

Adoption of Caretaker Policy

Strategic Alignment - Our Corporation

Public

Tuesday, 19 May 2026

City Finance and Governance
Committee

Program Contact:

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Approving Officer:

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EXECUTIVE SUMMARY

Local Government Elections in South Australia are conducted every four years in accordance with the legislative framework provided by the *Local Government (Elections) Act 1999 (SA)* (the Elections Act), the *Local Government (Elections) Regulations 2025 (Regulations)*, and the *Local Government Act 1999 (SA)*. The City of Adelaide has some unique requirements as the capital city council in South Australia. These requirements are prescribed in the *City of Adelaide Act 1998 (SA)*.

Section 91A of the Elections Act, requires that each Council adopt a Caretaker Policy (the Policy), which governs the conduct of the Council through the declared election period. The Elections Act requires that the Policy prohibits the making of designated decisions as defined by the Elections Act and Regulations, prohibits the making of major policy decisions and outlines the conduct expected of both Council Members and the Administration throughout the election period.

As a result of the *Statutes Amendment (Local Government Elections Review) Act 2025 (SA)*, section 91B of the Elections Act now requires Council to determine whether a public meeting of candidates be held. Should Council determine not to hold a public meeting of candidates, a statement to that effect must be included within the Policy, detailing the reasoning for the decision and certification by the presiding member. Reasons to not hold a session may include cost implications, that external bodies hold similar meetings, and that informing the public of election related issues should be left to individual candidates, not Council.

Freedom of Entry during election period

The Lord Mayor and Chief Executive Officer have received a request from the No. 24 (City of Adelaide) (Auxiliary) Squadron of the Royal Australian Air Force to exercise their right to Freedom of Entry to the City of Adelaide to commemorate their 75th Anniversary proposed to be held on 24 October 2026.

This event is likely to be held during the election period when the Policy would apply, preventing the Lord Mayor from discharging civic and ceremonial functions and duties in the usual manner for such an occasion. This report seeks Council approval to allow the Lord Mayor to discharge all functions and duties expected in accordance with civic protocol for this occasion.

RECOMMENDATION

The following recommendation will be presented to Council on 28 April 2026 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL
THAT COUNCIL

1. Adopts the Caretaker Policy as contained in Attachment A to the Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 19 May 2026.
2. Authorises the Chief Executive Officer to make any minor editorial and formatting changes as required to finalise the Caretaker Policy as contained in Attachment A to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 18 May 2026.

3. Notes that the Lord Mayor and Chief Executive Officer have received a request from the No. 24 (City of Adelaide) (Auxiliary) Squadron of the Royal Australian Air Force to exercise their right to Freedom of Entry to the City of Adelaide to commemorate their 75th Anniversary on 24 October 2026.
 4. Approves the Lord Mayor to exercise all civic and ceremonial functions and duties required to facilitate the Freedom of Entry to the City of Adelaide to the No. 24 (City of Adelaide) (Auxiliary) Squadron of the Royal Australian Air Force.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Corporation
Policy	Significant policy decisions are prohibited during the election period. The 2022 Caretaker Policy can be found at Link 1 .
Consultation	Community consultation during the election period will be limited.
Resource	Internal resources will be utilised to communicate and implement the Caretaker Policy, however legal providers will be utilised for advice in some instances.
Risk / Legal / Legislative	The Caretaker Policy is a legislative requirement under Section 91A of the <i>Local Government (Elections) Act 1999 (SA)</i> and must, at a minimum, prohibit the making of a designated decision. If a designated decision is made by Council during the election period, it will be an invalid decision. Any person who suffers any loss or damage as a result of acting in good faith on a designated decision made in contravention of the Act or the Policy is entitled to compensation from the Council for that loss or damage.
Opportunities	To promote fair and equitable elections for all candidates and not make decisions which will inappropriately bind the incoming Council.
25/26 Budget Allocation	\$752,000 has been allocated.
Proposed 26/27 Budget Allocation	\$995,000 has been included in the draft 2026/27 Business Plan and Budget for a strategic project covering expected additional activity arising from the 2026 election, including ECSA's estimated costs.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
25/26 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Election overview

