GOV05: Caretaker Policy

Type	Council	**Version**	3
Approval Date	01/09/2026	**Resolution**	14.1
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Background

In Australia the term 'caretaker government' is used to describe the status of a government during a period that starts in the lead up to an election and continues for a short period after the election - until the next government is formed.

Caretaker conventions require that:

- no major new policy decisions be taken;
- no major contracts should be entered into; and
- no significant appointments or dismissals are made.

Importantly, caretaker arrangements for local governments have been included in the *Local Government Act*. They are therefore mandatory legal requirements rather than optional political conventions.

Legislative References

- Section 161 of the *Local Government Act 2019*

Scope

This policy applies during a 'caretaker period' prior to Council general elections. The caretaker period commences on the last day of nominations and continues until the election results are declared.

Definition

Caretaker Period means the period during which the caretaker practices are in force prior to the declaration of a general election. The caretaker practices will apply from the close of nominations on Nomination Day until the Declaration of the Results of the election pursuant to the *Local Government (Electoral) Regulations*.

Extraordinary Circumstances means a situation that requires a major policy decision of Council due to the possibility of legal and/or financial repercussions if a decision is deferred.

Major Policy Decisions refers to any decisions: ·

- Relating to the employment or remuneration of the Chief Executive Officer; ·
- To terminate the appointment of the Chief Executive Officer; ·
- To enter a contract to the total value of which exceeds $50,000; ·

- Irrevocable decisions that commit Council to substantial expenditure of Council revenue on unbudgeted items; ·
- Endorse any new Policy; ·
- Irrevocable decisions that will have a significant impact on the municipality or the community.

Policy Objectives

This policy restricts the outgoing Council from making major decisions, prior to an election, which would:

- bind an incoming Council; or
- allow the use of public resources in ways that are seen as advantageous or disadvantageous to the electoral prospects of sitting Council members who are seeking re-election or new candidates.

The policy recognises the requirement for the Council administration to act impartially in relation to all candidates.

Policy

Major policy decisions that are made by the Council.

Except in extraordinary circumstances the Council will NOT make major policy decisions during a caretaker period. If an extraordinary circumstance arises the Chief Executive Officer may submit a major policy decision to the Council for consideration. To assist Council to comply with its commitment to appropriate decision making during a caretaker period the Chief Executive Officer's report to Council for a major policy decision will include a statement including:

> 'The decision the Council may make in relation to this item constitutes a major policy decision within the context of Belyuen Community Government Council's Caretaker Period Policy and an exemption should be made because (insert the circumstances for making the exemption).'

Scheduling consideration and announcement of major policy decisions

As far as is reasonably practicable, the CEO should avoid scheduling major policy decisions for consideration during a caretaker period, and instead ensure that such decisions are either considered by the Council prior to the caretaker period or scheduled for determination by the incoming Council. Announcements of earlier decisions may be made during a caretaker period; however, as far as practicable, any such announcements should be made before the caretaker period begins or after it has concluded.

Use of Council resources

The Code of Conduct and the *Local Government Act* provide that the Council's resources are only to be utilised for authorised activities (for example - use of employees for personal tasks or use of equipment or stationery for non-Council business is not permitted). This includes the use of resources for electoral purposes. Note that the prohibition on Council resources for electoral purposes is not restricted to the Caretaker Period.

Council staff must not be asked to undertake any tasks connected directly or indirectly with an election campaign and must avoid assisting Council members in ways that could create a perception that they are being used for electoral purposes. In circumstances where Council resources might be construed as being related to a candidate's election campaign, advice is sought from the CEO.

Council resources, including material published by the Council, cannot be used for the advantage of a particular candidate or group of candidates. Council resources must only be used for normal Council business (which excludes the preparation or dissemination of campaign material). However, Council may allow the equal use of Council resources by all candidates preparing for the election.

This Policy does not cover material authorised by the CEO or Returning Officer to facilitate the conduct of the election or encourage voter participation.

Access to information

All candidates will have equal rights to access public information and any assistance and advice provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

Media

No media advice or support will be provided on election issues or publicity involving specific Council members.

Web site

During the caretaker period, any new material placed on the Council website that refers to the election should only relate to the election process by way of information, education, or publicity. Information about Council Members should be restricted to names, contact details, titles, membership of committees and other bodies to which they have been appointed by the Council.

Attendance and participation at Council organised activities and events

Events and/or functions organised by the Council and held during the caretaker period will be limited to only those that the CEO considers appropriate and should not in any way be associated with any issues that in the CEO's opinion, are considered relevant to, or likely to influence the outcome of, an election.

Excluding the principal member (and deputy or acting principal member) fulfilling their functions as prescribed by section 43 of the *Local Government Act*, Council members that are also candidates should not, without the prior approval of the CEO, make speeches or addresses at events/functions organised or sponsored by the Council during the caretaker period.

All known candidates are to be invited to civic events/functions organised by the Council during the caretaker period.

Public consultation during the caretaker period

The Council will not commission or approve any public consultation where it is likely that such consultation will continue into the caretaker period.

This policy does not prevent any mandatory public consultation required by the Local Government Act or any other relevant Act required to be undertaken to enable the Council to fulfil its functions.

The Council offers Corporate Credit Cards to nominated positions deemed appropriate by the CEO. The acceptance of a credit card by staff is not compulsory.

Implementation and Delegation

The Chief Executive Officer is responsible for implementing the caretaker practices during a caretaker period. This includes that all Elected Members and employees know of this Policy at least thirty (30) days before the start of a caretaker period.

Revision History

Policy Version	Approval Date	Resolution	Doc Ref
1	9th August 2017		NA
2	24th August 2020	8.2.8.20	NA
3	30 May 2023	8.2.8.20	NA
4	1st September 2026	14.1	NA