CITY OF ADELAIDE

CARETAKER POLICY

11 August 2026 *legislative*

PURPOSE

In accordance with Section 91A of the *Local Government (Elections) Act 1999* (the Act), Council must adopt a Caretaker Policy (the Policy) governing the conduct of the council and its employees during the election period for a general election.

It is the intent of this Policy to ensure that the actions of Council, Council Members, and employees of the City of Adelaide do not influence the election process, provide for a fair and equitable election for all candidates, and that no decisions are made which will inappropriately bind the incoming Council.

STATEMENT

During a Local Government election period, Council will avoid actions and decisions which could be perceived as intended to affect the results of an election or otherwise to have a significant impact on or unnecessarily bind the incoming Council.

This Caretaker Policy has been designed to formalise Council's commitment to ensure that:

- The election period is managed in a manner that is ethical, fair and equitable and is publicly perceived as such;
- The incumbent Council does not inappropriately make decisions that will be binding on an incoming Council and limit its freedom to make its own decisions;
- No actions and decisions which could be perceived as intended to affect the results of an election are made by the Council;
- The day-to-day business of the Council continues efficiently and in a normal manner;
- Council resources are not diverted for, or influenced by, electoral purposes or used to improperly advantage candidates in the elections; and
- Council employees act impartially in relation to all candidates.

APPLICATION OF THIS POLICY

This Policy applies throughout the election period for a general election. For the purposes of Local Government Elections of April 2027, the election period commences on 9 February 2027 and ends at the conclusion of the election, when results have been declared.

This Policy applies to:

- Council Members; and
- City of Adelaide employees

See definitions of the above terms in the Glossary at the end of this Policy.

This Policy does not apply to:

- Supplementary elections

PROHIBITION ON DESIGNATED DECISIONS

The Council is prohibited from making a designated decision (see glossary) during an election period.

A decision of the Council includes a decision of:
- A committee of Council; and
- A delegate of Council.

Scheduling consideration of designated decisions

The Chief Executive Officer will ensure that designated decisions are not scheduled for consideration during the election period.

A designated decision made by Council during an election period is invalid, except where an exemption has been granted by the Minister of Local Government.

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.

Application for exemption

If the Council considers that 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 to enable the making of a designated decision that would otherwise be invalid under section 91A of the Act or this Policy.

If the Minister grants an exemption to enable the making of a designated decision that would otherwise be invalid under section 91A of the Act or this Policy, then the Council and City of Adelaide employees will comply with any conditions or limitations that the Minister imposes on the exemption.

TREATMENT OF OTHER SIGNIFICANT DECISIONS

So far as is reasonably practicable, the Chief Executive Officer will avoid scheduling significant decisions (including major policy decisions) for consideration during an election period and will ensure that such decisions:
- are considered by Council prior to the election period; or
- are scheduled for determination by the incoming Council.

A 'significant decision' is any major policy decision or other decision which will significantly affect the Council area or community or will bind the incoming Council.

A 'major policy' decision includes any decision (not being a designated decision):
- to spend unbudgeted monies;
- to conduct unplanned public consultation;
- to endorse a new policy;
- to dispose of Council land:
- to approve community grants;
- to progress any matter which has been identified as an election issue; and
- any other issue that is considered a major policy decision by the Chief Executive Officer.

The determination as to whether or not any decision is significant will be made by the Chief Executive Officer, after consultation with the Lord Mayor (as relevant). The Chief Executive Officer must keep a record of all such determinations and make this list available to candidates upon request.

Where the Chief Executive Officer has determined that a decision is significant, but circumstances arise that require the decision to be made during the election period, the Chief Executive Officer will report this to the Council. The aim of the Chief Executive Officer's report is to assist Council Members in assessing whether the decision should be deferred for consideration by the incoming Council.

The Chief Executive Officer's report to Council will address the following issues (where relevant):

- why the matter is considered 'significant';
- why the matter is considered urgent;
- what are the financial and other consequences of postponing the matter until after the election, both on the current Council and on the incoming Council;
- whether deciding the matter will significantly limit options for the incoming Council;
- whether the matter requires the expenditure of unbudgeted funds;
- whether the matter is the completion of an activity already commenced and previously endorsed by Council;
- whether the matter requires community engagement;
- any relevant statutory obligations or timeframes; and
- whether dealing with the matter in the election period is in the best interests of the Council area and community.

Council will consider the Chief Executive Officer's report and determine whether or not to make the decision.

PROHIBITION ON THE USE OF COUNCIL RESOURCES

The use of Council resources for the advantage or a particular candidate or group of candidates during an election period is prohibited.

The Council Member Allowances and Benefits Policy and the Council Member Training and Development Policy provide for the provision of facilities and support and training and development opportunities for Council Members. In this Policy those items can be read as not being able to be used to the advantage of a particular candidate or group of candidates. They may only be used and accessed by Council Members, where necessary, in the performance of their ordinary duties as a Council Member. This includes where Council Members are engaged in 'Official Business of the Corporation of the City of Adelaide', as defined in the Council Member Allowances and Benefits Policy.

