

	Function: CORPORATE SERVICES (GOVERNANCE)	Adopted: 2 nd June 2010 Resolution No.: C252:10
	Policy Number: GOV014	Last Review: 6 th May 2026 Resolution No.: C96:0526
	Version Number: 5	Next Review: May 2030
CARETAKER POLICY		

1. POLICY OBJECTIVES

This policy implements Section 91A of the Local Government (Elections) Act 1999 (Act).

2. SCOPE

This policy applies throughout the Election Period for a General Election to:

- Council;
- Council committees;
- Council delegates;
- Employees.

3. DEFINITIONS

Definitions are provided in Attachment 1.

4. POLICY STATEMENT

The Act requires Councils to prepare and adopt a caretaker policy to govern conduct during the Election Period for a General Election.

4.1 Designated Decisions

Designated Decisions are prohibited during an Election Period.

A Designated Decision made during an Election Period is invalid, except where an exemption has been granted by the Minister.

4.1.1 Application for Exemption

If Council considers that it is faced with extraordinary circumstances, which require a Designated Decision to be made during an Election Period, Council may apply in writing to the Minister for an exemption to enable the making of a Designated Decision.

If the Minister grants an exemption, then Council must comply with any conditions or limitations that the Minister imposes on the exemption.

4.2 Significant Decisions

In addition to the legislative requirements, the Chief Executive Officer (CEO) will avoid scheduling Significant Decisions for consideration during the Election Period.

The CEO will determine whether or not a decision is a Significant Decision, after consultation with the Mayor, and must:

- Keep a record of the determination (Determination Record);
- Make all Determination Records available to candidates upon request.

If a Significant Decision is considered necessary during the Election Period, the CEO will prepare a report to Council for consideration, addressing (as relevant):

- Why the matter is considered:
 - significant;
 - urgent;
- Whether a decision will:
 - significantly limit options for the incoming Council;
 - require expenditure of unbudgeted funds;
 - require community engagement;
- Any:
 - financial/other consequences of postponement until after the election, for the current and/or incoming Council;
 - relevant statutory obligations/timeframes;
- Completion of any activity already commenced and previously endorsed by Council;
- How dealing with the matter during the Election Period is in the best interests of the Council area/community;

to assist Council Members in assessing whether the decision should be deferred for consideration by the incoming Council.

4.3 Council Resources

Council Resources:

- Must not be used for the advantage of a particular candidate/group of candidates for election (Candidate(s));
- May only be used by Council Members, where necessary, in the performance of their ordinary duties as a Council Member.

Council may provide resources to all members of the public, which would then include all Candidates.

4.4 Contravention Consequences

Any person who suffers loss or damage as a result of acting in good faith on an invalid Designated Decision, in contravention of this policy, is entitled to compensation from Council for that loss or damage.

5. COMPLAINTS

Complaints relating to this policy must be made in writing to Council and lodged in accordance with Council's Complaints Policy GOV012, available via Council's [Website](#).

6. DELEGATION

Any applicable delegations are set out in Council's Delegations register, available via Council's [Website](#).

7. REVIEW

This Policy will be reviewed every four years, or more frequently as deemed necessary in consideration of any changes to legislation, relevant standards, codes and guidelines, audit findings and/or any corrective actions/controls.

8. RECORDS MANAGEMENT

Records will be managed in accordance with Council's Records Management Policy RM001, available via Council's [Website](#).

9. POLICY AVAILABILITY

Policies will be available for inspection without charge at Council's Principal Office and on Council's [Website](#). A copy may be obtained on payment of a fee in accordance with Council's Register of Fees and Charges (also available via Council's [Website](#)).

10. REFERENCES AND LEGISLATION

Local Government (Elections) Act 1999

Local Government Act 1999

11. RELATED COUNCIL OBJECTIVES, POLICIES AND DOCUMENTS

Strategic Plan 2025 – 2035

- Good Governance
 - Policies and Procedures
 - Risk Management
 - Transparency and Accountability
- Leadership Commitments – Operate with honesty and integrity and be accountable for the decisions we make

Behavioural Management Policy GOV028

Code of Conduct for Employees HR021

Complaints Policy GOV012

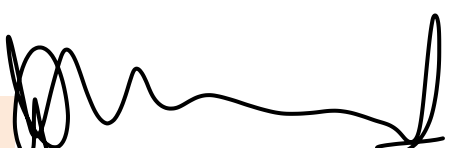
Fraud Corruption Misconduct and Maladministration Prevention Policy GOV004

Public Interest Disclosure Policy GOV025

Public Interest Disclosure Procedure GOV025

Records Management Policy RM001

Risk Management Framework Policy GOV029

Signed		
	Mayor	Chief Executive Officer
Date	11/05/2026	

Attachment 1 – Definitions

Chief Executive Officer (CEO)	For the purpose of this policy, Council's appointed Chief Executive Officer or Acting Chief Executive Officer or nominee.
Council Member	An Elected Member of Copper Coast Council.
Council Resources	Any asset or information owned or controlled by Council, which includes, but is not limited to: • Mobile phones; • 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(s); • 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; • Council produced promotional brochures and documents; • Access to Council information; • Council Contractors.
Employee	For the purpose of this policy, any person that is employed full-time, part-time or casually by Council who receives remuneration for their work.
Election Period	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	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 construction, road maintenance or drainage works) the total value of which exceeds whichever is the greater of \$100,000 or 1% of 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 <i>Emergency Management Act 2004</i> (SA), or under section 298 of the <i>Local Government Act 1999</i> (SA); ii. is an expenditure or other decision required to be taken under an agreement by which funding is provided to Council by the Commonwealth or State Government or otherwise for 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 Council for the relevant financial year and the negotiations commenced prior to the Election Period; or relates to a Community Wastewater Management Systems scheme that has, prior to the Election Period, been approved by Council.
General Election	A General Election of Council Members held: (d) Under section 5 of the Act; or (e) pursuant to a proclamation or notice under the Local Government Act 1999.
Major Policy Decision	Includes, but is not limited to any decision (not being a Designated Decision) to: • Spend unbudgeted monies; • Conduct unplanned public consultation; • Endorse a new policy; • Dispose of Council land; • Approve community grants; • Progress any matter which has been identified as an election issue; and any other issue that is determined to be a major policy decision by the CEO.
Minister	The Minister for Local Government or other minister of the South Australian Government, with responsibility for the Act.
Significant Decision	Any Major Policy Decision or other decision which will significantly affect the Council area or community or will bind the incoming Council.