

Document Control	
Policy Title	Caretaker Period Policy
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Responsible Position	Chief Executive Officer
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1. Purpose

The purpose of this policy is to provide guidance to Councillors and employees for appropriate standards and their responsibilities during the **caretaker period** prior to each quadrennial Local Government election.

2. Scope

This policy applies to all Councillors and **employees of Council** preparing for and during the caretaker period. Caretaker periods only apply to quadrennial elections and do not apply to by-elections and fresh elections.

3. Statement

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

The local government must ensure it does not publish election material. Candidates should take particular care in any campaign activity to ensure there can be no possible perception of the use of Council provided resources and / or facilities for any activity that could be perceived as having electoral benefit.

This policy will assist Council to fulfil its statutory obligations and provide guidance to Councillors and Council staff to ensure that the ordinary business of Council continues in a responsible and transparent manner during the **Caretaker Period**.

The **Caretaker Period** is determined by the Queensland Electoral Commission and will extend:

- On and from the date the Returning Officer for the Council Elections publishes the Notice of election, calling for nominations, as defined by s25 of the *Local Government Electoral Act 2011*; to

- To and including the date of the conclusion of the election as defined by s7 of the *Local Government Electoral Act 2011*. In practice, this means the day upon which the Returning Officer issues the last declaration of the poll result.

Council reaffirms its commitment during the lead-up to the election and particularly during the **Caretaker Period** to:

- The effective and efficient continuation of all Council's activities, functions and services to the community;
- Transparent actions and decision-making in the normal course of business;
- Adherence to all legislative requirements during the Caretaker Period;
- The neutrality of Council staff; and
- The acknowledgement of the principle that the use of public funds for electoral purposes is unacceptable.

Councillors should take particular care in any campaign activity to ensure that use of Council provided resources and / or facilities, including seeking advice or information from staff, cannot be perceived, real or otherwise, as giving them an electoral advantage.

Councillors should also note that the *Code of Conduct for Councillors in Queensland* continues to apply to them until the poll is declared.

Legislative Restrictions During the Caretaker Period

Chapter 3, Part 5 of the *Local Government Act 2009* defines the restrictions placed on Council whilst in the **Caretaker Period**.

Major Policy Decisions

During this period, Council is prohibited from making a **major policy decision** (s90B of the Act); and includes: -

- Appointment, remuneration or dismissal of the chief executive officer of the local government;
- Entering into a contract the total value of which is the greater of \$200,000 or 1% of the local government's net rate and utility charges;
- Making or preparing an arrangement list, plan or register that can be used to establish an exception to obtaining quotes or tenders when entering into contracts;
- Make, amend or repeal local laws;
- Make, amend or repeal a local planning instrument.

Should Council consider that, because exceptional circumstances exist, it is necessary in the public interest, to make a **major policy decision** during the **Caretaker Period**, then the Council may apply to the Minister for approval to make the **major policy decision** during the **Caretaker Period**.

Major Policy Decisions related to disaster recovery funding arrangements (DRFA)

If during a **Caretaker Period** the council's local government area is eligible for assistance under DRFA and the Minister considers it is necessary for the council to make a **major policy decision** during the **Caretaker Period** to achieve DRFA objectives, then the Minister may give approval to the council to make the **major policy decision** (s90BB90(2) of the Act). The approval may specify the types of **major policy decisions** that may be made by the council and may limit decisions to those stated matters (s90BB(3) of the Act).

Note: Disaster recovery funding means arrangements jointly funded by the State and Commonwealth that are known as 'Disaster Recovery Funding Arrangements'.

Invalidity of decisions

A major policy decision made by council during a **Caretaker Period** is invalid to the extent that the council does not have the Minister's approval under s90BA or s90BB of the Act to make the decision or does not comply with any condition of the approval under s90BA(4) or s90BB(4) of the Act.

A contract is void if it is subject to an invalid **major policy decision**. Any person who suffers a loss due to the invalidity of the decision has the right to be compensated and may commence legal proceedings for damages (s90C(4) of the Act).

Council Meetings

Under the *Local Government Regulation 2012*, a local government is required to hold a meeting at least once in each month, and such meetings must be held at one of the local government's public offices, or at another location fixed by council resolution for that meeting. Council Meetings will continue during the **Caretaker Period** subject to any restrictions on **major policy decisions** for which Ministerial approval has not been granted, and any other limitations provided within this policy.

