



Policy Title	Caretaker Period Policy
Policy Category	Public
Number & Version	SVC-GOV-PO-092-02
Policy Owner	Governance and Risk
Approval by	Council - 16/04/2020
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Date for review	June 2024

1. STRATEGIC PURPOSE

The Caretaker Period provides the Councillors and Council employees with guidelines for the mandatory caretaker period which occurs prior to and during the Local Government elections.

2. POLICY STATEMENT

During the Caretaker period the business of Council continues and ordinary matters of administration are still addressed. However, guidelines are put into place to ensure that their actions do not bind the incoming Councillors' and limit their freedom. The guidelines aim to avoid:

- Making major policy decisions that are likely to commit incoming Councillors
- Making significant appointments
- Entering into major contracts or undertakings

3. DEFINITIONS

Caretaker Period – is the 4 week period preceding the date of an ordinary election under the Local Government (General) Regulation 2005 - REG 393B

Controversial Development Application - a development application under the Environmental Planning and Assessment Act 1979 for which at least 25 persons have made submissions under section 79(5) of the Act by way of objection

Electoral Material – means how to vote cards, poster or advertisement containing electoral matter, or anything else containing electoral matter.

Election Period – Is the period that starts on the last day on which nominations for that election can be received and ends at 6.00pm on Election Day.

4. CONTENT

4.1 Background

Under the Local Government Act 1993 (NSW) (Act), Council elections are held on the second Saturday in September every four years. Leading up to an election, Council will enter the Caretaker Period. During this time the Council is restricted on the decision it can make.

Applications must be made to the Minister of Local Government for an exemption in extraordinary circumstances should any major decision need to be made.

Council employees and elected officials must observe specific legislation and government requirements during the period leading up to an election including the caretaker period. This is to ensure:

- that council employees, community and Councillors are aware what can and cannot be done during the election period
- Council continues to provide high standards of service to the community
- Council complies with election period caretaker provisions of the Act

4.2 Council Resources

Council resources, including offices, support staff, hospitality services, equipment, email address and stationary should be used exclusively for normal Council business during the election period and should not be used in connection with an election.

Councillors may continue to request information and advice from Council employees in accordance with the *Access to Information Policy* in order to conduct day to day Council business. Councillors must not request or receive information or advice from Council employees to support election campaigns, and there shall be transparency in the provision of all information and advice during the election period. The *Code of Conduct* encourages all Councillors to be provided with information requested that is of a general nature.

No Council logos, letterheads or other Council branding should be used for, or linked in any way to, a candidate's election campaign.

Councillors must not use Council issued mobile phones, iPad, email addresses, Council issued branded corporate clothing or Mayoral vehicle for election campaigning. The use of Councils social media sites for any activity to do with the election is prohibited.

No election campaigning material is to be distributed from or displayed in or on Council facilities, libraries or community notice boards.

Council facilities booked for electoral campaigning purposes by Councillors, candidates or supporters or other persons during the election period will attract the same fee as any public hirers.

4.3 Council Meetings and Events

Council Meetings will continue to take place during the caretaker period for the purpose of making decisions in the public interest. However, Council will defer making decisions during the caretaker period which:

- Could be perceived to unreasonably bind an incoming Council in its operational delivery;
- Would see council enter into a contract or undertake expenditure of an amount equal to or greater than \$150,000
- Constitute a major decision for which Ministerial exemption is required.

Public events held during the election period can sometimes raise election issues and involve Councillors in the discussion. Therefore, Council will not host any public events during the election period. Community events organised outside of Council, scheduled at a specific time which coincide with the caretaker period may still be attended by the

Councillors. However, in these circumstances Councillors must not use the opportunity for electioneering.

4.4 Decision Making

In accordance with the Act Council will not make major policy decision during the caretaker period. A major policy decision means a decision:

- relating to the appointment, reappointment, termination or remuneration of the Chief Executive Officer of the Local Government
- to enter into a contract or undertaking involving the expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the Council's revenue from rates in the preceding financial year (whichever is the larger)
- determining a controversial development application

4.5 Electoral Signage and Material

Candidates are required to comply with electoral signage protocols in the lead up to an election. These conditions, including applicable size, placement and approval requirements, are stipulated in Division 9A of the Local Government (General) Regulations 2005. In the election period, election material needs to be approved by the Returning Officer. Council employees are authorized to remove and dispose of electoral signage erected in contravention of signage protocols.

Councillors and Council employees must not publish or distribute election material that is able to or intended to influence an elector about voting at an election or effect the result of an election.

Failure to comply may constitute a breach of the Code of Conduct or NSW Electoral Commission rules and appropriate sanctions will apply.

5. ASSOCIATED LEGISLATION

Environmental Planning and Assessment Act 1979
Local Government Act 1993 (NSW)

6. ASSOCIATED COUNCIL DOCUMENTS

Access to Information Policy – SVC–COR–PO-063

7. HISTORY

Date	Action	Name	Policy Number	Resolution Date	Resolution Number
16/4/2020	New – For Public Exhibition	Caretaker Period Policy	SVC-GOV-PO-092	16/04/2020	M74/20
10/07/2020	Adopted No Submissions	Caretaker Period Policy	SVC-GOV-PO-092-01	n/a	
02/08/2021	Reviewed No changes	Caretaker Period Policy	SVC-GOV-PO-092-02	n/a	