

# CARETAKER PERIOD POLICY

## SCOPE

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This Policy applies to all Banana Shire Councillors, candidates, and employees, whether permanent, temporary, casual, or part-time employees, contractors or volunteers.

Council will enter a Caretaker Period prior to the Local Government Quadrennial Elections, at a time determined by the Electoral Commission of Queensland (ECQ). This Policy will assist in ensuring that Council conducts its business throughout the Caretaker Period in a responsible, transparent and legally compliant manner.

Whilst it is not mandatory for local governments to have a discrete Policy on Caretaker Period arrangements, significant regulatory direction is provided within the *Local Government Act 2009*, particularly Part 5, sections 90A – 90D which are expanded on in this Policy.

## LEGISLATION

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*Local Government Act 2009*

*Local Government Regulation 2012*

*Local Government Electoral Act 2011*

*Local Government Electoral Regulation 2023*

## OBJECTIVE

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To inform and provide guidance to Councillors and employees of appropriate standards and their responsibilities during the mandatory caretaker period prior to and during quadrennial Local Government elections.

## DEFINITIONS

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| Advertising      | Is the promotion of an idea, product or services to the public, for which a fee is paid                                                                                                                  |
| By-Election      | An election to replace a councillor after the councillor's office becomes vacant                                                                                                                         |
| Caretaker Period | Is prescribed in section 90A of the <i>Local Government Act 2009</i> and commences on the day when the public notice of the holding of the election is given and ends at the conclusion of the election. |
| Civic Events     | Are public events that are initiated, funded and managed by Council                                                                                                                                      |

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| CEO                        | Chief Executive Officer                                                                                                                                                                                                                                                                                                                                            |
| Conclusion of the Election | Is prescribed in section 7 of the <i>Local Government Electoral Act 2011</i> and is the day on which the last declaration of a poll is displayed on the Electoral Commission's website.                                                                                                                                                                            |
| Candidate                  | As defined in the Schedule 2 Dictionary of the <i>Local Government Electoral Act 2011</i> , a candidate means a person whose nomination for election has been certified by the returning officer and who, under section 27(3)(a) of the <i>Local Government Electoral Act 2011</i> , has been determined by the returning officer to have been properly nominated. |
| Contractor                 | A person or business who provides services under a contract with the local government.                                                                                                                                                                                                                                                                             |
| Council Resource           | Includes Council assets such as mobile phones, other devices, stationary, facilities, property, vehicles and employees, Council services and Council social media.                                                                                                                                                                                                 |
| Election Material          | Is prescribed in section 90D of the <i>Local Government Act 2009</i> and is anything able to, or intended to influence an elector about voting at an election, or affect the result of the election                                                                                                                                                                |
| Fresh Election             | An election of all the councillors of a local government that is not a quadrennial election                                                                                                                                                                                                                                                                        |

## POLICY

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### General Principles

The *Local Government Act 2009* and the *Local Government Electoral Act 2011* apply a number of restrictions to Council and Councillors during the Caretaker Period. Specifically, these occur from when nominations are called for the quadrennial election until the declaration of the polls.

Councillors who are candidates should take particular care in any campaign activity to ensure that there can be no possible perception of use of Council provided resources and/or facilities for the activity that could be perceived as having electoral benefit.

Council reaffirms its commitment during a Caretaker Period to:

- the efficient continuation of Council's day-to-day business;
- transparent actions and decision making;
- actions that do not, or cannot be perceived to, bind an incoming Council in its operational delivery;
- the suspension of major Policy decisions;
- the neutrality of Council employees; and
- the continuation of the principle that the use of public funds for electoral purposes is unacceptable.

It is acknowledged that during the Caretaker Period, Councillors who are candidates may make election commitments, which they intend to honour if they are elected. Such commitments are not subject to this Policy. Councillors making such commitments must make it clear that these commitments are being made in their role as a candidate, rather than any kind of commitment being made on behalf of the Council or which reflects the majority view of Council.

Councillors must take particular care in any campaign activity to ensure that there can be no possible perception of use of Council provided resources for activity that could be perceived as being in relation to the Councilor's campaign.