However, under s257(2) of the *Local Government Regulation 2012*, a council is not required to meet in a particular month if it considers that the meeting would be impracticable or unnecessary. Circumstances where this may apply include, for example, severe weather events or a declared public health emergency. A formal resolution of Council is not required in these circumstances.

If the councillors decide to cancel the meeting a public notice of this fact must be published on Council's website.

Election Material

During the **Caretaker Period** Council must not publish or distribute any **election material**. **Election material** is defined as anything that is able to or intended to: -

- Influence an elector about voting at an election; or
- Affect the result of an election.

Other Conditions

Candidates must ensure they abide by all legislative requirements and directions from the state government and Electoral Commission of Queensland (ECQ). This includes, but not limited to, complying with all mandatory training requirements, disclosures and electoral signage protocols in the lead up to an election.

Election signs must meet the requirements of the ECQ and the *Electoral Act 1992*, Regulations apply to the display of election signage next to local and state-controlled roads. Candidates should check these requirements prior to displaying signage near roads. Information on election signage and state-controlled roads can be obtained from the Department of Transport and Main Roads:

<https://www.qld.gov.au/transport/safety/signs/election-signs>.

Other Requirements During the **Caretaker Period**

Care must be taken to ensure that there can be no perception that Council resources have been utilised to assist Councillors or employees standing as candidates in the election campaign. Although there are statutory restrictions placed on Council during the **Caretaker Period**, it is imperative that the ordinary business of Council is also maintained during this period.

It is important that Councillors and employees standing as candidates differentiate their roles as Councillor or Candidate during this period to ensure that their actions cannot be perceived, either real or otherwise, as obtaining an unfair electoral advantage due to their role as Councillor or employee.

Use of Council Resources

Councillors and employees have access to and can continue to use Council facilities and resources to undertake their duties as an incumbent Councillor (as outlined in the Councillor Expense Reimbursement and Provision of Facilities Policy). For Councillors, Council's administration team will continue to provide support to enable Councillors undertake routine activities to fulfil their roles until their term of office ends.

Council equipment and resources are forbidden to be used for election purposes, including vehicles. At no time should election material be displayed or affixed to Council property.

Councillors and employees are to ensure that there is a clear separation between Council business and electioneering when seeking help, advice or support from Council staff. This includes requests for information that are received through Council's Acceptable Request Guidelines.

However, any requests received that are or could be perceived for electioneering purposes and that will provide Councillors or employees with an unfair election advantage, will not be supported. Council staff are encouraged to escalate any concerns for support to their Director or Chief Executive Officer.

Council Activities

Community engagement may continue if it is part of an ongoing project that requires the engagement as part of approved programs. In order to ensure results cannot be used in conjunction with any election activity, in instances where community engagement has occurred but the associated report has not been provided to Council prior to the commencement of the **Caretaker Period**, consideration for the appropriate timing of presenting the report will be undertaken by the Chief Executive Officer.

Civic and Community Events

Any civic and community events that are traditionally held during the months the **Caretaker Period** falls will continue to be held during this period.

Any requests for new civic or community events during a **Caretaker Period** should seek approval via the normal approval processes, but in doing so recognise the particular political circumstances that prevail during this period. For any new events, the following criteria must be met: -

- It is a planned event endorsed by Council's current Operational Plan;
- It is, or plans to be, routinely held at the same time of the year;
- It is a commemorative or anniversary event held on or near the anniversary date;
- It demonstrates a clear community benefit, or serves an educational or welfare purpose;
- It contributes to cultural development, social awareness or sense of community identity.

Councillor attendance will be as per their role as an elected member and / or portfolio and is not to be used as a platform for their electoral campaign. When participating in these events, Councillors should refrain from any actions and / or comments that could be perceived to be electioneering.

Community Grants

Activities approved under community grants prior to the commencement of the **Caretaker Period** may continue during a **Caretaker Period** in accordance with the approvals granted.

However, any funding round for community grants that is open during the **Caretaker Period** may remain open but applications received during this time will not be determined until after the election.

Council shall only consider community grants during the **Caretaker Period** that are aligned with the scheduled (annual) program.

