

## 1.24 Caretaker Period Policy

<b>Document Owner</b>	Chief Executive Officer
<b>Responsible Officer</b>	Manager Governance & Risk
<b>Date of Approval</b>	26/08/2025 (CCS741)
<b>Amended/Revised</b>	27/08/2025

### Objective

This policy ensures transparency, accountability, and good governance during the caretaker period preceding local government elections, in accordance with Section 3.73 of the *Local Government Act 1995*. It aims to prevent decisions that may bind an incoming council and to uphold public confidence in the impartiality of the City's operations during election periods.

### Scope

This policy applies to Elected Members, the Chief Executive Officer (CEO), Senior Employees, and all City staff involved in decision-making processes. It governs activities and decisions undertaken during the caretaker period for local government elections.

### Policy Statement

The City will observe a caretaker period commencing at 4:00pm on the day nominations close and ending upon the declaration of election results. During this period, the City will avoid making decisions that could reasonably be deferred until after the election and will ensure equitable access to information for all candidates.

### Guiding Principles

This policy is enacted in accordance with the following principles:

- Transparency and fairness in decision-making.
- Avoidance of significant decisions that may bind the incoming council.
- Neutrality in communications and publicity.
- Compliance with legislative obligations and emergency requirements.

### CEO Discretion on Confidential Information

During the caretaker period, the Chief Executive Officer (CEO) retains the authority to determine whether information requested by elected members, candidates, or staff is considered confidential under the *Local Government Act 1995* or other applicable legislation.

In exercising this discretion, the CEO will act in accordance with principles of fairness, transparency, and good governance, while safeguarding the integrity of the City's operations. The CEO may:

- Withhold information deemed confidential, sensitive, or strategic, particularly where its release may confer an electoral advantage or disadvantage, or compromise the City's legal, commercial, or operational interests.
- Ensure equitable access by providing information to one candidate only if it is also made available to all other candidates, including those who are not sitting elected members.
- Decline requests for information where the subject matter is directly related to campaign issues, or where disclosure may reasonably be perceived to undermine neutrality or public confidence in the City's administration.
- Consider the risk of misuse, noting that candidates who are not elected or re-elected are not subject to the same statutory accountability mechanisms as elected members. Accordingly, the CEO may restrict access to information where there is a reasonable concern that confidentiality may be breached or used for campaign purposes.

The Council recognises that some candidates may raise concerns about transparency as part of their election platform. This clause is not intended to limit legitimate scrutiny but to ensure that all candidates are treated fairly and that the City's operations remain impartial and protected from politicisation during the election period.

### Legislative and Strategic Context

This policy aligns with the City's Community Strategic Plan and complies with the following legislation and directives:

- Local Government Act 1995 (Section 3.73) – Restrictions During Caretaker Period
- Local Government Act 1995 (Section 5.41) – Role of the CEO
- Planning and Development Act 2005
- Department of Local Government, Industry Regulation and Safety (DLGIRS) caretaker guidelines

### Review Position and Date

This policy will be reviewed following each local government election or as required by legislative changes. The CEO is responsible for ensuring the policy remains current and compliant.

### Associated Documents

- Code of Conduct for Council Members, Committee Members and Candidates

### Definitions

- **Caretaker Period** – The period commencing at 4:00pm on the day nominations close and ending upon the declaration of election results.
- **Significant Act** – Decisions or actions that bind the incoming council, including major contracts, planning approvals, or employment agreements.
- **CEO** – Chief Executive Officer of the City.
- **DLGIRS** – [Department of Local Government, Industry Regulation and Safety](#), formerly known as the **DLGSC** – Department of Local Government, Sport and Cultural Industries.