Councillors must not use information gained during the course of their role as a Councillor to disparage or discredit Council or Councillors. Such disparaging or discrediting may be a breach of the Code of Conduct for Councillors.

## **Council Meetings**

Council will continue to meet during the Caretaker Period for the purpose of making decisions in the public interest.

However, Council will defer making any decisions during the Caretaker Period which:

- Could be perceived to unreasonably bind an incoming Council on its operational delivery; or
- Constitute a major policy decision for which Ministerial approval has not been received.

## **Timing and Planning**

The exact dates of a Caretaker Period are determined by the Electoral Commission of Queensland. It will commence on the day when the public notice of the holding of the election is given and will end at the conclusion of the election.

The CEO, as far as possible, shall ensure that matters of Council business that require major policy decisions are scheduled for Council business before the commencement of the caretaker period, or are deferred for consideration by an incoming Council. However, should exceptional circumstances arise that make it necessary to make a major policy decision in the public interest, Council may apply to the Minister for approval to make the decision under section 90BA *Local Government Act 2009*.

## **Prohibition on Major Policy Decisions**

Prohibition on major policy decisions during a caretaker period for a local government is provided by section 90B the *Local Government Act 2009*.

Schedule 4 Dictionary of the *Local Government Act 2009* provides the following definition:

A 'Major Policy Decision' for a local government, means a decision -

- (a) about the appointment of the Chief Executive Officer of the local government; or
- (b) about the remuneration of the Chief Executive Officer of the local government; or
- (c) to terminate the employment of the Chief Executive Officer of the local government; or
- (d) to enter into a contract the total value of which is more than the greater of the following –
  - (i) \$200,000.00;

- (ii) 1% of the local government's net rate and utility charges as stated in the local government's audited financial statements included in the local government's most recently adopted annual report; or
- (e) relating to making or preparing an arrangement, list, plan or register in the way provided under a regulation made under this Act that can be used to establish an exception to obtaining quotes or tenders when entering into a contract; or
- (f) to make, amend or repeal a local law; or
- (g) to make, amend or repeal a local planning instrument under the *Planning Act 2016* (i.e., a planning scheme, a temporary local planning instrument or a planning scheme policy);
- (h) under the *Planning Act 2016*, Chapter 3, part 3, division 2 on a development application that includes a variation request under the Act if the application proposes to –
  - (i) varying the category of development or category of assessment of development; or
  - (ii) varying the assessment benchmarks or criteria for accepted development that would apply to development; or
  - (iii) facilitating development that would result in a greater demand on infrastructure than the demand anticipated in the Local Government's local government infrastructure plan.

### **Election Material, Council Resources, Media, Events and Advertising**

Council (or a controlled entity of Council) may not publish or distribute election material during a caretaker period. Election material is anything able to, or intended to, influence an elector about voting at an election or affect the result of an election.

This prohibition includes:

- the use of Council newsletters, brochures, email and web site for political purposes
- the distribution by Councillors of Council funded promotional material or giveaways
- the use of equipment or information purchased from Council funds to carry out
- electioneering activities
- the use of any Council provided mobile telephone or handheld device for the purposes of
- promoting a Councillor as an actual or potential candidate for any election
- Councillors shall not affix, or allow to remain affixed, to Council property any sticker, poster, decal or other magnetic or adhesive device that promotes the Councillor as an actual or
- potential candidate for any election.

### **Advertising**

Council shall restrict its advertising to that required to maintain the necessary on-going business and commercial operations of Council. Care will be taken during the election advertising period to ensure that Council advertising is not construed to be of a political nature.

All candidates may advertise election material as per the following guidelines:

- a permit is required to erect political advertising or operate a stall on Council lands (fees and conditions apply)
- defamatory material identifying a political party or candidate is prohibited
- promotional material and activities must comply with relevant State and Federal legislation.

## **Civic Events**

Councillors may continue to represent Council at civic events and community events during the caretaker period, provided the event meets one or more of the following criteria:

- a. It is a planned event endorsed by the full Council;
- b. It is, or plans to be, routinely held at the same time each year;
- c. It is a commemorative or anniversary event held on or near the anniversary date;
- d. It is an event to be hosted by or on behalf of the Mayor in fulfilling their statutory responsibilities for ceremonial and civic functions, e.g. citizenship ceremonies or
- e. hosting VIP guests to the region.

