

# Caretaker Policy

Policy Author	General Manager Strategy & Corporate
Date of next review	July 2026

## 1. Statement of Intent

Council is committed to acting in the best interest of the community and to upholding principles of honesty, integrity, and transparency. The intent of this policy is to:

- implement the statutory caretaker period requirements under section 91A of the Local Government (Elections) Act 1999.
- build and maintain community trust in decision making
- remove bias in decision making
- ensure that no candidate or group of candidates are provided with an advantage over other candidates

### 1.1 Prohibition on Designated Decisions

The Council is prohibited from making a designated decision during an election period. For the purposes of this Policy a 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 to suspend the Chief Executive Officer for serious and wilful misconduct;
- to terminate the appointment of the Chief Executive Officer;
- to enter into a contract, arrangement or understanding (other than a contract for road construction, 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:
  - 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);
  - 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);

- 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;

A decision of the Council includes a decision of a committee of Council or a delegate of Council (including Council staff and contractors working on behalf of Council).

A designated decision made by Council during an election period is invalid, except where an exemption has been granted by the Minister.

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.

## **1.2 Prohibition on the Use of Council Resources**

The Council is prohibited from using Council resources for the advantage of a particular candidate or group of candidates during the election period. During the election period Council resources will be used for normal Council business only and will not be used in connection with any electioneering or campaign activity.

Council resources, includes but is not limited to: funds, employees, facilities, hospitality services, equipment, communications channels, events, media services, stationery, logos, letterhead and photographs.

For clarity, neither the Local Government (Elections) Act 1999 nor this Caretaker Policy prohibits the Council from allowing the equal use of Council resources by all candidates for election.

## **2. Scope**

This policy applies to the Council, and Council employees throughout the election period for a general election. The Caretaker Policy will be taken to form part of each code of conduct in relation to Council Members and employees.

## **3. Legislation and References**

This Caretaker Policy should be read in conjunction with the:

- City of Playford Global Glossary; and
- Local Government (Elections) Act 1999 s91A

This Policy should not be considered as the only document that may relate to conduct during an election period, other tiers of government, agencies or organisations may have legislation or policies that also apply.

## **4. Application**

Chief Executive Officer	Will ensure, as far as possible, that all Council Members and employees are informed of the application of this policy prior to the commencement of the election period.
Manager Governance	The Governance Team is responsible for providing support to Council Members and Council employees in the application of this policy during an election period.

## 5. Relevance to Risk Appetite Statement

### Reputation

The City of Playford has a **LOW** appetite for negative perceptions that compromise its credibility and reputation.

This policy ensures that decisions are made, and resources are used in line with the legislated requirements during an election period and do not cause reputational damage.

### Regulatory Compliance

The City of Playford has **ZERO TOLERANCE** for non-compliance with applicable legislation .....

This policy is a requirement of the Local Government (Elections) Act and has been developed to meet the requirements of that Act.

## 6. Feedback

Your feedback on this policy is invited and can be directed to the Manager Governance via email to [governance@playford.sa.gov.au](mailto:governance@playford.sa.gov.au) or by calling the Customer Contact Team on 8256 0333.

---

### Administration use only

ECM document set no.	4247143
Version no.	4
Procedure link	N/A
Policy author	General Manager Strategy & Corporate
Endorsed by	Council
Resolution no.	5106
Legal requirement	Local Government (Elections) Act 1999
Review schedule	4 years
Date of current version	23 August 2022
Date of next review	July 2026

### Version history

Version no.	Approval date	Approval by	Change
1	9 March 2010	Council – Resolution No. 1530	New Policy
2	31 January 2012	Council – Resolution No. 623	
3	26 November 2019	Council – Resolution No. 3838	Transferred to corporate policy template. Discretionary sections including major policy decisions, caretaker decisions, community engagement and information request requirements removed.
4	23 August 2022	Council – Resolution No. 5106	Transferred to new policy template. Separated use of resources from designated decisions as it is now its own section under the legislation.