Caretaker Policy

Statutory Policy

Renmark Paringa Council

Responsible Officer	Director Corporate and Community
Relevant Legislation	*Local Government (Elections) Act 1999* *Local Government Act 1999*
Adopted	March 2010
Reviewed	August 2026
Next Review	February 2031

1. Policy Statement

This policy implements the statutory caretaker period requirements under section 91A of the Local Government (Elections) Act 1999.

2. Definition

In this Policy:

Chief Executive Officer means the appointed Chief Executive Officer or Acting Chief Executive Officer or nominee.

council staff 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 the Renmark Paringa 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.

designated decision means a decision:

a) 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;
b) to terminate the appointment of the Chief Executive Officer;

c) 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:
   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 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;

general election means a general election of council members held:
a) under section 5 of the *Local Government (Elections) Act 1999*; 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 Local Government (Elections) Act.

Public meeting of candidates means a meeting of the kind set out in section 91B(1) of the *Local Government (Elections) Act 1999*.

3. Application of this policy

3.1. This policy applies throughout the election period for a general election.

3.2. This policy applies to:
- the council, and
- council staff

4. Prohibition on designated decisions

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

4.2. A decision of the Council includes a decision of:

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

5. Prohibition on the use of council resources

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

5.2. 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.

5.3. 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:

- 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).
- Councils produced promotional brochures and documents.

6. Consequence 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.

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.

7. Application for exemption

7.1. 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 1999* and this policy.

7.2. 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 1999* and this policy, then the Council and Council staff will comply with any conditions or limitations that the Minister imposes on the exemption.

8. Further Information

This policy is available to be downloaded, free of charge, from Council's website: https://www.renmarkparinga.sa.gov.au/. A printed copy may be purchased on request from the Council office.

9. Document Control

Version #	Approval Date	Approved by	Amendment
	February 2022	Policy Review Committee	Updated following the commencement of *section 188 of the Statutes Amendment (Local Government Review) Act 2021*, which amended *section 91A* of the *Local Government (Elections) Act 1999*.
3	September 2026	Ordinary Council Meeting	Reviewed prior to 2027 Local Government Elections. Updated to include definition of "public meeting of candidates," as per section 91B of the *Local Government (Elections) Act 1999*. Updated to remove specific dates from clause 3.1 of the Policy.