Sponsorship

No new sponsorship will be approved or entered into during the **Caretaker Period** unless they are aligned with the scheduled (annual) program. This includes providing sponsorship, in-kind sponsorship, or seeking sponsorship from external entities. Any sponsorship approved prior to the commencement of the **Caretaker Period** may continue in accordance with the approvals granted.

Sponsorship applications may continue to be received during the **Caretaker Period**, however no decisions on sponsorships will be made until after the election.

Media Releases

Media releases or advertisements prepared by Council during the **Caretaker Period** will be restricted to those required to maintain the necessary routine operations of Council and must not be reasonably interpreted as being for political purposes.

During the **Caretaker Period**, Council will respond to media enquiries that relate to operational matters only. Councillors and employees may respond to media questions in their individual capacity as a candidate and should distinguish their individual opinion from that of the elected Council.

Media events may continue to be held during a **Caretaker Period** provided the media event relates to core Council business or an ongoing project and is not used for political campaigning purposes.

If the Mayor and / or a Councillor are at a media event and are asked an election related question, the Mayor and / or Councillor if seeking re-election shall respond in their capacity as a candidate or if not seeking re-election shall respond as an individual. Under no circumstances, should a response be attributed to Council.

Council's Website and Social Media

Council's website will continue to be maintained and updated during the **Caretaker Period** to ensure the community is fully informed of Council's normal operational activities and functions.

Any new material published during the **Caretaker Period** will need to be scrutinised to ensure it does not inadvertently promote an individual or group of Councillors.

No responses will be made to any political or electoral comments posted to any of Council's social media sites and any such comments may be removed at the discretion of the CEO.

Council's Employees

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.

Employees shall not fulfil any request that is, or could be perceived to be, an electioneering activity.

Any Council employee proposing to stand as a candidate for the election must complete an Election Management Plan. A Council officer nominating as a candidate is entitled to a leave of absence from their appointment during the election period in accordance with s203 of the *Local Government Electoral Act 2011*.

Council recognises that employees are individuals in the community and entitled to their personal opinions and private lives. Employees are reminded of the staff Code of Conduct and other relevant policies, and the need to maintain impartiality due to public perceptions.

Responsibilities

The Chief Executive Officer shall inform the Mayor, Councillors and all employees of an impending election period and the restrictions that apply, by no later than two (2) months before the commencement of an election period.

Human Rights

Council is committed to upholding the obligations within the *Human Rights Act 2019* by giving proper consideration to the provisions of the Act when making decisions relevant to this Policy.

Non-compliance

Failure to comply with this Policy, and any associated policies, guidelines and procedures, may constitute inappropriate conduct, misconduct or corrupt conduct and shall be dealt with in accordance with legislative protocols, or for staff, may result in disciplinary action being taken in accordance with Council's policies and procedures.

4. Definitions

The Act	<i>Local Government Act 2009</i>
Advertising	The promotion of an idea, goods or services to the public for which a fee is paid, refer s197 <i>Local Government Regulation 2012</i> .
Caretaker Period	As per s90A of the <i>Local Government Act 2009</i> The caretaker period for a local government is the period between the day public notice of the holding of the election is given under the Local Government Electoral Act and the conclusion of the election, that is, the date the declaration of the poll is published on the electoral commission's website (refer to s7 of the <i>Local Government Electoral Act 2023</i>). Note: there is no Caretaker Period for by-elections per s90A(2).
Civic Events	Are public events that are initiated, funded and managed by Council.
Council	Maranoa Regional Council
Councillors	All elected representatives who hold current office with Council, including the Mayor.
Council Staff / Employees of Council	Refers to all full-time, part-time, casual, permanent or temporary employees including those under a contract or labour hire company, volunteers and work experience

	students that carry out work for Council or controlled entities.
Election Material	Is prescribed in s90D of the <i>Local Government Act 2009</i> and anything able to or intended to influence and elector about voting at an election or affect the result of the election.
Major Policy Decision	Is defined in Schedule 4 of the <i>Local Government Act 2009</i> .

5. Related Policies and Legislation

This policy refers to: -

- Acceptable Request Guidelines
- Community Grants and Events Assistance Policy
- Code of Conduct for Councillors in Queensland
- Employee Code of Conduct
- Expenses Reimbursement and Provision of Facilities Policy (Councillors)
- Media Policy
- Social Media Policy