

<b>POLICY TITLE:</b>	<b>CARETAKER POLICY</b>
<b>POLICY NUMBER:</b>	<b>P24</b>
<b>CATEGORY:</b>	<b>COUNCIL POLICY</b>
<b>CLASSIFICATION:</b>	<b>GOVERNANCE</b>
<b>GOVERNANCE REFERENCE:</b>	<b>LOCAL GOVERNMENT ACT 96</b>
Caretaker mode/period will commence on the close of nomination which is 23 days before polling	
<b>STATUS: Final</b>	

Date Approved: 18/10/2016		Approved By: Moved: Vice President Brad Irvine Seconded: Councillor Alex Richmond	Councillors – resolution no. 2016/091	Date for review: Once during the term of a council	Next Council Election August 2017
Date Approved:		Approved By:		Date for review:	
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## SUMMARY

This policy is to be adhered to during a *caretaker period* of Council and is relevant for all *major decisions* that may be considered or made by Council.

In respect to the use of Council resources for election campaigning, this policy affirms the relevant provisions of Council's *Code of Conduct for Elected Members* and *Code of Conduct for Employees* in their application during a *caretaker period* just as they apply at any other period. To avoid doubt, this policy has no application to a by-election under section 86 of the Act.

## OBJECTIVE

The primary objectives of this policy are to restrict the Council from making major decisions prior to an election that may unreasonably, inappropriately or unnecessarily bind an incoming Council and to prohibit the use Council resources for election campaigning.

This policy is also intended to satisfy the requirement of section 96A (1) of the *Local Government Act* that each council formally adopt by resolution, a caretaker policy governing the conduct of the council and its staff during the period that commences on the nomination day for a general election and ends when the result of the general election is declared.

## POLICY

- (1) A council must formally adopt by resolution a caretaker policy governing the conduct of the council and its staff during the period that:
  - (a) commences on the nomination day for a general election as defined in the *Local Government (Electoral) Regulations*; and
  - (b) ends when the result of the general election is declared under regulation 56 of those Regulations.
- (2) The caretaker policy must be made in accordance with any guidelines that the Minister may make.
- (3) If the Minister makes guidelines under subsection (2), the council must formally amend by resolution its caretaker policy so that it complies with the guidelines, as

soon as practicable after the guidelines are made.

This policy recognises that the Minister has presently made no guidelines under section 96A (2) and confirms its obligation under section 96A (3) to formally amend by resolution this policy so that it complies with any guidelines as soon as practicable after they are made.

## **POLICY QUALIFICATION**

Council will not make any *major decision* during the *caretaker period*. However, where the CEO forms a view that extraordinary circumstances prevail whereby Council would be significantly disadvantaged by not making a particular *major decision*, the CEO may submit the *major decision* to Council for its consideration. If Council accepts that it will be significantly disadvantaged by not making the decision, Council may, by resolution, exempt the application of this Policy and make the decision.

Consistent with this statement, the CEO should avoid scheduling a *major decision* for consideration during the *caretaker period* and instead ensure that such a decision is either considered by Council prior to the *caretaker period* commencing or scheduled for determination by the incoming Council. Announcements of earlier decisions may be made during a *caretaker period*: however, as far as is practicable, any such announcements should be made before the *caretaker period* commences or after it has concluded.

## **DEFINITIONS**

For the purposes of this Policy, the following definitions apply:

Council resources:

Any asset or information owned or controlled by Council is a 'Council resource'. Council resources may include:

- a) materials published by Council
- b) facilities and goods owned by the Council
- c) attendance and participation at functions and events
- d) access to Council information
- e) media services
- f) Council staff and contractors engaged by a Council

Advantage:

An advantage will be conferred where a decision allowing the use of Council resources favours one candidate over another. An advantage arises when a candidate utilises resources, information or support that is not available to a candidate in an election who is not an existing Council Member.

Major Decision:

- a) to enter into any contract or lease involving expenditure inclusive of GST that exceeds one per cent (1%) of the annual budgeted revenue in the relevant financial year
- b) to spend unbudgeted monies
- c) to conduct public consultation previously unannounced
- d) to endorse a new policy
- e) to dispose of Council land
- f) to approve community grants

g) progress any matter which is contentious or has been identified as an election issue

But does not include a decision:

- a) relating to the carrying out of works in response to an emergency or disaster; or
- b) relating to expenditure or other decision required to be taken under an existing agreement by which funding is provided to the Council by the Commonwealth or Territory Government or otherwise for Council to be eligible for funding from the Commonwealth or Territory Government;

**REVISION DATE**

This policy is to be revised once during the term every Council.

**REFERENCES:**

Local Government Act Section 96A