REGIONAL COUNCIL OF GOYDER

GOYDER South Australia's Heartland	***CARETAKER POLICY***	**Department**	Governance
		Version No:	3.1
		Adopted:	Jun 14
		Reviewed	July 2026
		Next Review	Next General Election
		Minutes Ref:	160/26
		Responsibility:	CEO

1. POLICY STATEMENT

This policy implements the statutory election period (also known as the caretaker period) requirements under section 91A of the *Local Government (Elections) Act 1999* (SA).

2. DEFINITIONS

In this Policy:

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

Council employee means any person that is employed full-time, part-time or casually by the Council and who receives remuneration for their work.

Council Member means an Elected Member of the Regional Council of Goyder.

Election period means the period

(a) 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 willful 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 works, road maintenance or drainage works, being a *prescribed contract*) 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 falls within regulation 12 of the *Local Government (Elections) Regulations 2010*, being a decision of a kind that::
    (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* (SA).

Minister means the Minister for Local Government, or other minister of the South Australian government vested with responsibility for the *Local Government (Elections) Act 1999.*

3. APPLICATION OF POLICY

3.1. This policy applies throughout the election period for a general election. For the purposes of the Local Government General Elections to be held in April 2027, the policy commences at the close of nominations and ends at the conclusion of the elections, when results have been declared.

3.2. This policy applies to:

3.2.1. the Council; and

3.2.2. Council employee's.

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:

4.2.1. a committee of Council; and

4.2.2. 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, but nothing prevents the Council from allowing the equal use of Council resources for all candidates.

5.2 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 (iPad's & Surface Pro's) and other office equipment beyond that provided to members of the public (eg 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, and attendance at, Council events.
- Council travel arrangements (eg 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 (eg a 'Mayor's Parlour' at a suburban football oval).
- Council produced promotional brochures and documents.

6. CONSEQUENCE OF CONTRAVENING THIS POLICY

6.1. A designated decision made by the 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.

6.3. A breach of this policy by a Council Member is a breach of the Behavioural Standards for Council Members.

7. APPLICATION FOR EXEMPTION

7.1. If the Council considers 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 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 employees will comply with any conditions or limitations that the Minister imposes on the exemption.

8. AVAILABILITY OF POLICY

This Policy is available to be downloaded, free of charge, from Councils website: www.goyder.sa.gov.au. A printed copy may be purchased on request from the Council Office.

8. RECORDS

All records should be treated in accordance with Local Government GDS40.

9. REVIEW

This document shall be reviewed by Council within four (4) years (or on significant change to legislation or aspects included in this policy that could affect the health and safety of workers).

10. REVIEW HISTORY

Document History	Version No:	Issue Date:	Description of Change:
	1.0	16/03/10	Adopted.
	1.2	24/06/14	Policy Revised.
	1.3	21/08/18	Reviewed with changes NCOR-82018-2757
	2.0	15/02/22	Adopted refer minute 019/22
	3.0	16/05/2026	Adopted refer minute 106/26
	3.1	21/07/26	Adopted refer minute 160/26