

## 1. Purpose

This policy is adopted pursuant to Section 91A of the Local Government (Elections) Act 1999 (SA).

The purpose of this policy is to:

- establish governance arrangements applying during an election period;
- ensure Council resources are not used for electoral advantage;
- prevent decisions that may unreasonably bind an incoming Council; and
- promote transparency, accountability and public confidence in local government elections.

## 2. Scope

This policy applies during the election period for a general local government election and applies to:

- the Council;
- Council Members;
- Council Committees;
- Delegates of Council; and
- all Council employees.

This policy does not apply to supplementary elections.

## 3. Definitions

### **Chief Executive Officer (CEO)**

Includes the Chief Executive Officer, Acting CEO or authorised delegate.

### **Council Member**

An elected member of the District Council of Peterborough.

### **Council staff**

Any employee engaged by Council whether full-time, part-time or casual.

### **Election Period**

The period commencing at the close of nominations and concluding when election results are declared.

### **Designated Decision**

A decision defined under Section 91A(8) of the Act including:

- employment or remuneration of the CEO;
- termination of the CEO;
- contracts exceeding the greater of:
  - \$100,000; or
  - 1% of Council's rate revenue,

except where legislative exemptions apply (including emergencies, grant-funded commitments, approved CWMS schemes or budgeted employment negotiations).

## **Significant Decision**

A decision that may substantially affect the Council area or bind an incoming Council.

## **Major Policy Decision**

Includes (but is not limited to):

- expenditure of unbudgeted funds;
- adoption of new policies;
- disposal or acquisition of land;
- approval of community grants;
- initiation of discretionary public consultation;
- matters identified as election issues.

## **4. Caretaker Period Principles**

During the election period Council will:

- continue ordinary administration and service delivery;
- avoid major policy or strategic decisions where practicable;
- maintain political neutrality;
- ensure equitable treatment of candidates; and
- preserve the decision-making capacity of the incoming Council.

## **5. Prohibition on Designated Decisions**

Council must not make a designated decision during the election period unless:

- an exemption is granted by the Minister for Local Government.

A decision includes those made by:

- Council;
- Committees; or
- Delegates.

Any designated decision made contrary to this policy is invalid.

## 6. Treatment of Significant Decisions

The CEO will, where reasonably practicable:

- bring significant matters forward prior to caretaker period; or
- defer matters to the incoming Council.

Where a significant decision must be considered, the CEO will provide a report addressing:

- urgency;
- financial implications of delay;
- statutory obligations;
- impacts on the incoming Council;
- whether unbudgeted expenditure is required; and
- community interest considerations.

Council must determine whether the matter should proceed or be deferred.

## 7. Use of Council Resources

Council resources must not be used to advantage any candidate or group of candidates.

Council resources include:

- staff time;
- Council vehicles;
- telephones and IT systems;
- Council branding or logos;
- publications or promotional material;
- access to non-public information;
- media and communication services.

Resources may only be made available where:

- access is provided equally to all candidates; or
- the use forms part of normal public access arrangements.

## 8. Publications and Communications

During the election period Council must not publish material that constitutes electoral material, including via:

- newsletters;
- social media;
- advertising;
- media releases;
- website content.

Electoral material means material intended or likely to influence voting.

Permitted publications include:

- statutory notices;
- operational service information;
- emergency communications;
- election participation information issued by or for the Returning Officer.

Mayor or Council Member opinion columns will not be published during the caretaker period.

## 9. Media Management

Council media services:

- operate under direction of the CEO;
- must remain politically neutral; and
- must not promote individual Council Members.

During the election period:

- the CEO (or nominee) will act as Council spokesperson;
- publicity campaigns will be avoided unless operationally necessary;
- staff must not comment publicly on election matters without CEO approval.

## 10. Events and Functions

Council organised events during the election period will be limited to essential operational or community activities.

Council Members:

- may attend external events;
- may provide brief acknowledgements only;
- must not deliver keynote or campaign-style speeches at Council events.

## 11. Public Consultation

Discretionary public consultation must not occur during the election period.

Mandatory consultation required under legislation may proceed; however:

- results will not be reported to Council until after the election where practicable.

## 12. Council Staff Responsibilities

Council staff must:

- remain politically neutral;
- avoid assisting candidates in campaign activities;
- not allocate resources influencing voting;
- refer election-related enquiries to the CEO.

All correspondence addressed to Council Members during the election period will be managed administratively through the CEO.

## 13. Training and Development

Council funded Elected Member training and development activities cease at the close of nominations and recommence following declaration of election results.

## 14. Ministerial Exemption

Where extraordinary circumstances exist, Council may apply to the Minister for an exemption to permit a designated decision.

Council must comply with any conditions imposed.

## 15. Continuing Functions of Council

Nothing in this policy prevents:

- continuation of normal Council operations;
- delivery of services;
- emergency response activities; or
- fulfilment of statutory obligations.

## 16. Breach of Policy

A breach of this policy may result in:

- invalid decisions;
- compensation liability; and
- action under applicable Codes of Conduct.

## 17. Document administration and control

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| Responsible officer:                       | Chief Executive Officer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Committee Review:                          | Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| Next review date:                          | Post 2026 Local Government Election                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Current Version:                           | 3.0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Date revoked:                              | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Applicable legislation:                    | Local Government Act 1999 (SA);                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Related documents:                         | Code of Conduct – Council Members; Code of Conduct – Employees                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Public consultation required / undertaken: | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Availability                               | <p>This Policy is available for inspection at the Council office, and any person may obtain a copy of this Policy upon payment of the fee fixed by Council in accordance with Council's Fees and Charges adopted each financial year. It is also available on Council's website <a href="http://www.Peterborough.sa.gov.au">www.Peterborough.sa.gov.au</a>.</p> <p>Any grievance in relation to this policy or its application should be forwarded in writing to the Chief Executive Officer of the Council.</p> |
| File reference:                            | To be confirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |