

POLICY TITLE: CARETAKER POLICY

Policy No. 223
(adopted 27/7/2015)

POLICY PURPOSE

It is a long established democratic principle that outgoing elected bodies should not make decisions which may unreasonably, inappropriately or unnecessarily bind an incoming Council, or use public resources for election campaigning.

This purpose of this policy is to affirm Council's commitment to fair and democratic elections, and adherence to these principles.

This policy is also intended to satisfy the requirement of section 96A(1) of the *Local Government Act* that each council formally adopt by resolution a caretaker policy governing the conduct of the council and its staff during the period that commences on the nomination day for a general election and ends when the result of the general election is declared.

This policy recognises that the Minister has presently made no guidelines under section 96A(2) and confirms its obligation under section 96A(3) to formally amend by resolution this policy so that it complies with any guidelines as soon as practicable after they are made.

APPLICATION

This policy applies during a *caretaker period* of Council to cover *major decisions* that are made by Council.

In respect of the use of Council resources for election campaigning, this policy affirms the relevant provisions of Council's *Code of Conduct for Elected Members* and *Code of Conduct for Employees* in their application during a *caretaker period* just as they apply at any other period. To avoid doubt, this policy has no application to a by-election under section 86 of the Act.

CARETAKER PERIOD

For the purpose of this policy, *caretaker period* means the period that commences on the nomination day for a general election as defined in the *Local Government (Electoral) Regulations* and ends when the result of the general election is declared under regulation 56 of those Regulations.

MAJOR DECISION

For the purpose of this policy, *major decision* means a decision:

- to enter into any contract or lease involving expenditure inclusive of GST that exceeds one per cent (1%) of the annual budgeted revenue in the relevant financial year;
- to spend unbudgeted monies;
- to conduct public consultation previously unannounced;
- to endorse a new policy;
- to dispose of Council land;
- to approve community grants; or
- progress any matter which is contentious or has been identified as an election issue, but does not include a decision:
- relating to the carrying out of works in response to an emergency or disaster; or

- relating to expenditure or other decision required to be taken under an existing agreement by which funding is provided to the Council by the Commonwealth or Territory Government or otherwise for Council to be eligible for funding from the Commonwealth or Territory Government;

POLICY STATEMENT

Council will not make any *major decision* during the *caretaker period*.

However, where the CEO forms a view that extraordinary circumstances prevail whereby Council would be significantly disadvantaged by not making a particular *major decision*, the CEO may submit the *major decision* to Council for its consideration.

If Council accepts that it would be significantly disadvantaged by not making the decision, Council may, by resolution, exempt the application of this Policy and make the decision.

Consistent with this statement, the CEO should avoid scheduling a *major decision* for consideration during the *caretaker period* and instead ensure that such a decision is either considered by Council prior to the *caretaker period* commencing or scheduled for determination by the incoming Council.

Announcements of earlier decisions may be made during a *caretaker period*: however, as far as is practicable, any such announcements should be made before the *caretaker period* commences or after it has concluded.