Policy will be reviewed every four years, or earlier if required by changes in legislation, related documents, WHS requirements, Council intent, delegated authorities, or by CEO/Director determination.

6. FURTHER INFORMATION

This policy is available for inspection at:

- Port Pirie Regional Council Principal Administration Office, 115 Ellen Street, Port Pirie.
- Crystal Brook Office, 21 Bowman Street, Crystal Brook.

It can be downloaded, free of charge, from Council's internet site: www.pirie.sa.gov.au.

Copies are available on request (fees may apply in line with Council's Schedule of Fees and Charges).

7. DOCUMENT HISTORY

Version No.	Date Approved	Reference	Notes/ changes
V1.0	26/05/2010		New document
V2.0	27/04/2022	OM131/22	Added: CEO definition; Sect 4.3 Treatment of Other Significant Decisions - sub-sections 4.3.3 and 4.3.7; Sect 4.4 Prohibition of The Use of Council Resources. Deleted: Sect (d) from Delegated Decision definition; and Council office locations from Further Information. Changed/Updated: Nil Deleted: Nil
V2.1	27/07/2022	OM272/22	Added: Paragraph referring to period of general Election (sect 2 Scope); Council revenue from rates (Sect 3 definitions); The CEO must keep a record of all such determinations (sect 4.3.4); and A printed copy may be purchased on request from a Council office (sect 5 Further Information). Changed/Updated: Nil Deleted: Nil
V3.0	22/04/2026	OM080/26	Added: Behavioural Management Policy (Council Members), LGA SA Caretaker Model Policy Feb 2026; Sect 4.2 Treatment of Other Significant Decisions; The following council resources must **not** be used for the advantage of a particular candidate or group of candidates statement and dot-points (sect 4.3); reference to sections 91A and 91B of Local Govt (Elections) Act (sect 4.4); Document Review (sect 5); Document History (Sect 7) Changed/Updated: File reference from Synergy to Altus; staff to employee/s; Further Information (sect 6). Deleted: Nil

Appendix 1 – Definitions

Chief Executive Officer (CEO)
Means the appointed CEO or Acting CEO or nominee.

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

Council Member
Means an Elected Member of Port Pirie Regional 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.

Council revenue from rates
Means for the purpose of this policy revenue from rates is calculated using the general ledger account – 106460000: Rates General Income.

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

General election
Means a general election of council members held:

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

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