## **Media**

The CEO shall be the official spokesperson of Council during the caretaker period. Media releases by Council during the caretaker period must be of public interest, relate to routine Council business rather than new policy or major projects and must not be reasonably construed as being for political purposes.

During the caretaker period, Council will respond to media enquiries that relate to operational matters only. In a Council media release issued during caretaker period, quotes will be attributed to “a Council Spokesperson” and not attributed to individual Councillors.

If a Councillor is attending a media or public event during the caretaker period and is asked a political question, he/she shall respond in their capacity as a candidate. Councillors should ensure to distinguish their individual opinion from the majority view of the elected Council.

Media events may continue to be held during the caretaker period provided the media event relates to routine Council business and is not used for political purposes.

## **Council’s website and social media platforms**

Updates on Council’s website shall be limited to the following:

- a. Uploading of essential operational media releases, restricted to administrative or operational
- b. information of public interest and of a time sensitive nature;
- c. Road work updates or road closures;
- d. Health or emergency warnings;
- e. Material that is purely factual regarding Council’s decisions or operations;
- f. Updates to existing forms;
- g. Aesthetic changes;
- h. Fixing broken links or repairing web issues; and
- i. Compliance with legislative requirements

Social media hosted or published by Council shall carry a notice to exclude political comment. No response shall be made to any political comments posted and any such comments shall be removed.

## **Community Grants**

Activities approved under Council’s community grants program prior to the commencement of the Caretaker Period may continue during the Caretaker Period. Any funding round for community grants that is open during the Caretaker Period shall remain open, but applications received during the Caretaker Period shall not be determined until after the election.

Council shall not approve community grants during the Caretaker Period. Decisions regarding community grants are delegated by this Policy to the CEO during the Caretaker Period.

## **Electoral Signage**

Candidates are required to comply with electoral signage protocols leading up to an election. These conditions, including applicable size, placement and approval requirements can be located on the Department of Transport and Main Roads website: [www.qld.gov.au/transport/safety/signs/election-signs](http://www.qld.gov.au/transport/safety/signs/election-signs)

## **Requests for Information**

Councillors must not request information or advice from Council staff to assist with political or electioneering activities unless they identify themselves as being in the role of a candidate. Requests for information by candidates (including Councillors in their role as a candidate) will be dealt with as per the process for a request by a member of the public.

Requests by candidates for information that is outside the public domain (for example, information that has not been published) will be referred to the CEO. Councillors may continue to request information and advice from Council staff in order to conduct day-to-day Council business as per the relevant policies. Councillors must therefore ensure that they inform the CEO (or staff member) of the nature of the proposed Council decision or issue when requesting information and advice.

## **Council Staff**

Council employees shall maintain the normal business activities of Council during the Caretaker Period. Employees shall undertake their duties in an appropriate way and take all steps to avoid any real or perceived partisanship in order to protect the organisation's ability to impartially serve any incoming Council following an election.

A Council officer who nominates as a candidate is entitled to a leave of absence from their appointment during the Caretaker Period in accordance with section 203 of the *Local Government Electoral Act 2011*.

Prior to the Caretaker Period commencing, the CEO will ensure that all staff are advised of the application of this Policy and safeguard that:

- Council staff will not undertake any activity that may affect voting in the election;
- Council staff will not authorise, use, or allocate a Council resource for any purpose which may influence voting in the election;
- Council staff will not assist Councillors or a candidate in a way that is or could create a perception that they are being used for electoral purposes;

- Should any member of staff wish to provide support or assistance to a Councillor or a candidate in their own time as private citizens, including on the day of the election, they must in no way be seen to be acting as a representative of Council.

## PROCEDURE

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Procedures as approved and issued by the Chief Executive Officer, and subject to further revision, amendment and issue under the authority of the Chief Executive Officer.

## CERTIFICATION

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**ACTING CHIEF EXECUTIVE OFFICER**  
**BANANA SHIRE COUNCIL**

30 September 2026

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**DATE**