Council resources include, but are not limited to, the following:

- Mobile phones;
- Council 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 could confer an advantage on a candidate or group of candidates;
- 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 (e.g. a 'Mayor's Parlour' at a suburban football oval);
- Council's produced promotional brochures and documents.

For clarity, neither the Act nor this Policy prohibits a council providing resources to all members of the public, which includes all candidates for election.

Access to Council information

Council Members continue to have a statutory right to access Council information relevant to the performance of their functions as a Council Member. This right should be exercised with caution and limited to matters that the Council is dealing with within the objectives and intent of this Policy. Any Council information accessed that is not publicly available must not be used for election purposes.

Any request from Council Members for information not on the public record should be directed to the Chief Executive Officer, who may delegate the request if appropriate.

COUNCIL PUBLICATIONS

Council will not print, publish or distribute any advertisement, handbill, pamphlet or notice that contains 'electoral material' during an election period. Electoral material means an advertisement, notice, statement or representation calculated to affect the result of an election or poll.

This restriction does not prevent Council from publishing 'information, education and publicity' material related to the election within the scope of its functions under section 13A of the Act.

Council website

Any new material which is prohibited by this Policy will not be placed on the Council website. Any information which refers to the election will only relate to the election process by way of information, education or publicity. Information about Council Members will be restricted to names, contact details, titles, membership of committees and other bodies to which they have been appointed by the Council.

The Administration will review Council website(s) content prior to the election period commencing and ensure any precluded content is removed by the beginning of this period, including on Council social media.

Other Council publications

Insofar as any Council publications, such as the Annual Report, are required to be published during an election period, the content contained within them regarding Council Members will be restricted to that strictly required by the *Local Government Act 1999* and Regulations.

All Council media and marketing campaigns (excluding those relating to Council's commercial businesses) will be reviewed prior to the commencement of the election period to determine if such campaigns should be continued or deferred until after the election. Any advertising, marketing or media requests during the election period should be referred to the Chief Executive Officer or delegate for approval.

Council publications, such as Library newsletter articles featuring Council Members, will be prohibited during the election period.

ATTENDANCE AT EVENTS AND FUNCTIONS DURING AN ELECTION PERIOD

Council Members may attend events, functions and meetings of organisations but may not undertake campaign related activities at events, functions or meetings if invited in their capacity as a City of Adelaide Council Member. Council Members, where possible, should refrain from undertaking any formalities (i.e. making speeches or acting as MC etc.) in relation to events attended in this capacity.

Council events and functions

Council organised events and functions held during the election period period (other than Declared Events or Functions) will not involve Council Members unless this is essential (i.e. required by legislation) to the operation of the Council. Where events and functions are held and Council Members are in attendance, all candidates will be invited.

Guest lists for any event or function during the election period will be at the discretion of the Chief Executive Officer only, and invitations will be addressed as being from the Chief Executive Officer.

There will be no Lord Mayor Civic events held during the election period unless otherwise resolved by Council.

Special provisions for events and functions following the close of voting, but prior to the conclusion of the election period

The Lord Mayor title will not be used in the title of any City of Adelaide event or function planned for this period (I.e. a 'Lord Mayors Forum').

Council Members are permitted to speak at a function or event if it takes place following the close of voting.

Provisionally elected Council Members are also permitted to speak at an event or function if it takes place following the close of voting.

Publication of promotional material

In preparing any material concerning a Council organised or sponsored function or event which will be published or distributed during the election period, such preparation will be consistent with the 'Council Publications' clause of this Policy.

MEDIA SERVICE

Council's media services are managed by or under the supervision of the Chief Executive Officer or delegate and are provided solely to promote Council activities or initiatives and must not be used in any manner that might favour, or be perceived to favour, a candidate or group of candidates during an election period.

Media advice

Any request for media advice or assistance from Council Members during an election period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or publicity that involves specific Council Members (other than advice as to the requirements of this Policy).

Media releases / spokespersons

Media releases will be limited to operational issues rather than policy and/or major projects

Where it is necessary to identify a spokesperson in relation to an issue, the Chief Executive Officer will be the appropriate person, unless delegated. This provision does not override the legislative role of the Lord Mayor as the principal spokesperson of the Council. However, the Lord Mayor, in consultation with the Chief Executive Officer, should consider whether it is appropriate to exercise their legislative role when necessary. In any event, Council publicity during an election period will be restricted to communicating normal Council activities and initiatives without any variation in form or size.

Council Members

Council Members will not use their position, or their access to City of Adelaide employees and other Council resources to gain media attention in support of an election campaign.

Council employees

During an election period, no Council employee may make any public statement that relates to an election issue unless such statements have been approved by the Chief Executive Officer.

CITY OF ADELAIDE EMPLOYEES' RESPONSIBILITIES DURING AN ELECTION PERIOD

Activities that may affect voting

City of Adelaide employees must not undertake an activity that may affect voting in the election, except where the activity relates to the election process and is authorised by the Chief Executive Officer.

City of Adelaide employees must not authorise, use or allocate a Council resource for any purpose which may influence voting in the election, except where it only relates to the election process and is authorised by the Chief Executive Officer.

City of Adelaide employees must not assist Council Members in ways that are or could create a perception that they are being used for electoral purposes. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, the incident must be reported to, and advice sought from, the Chief Executive Officer.

Equity in Assistance to Candidates

Council confirms that all candidates for the Council election will be treated equally.

Candidate assistance and advice

Any assistance and advice provided to candidates as part of the conduct of the Council elections will be provided equally to all candidates.

There shall be transparency in the provision of information and advice provided to all candidates during an election period. The Council Election Liaison Officer will provide a weekly update to candidates containing all relevant information.

Election process enquiries

All election process enquiries from candidates, whether current Council Members or not, are to be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Council Election Liaison Officer.

Council branding and stationery

No Council logos, letterheads, or other Council branding or Council resources or facilities may be used for, or linked in any way with, a candidate's election campaign.

Support staff to Council Members

City of Adelaide employees who provide support to Council Members must not be asked to undertake any tasks connected directly or indirectly with an election campaign for a Council Member.

Social Media

Monitoring and management of Council Members' social media sites by City of Adelaide employees will not continue through the election period. Council owned and managed accounts in the name of the Lord Mayor will not be used during the election period.

PUBLIC CONSULTATION DURING AN ELECTION PERIOD

Results of public consultation

Where public consultation is approved to occur during an election period, the results of that consultation will not be reported to Council until after the election period, except where it is necessary for the performance of functions in relation to any matter or decisions which are not prohibited by law or by this Policy.

Community meetings

Community meetings arranged or led by Council will not be held during an election period.

HANDLING BEHAVIOURAL STANDARDS COMPLAINTS DURING AN ELECTION PERIOD

Where a Behavioural Standards complaint relates to alleged conduct which gives rise to a reasonable suspicion of corruption, a Public Officer must make a report to the Office for Public Integrity in accordance with the Directions and Guidelines issued under the *Independent Commissioner Against Corruption Act 2012*.

Where a Behavioural Standards complaint relates to alleged conduct which gives rise to a reasonable suspicion of misconduct or maladministration, a Public Officer should make a report to the Ombudsman in accordance with the Directions and Guidelines issued under the *Ombudsman Act 1972*.

Where a Behavioural Standards complaint does not fall within the above provisions, the complaint should be dealt with in the manner set out in Council's Behavioural Management Policy.

Subject to the below, any complaint against a Council Member who is also a candidate, made under the Behavioural Standards during an election period, will not be heard or determined by Council during that period.

Where a complaint is made against a Council Member who is also a candidate about conduct specifically in relation to this Policy, the matter may be deferred until after the election period unless the Chief Executive Officer considers the complaint is sufficiently serious so as to warrant urgent determination.

If the Council Member against whom the complaint is made is not re-elected, the complaint will lapse.

Where a complaint made against a Council Member for a breach of this Policy is deferred until after the election period, the Chief Executive Officer will remind the Council Member of the content of this Policy and will provide them with a copy of it.

Council recognises that the Electoral Commissioner has the role of investigating any alleged breach of the Act, including alleged illegal practices, except in circumstances which involve allegations of corruption, maladministration or misconduct in public administration by public officers.

PUBLIC MEETING OF CANDIDATES

In accordance with section 91B of the *Local Government (Elections) Act 1999* (SA), the public meeting(s) of candidates will be held at a time and place to be determined by the Chief Executive Officer.

Public Notification of a Public Meeting of Candidates will be displayed by Council in Colonel Light Centre and on the Councils website.

OTHER USEFUL DOCUMENTS

Relevant legislation

- *Local Government Act 1999*
- *Local Government (Elections) Act 1999*
- *City of Adelaide Act 1998*

GLOSSARY

Throughout this document, the below terms have been used and are defined as:

Chief Executive Officer: the appointed Chief Executive Officer or Acting Chief Executive Officer or nominee

City of Adelaide employee: is any employee, contractor of volunteer of the Council or a subsidiary of the Council

Council Member: an elected member of the City of Adelaide, including the Lord Mayor and the Deputy Lord Mayor

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

Declared Event or Function means a function or event that the Chief Executive Officer has determined, due to the nature of the event or function, is appropriate for Council Member involvement

Designated decision: 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 wilful 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 construction, road maintenance or drainage works) 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 ($1.484m), except if the decision:

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 System scheme that has, prior to the election period, been approved by the Council.

General election: 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*

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

Public Meeting of candidates: A public meeting as defined by section 91B of the *Local Government (Elections) Act 1999* (SA).

ADMINISTRATIVE As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every **4** years unless legislative or operational change occurs beforehand. The next review is required in **2030.**

Review history:

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits
ACC2026/101748	Council	11 August 2026	2027 periodic election date amendment
ACC2026/63800	Council	26 May 2026	2026 periodic election, policy and legislative updates
ACC2022/13347	Council	15 March 2022	2022 periodic election
ACC2018/44919	Council	13 March 2018	2018 periodic election
ACC2014/49802	Council	25 March 2014	2014 periodic election
ACC2016/98509	Council	15 June 2010	2010 periodic election

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