1. Local Government elections in South Australia are conducted every four years in accordance with the legislative framework provided in the *Local Government (Elections) Act 1999 (SA)* (Elections Act).
2. The City of Adelaide has some unique requirements as the Capital City Council of South Australia. These requirements are included within the *City of Adelaide Act 1998* and its regulations.
3. The two Acts and their associated regulations together provide the foundation for the management and conduct of the City of Adelaide Elections. They provide details regarding the roles and responsibilities of the Council and the Electoral Commission of South Australia (ECSA) and qualifications regarding voting, voting entitlements, voting systems, candidates and caretaker provisions.
4. At the CEO Briefing held on 3 March 2026, Council Members were provided with an overview of updated legislative requirements in relation to voting entitlements.
5. The 'Election 2026' project working group has been established to effectively manage and implement the significant changes arising from the *Statutes Amendment (Local Government Elections Review) Act 2025 (SA)*.
6. A further CEO Briefing is scheduled to be held on 19 May 2026 to provide Council Members with further information with respect to the progress of the Election 2026 Project.
7. An election timetable has been provided by ECSA with the close of the voters roll at 5:00pm Friday 31 July 2026.
8. The nomination period will commence on Tuesday, 25 August 2026 and conclude at 12 noon on Tuesday, 8 September 2026. The close of nominations is the latest time by which the 'election period' can commence for the purposes of the Caretaker Policy, as required under Section 91A of the Elections Act.
9. Voting packs will be posted out by ECSA to eligible voters between Thursday 15 October 2026 and Wednesday 21 October 2026, and voting will close at 5:00pm on Wednesday, 11 November 2026.
10. The scrutiny and count process will begin on Saturday, 14 November 2026 at 9:00am and is expected to last several days before the conclusion of the election.

Caretaker Policy

11. Since the 2010 Local Government Elections, Section 91A of the Elections Act requires that a Council adopt a Caretaker Policy to govern its conduct during an election period.
12. As a minimum, the Caretaker Policy must prohibit the making of a designated decision and the use of council resources for the advantage of a particular candidate or a group of candidates during the election period.
13. As a result of the *Statutes Amendment (Local Government Elections Review) Act 2025 (SA)*, section 91B of the Elections Act now requires Council to determine whether a public meeting of candidates will be held.
 - 13.1. Should Council choose to hold a public meeting of candidates, it must be held after the close of nominations and before polling day for the election and is to be facilitated by the Chief Executive Officer (CEO) or person appointed by the CEO.
 - 13.2. Should Council determine not to hold a public meeting of candidates, a statement to that effect must be included within the Policy, detailing the reasoning for the decision and be certified by the presiding member.
 - 13.3. Reasoning to not hold a public meeting of candidates may include considerations such as cost implications, that external bodies hold similar public candidate meetings and that the task of informing members of the public of election related issues should be left to individual candidates as opposed to Council.
14. It is not recommended that the City of Adelaide hold a public meeting of candidates, due to the reasoning proposed in Attachment A, including that:
 - 14.1. A meeting equivalent to a meeting of candidates is to be arranged by another person, body or group within the City of Adelaide;
 - 14.2. That the costs of arranging and holding a meeting of candidates outweighs the benefits of such a meeting:

- 14.3. That the other statutory mechanisms provided for in the *Elections Act* for informing members of the public of the issues in the community relevant to the election and of the policies and views of candidates are sufficient to allow electors to make informed decisions at the election;
- 14.4. That the task of informing members of the public of the issues in the community relevant to the election and of the policies and views of candidates is best left to individual candidates rather than the Council as a body corporate.
15. Should the Policy be silent regarding the provisions of section 91B of the Elections Act, then Council will be taken to have agreed to hold a public meeting of candidates.
16. The election period, as prescribed by the Elections Act, must begin no later than the day of the close of nominations for the election. The election period concludes at the conclusion of the election, as defined by the *Local Government Act 1999* (SA).
17. The 2026 caretaker period will begin on Tuesday 8 September 2026.
18. On 14 May 2026, Council Members received a training session to support their understanding of the caretaker provisions and Policy in advance of its adoption.
19. The Policy has been prepared based on the mandatory requirements under section 91A of the Elections Act, utilising the format provided within the Local Government Association (LGA) Model Policy.
20. The Policy includes discretionary provisions which have historically been considered as best practice, to assist Council in its decision making in the lead up to the elections and ensure that the current Council does not inappropriately make decisions that will bind an incoming Council.
21. Both an internal and legal review of the Policy has been undertaken and several changes to the discretionary provisions are recommended to ensure legislative consistency and compliance.
22. Recommended key changes to the Policy include:

Section	Changes	Rationale
Prohibition on the use of council resources	Updated to reflect the change from 'Standing Orders' to the 'Council Member Allowances and Benefits Policy and the 'Council Member Training and Development Policy'.	The former Standing Orders are now obsolete.
Council Publications	Inclusion of a provision that the restrictions in this section do 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.	Inclusion for clarity of Councils responsibilities within the scope of its functions under section 13A of the Act.
Handling of Complaints during the Election Period	Updated to reflect the change from 'Code of Conduct' to 'Behavioural Standards' and the relevant Council Member Behavioural Management Policy.	The former Code of Conduct was replaced by the Behavioural Standards.
New section – Public meeting of candidates statement (pending council decision)	Inclusion of statement with respect to the 'public meeting of candidates' required by section 91B of the <i>Local Government (Elections) Act 1999</i> (SA).	Mandatory consideration in accordance with legislative amendment. If Council do not include a statement to the contrary, Council must hold a candidate briefing session in accordance with section 91B of the <i>Local Government (Elections) Act 1999</i> (SA).

Attendance at Events and Functions during an Election Period	Removal of clause that states 'Where there is a meeting of the Council of Capital City Councils Lord Mayors or the Capital City Committee during the election period, the CEO will attend.'	Inconsistency with the statutory role of the Lord Mayor under the <i>City of Adelaide Act 1998</i> (SA) and the statutory appointment of the Lord Mayor to the Capital City Committee under the same.
Attendance at Events and Functions during an Election Period	Inclusion of 'Declared Events or Functions'.	Provides the CEO with the delegation to determine which Council organised events and functions are suitable for Council Member involvement.
Attendance at Events and Functions during an Election Period	Removal of provision that prohibits Council Members from attending functions and events when invited in the capacity as a Council Member. Inclusion of provision that Council Members may attend events invited in this capacity but must not undertake any campaign-related activities at such events and where possible, should refrain from undertaking formalities in relation to the events.	Inconsistency with the statutory role of Council Members under the <i>City of Adelaide Act 1998</i> (SA).
City of Adelaide Employees' Responsibilities during an Election Period	Removal of provision that 'all correspondence addressed to Council Members will be answered by the Chief Executive Officer or delegate'.	This provision is not sufficiently specific, is unreasonably restrictive and likely beyond the power of Council to implement. It would further create an unreasonable administrative burden.
Public Consultation During an Election Period	Removal of provisions regarding discretionary Public Consultation.	Removal as the provisions both overlap and conflict with the provisions relating to 'Significant Decisions' as defined by the Policy.
Whole document	Minor edits, including typographical and grammatical edits.	To reflect current election dates, document names, position titles and to provide clarity to existing provisions.

23. A 'tracked changes' version of the Policy is available as [Link 2](#).
24. In the leadup to the election period, Council Members will be reminded of their responsibilities within the Policy through E-News communications. Governance staff are also available to assist with any questions as they arise.
25. Should Council adopt the Policy, it will be in effect from Tuesday 8 September 2026 until the declaration of election results.

Freedom of Entry

26. The Lord Mayor and CEO have received a request from the No. 24 (City of Adelaide) (Auxiliary) Squadron of the Royal Australian Air Force to exercise their right to Freedom of Entry to the City of Adelaide to commemorate their 75th Anniversary on 24 October 2026.

27. On 28 April 1978, the City of Adelaide Council granted Freedom of Entry to the City of Adelaide under Common Seal to the No. 24 (City of Adelaide) (Auxiliary) Squadron of the Royal Australian Air Force ([Link 3](#)).
28. Freedom of Entry is a civic honour bestowed upon a military unit dating back to medieval times, allowing a military unit to march through a city *'in full panoply, with swords drawn, bayonets fixed, drums beating, bands playing and colours flying'*.
29. The exercise of the right of Freedom of Entry typically involves a march from the Torrens Parade Ground and a challenge issued by a senior SAPOL officer, before the procession passes the Adelaide Town Hall where the Lord Mayor takes the salute and a civic reception follows.
30. The event is proposed to be held during the election period when the Policy would apply, preventing the Lord Mayor from discharging full civic and ceremonial functions and duties in the usual manner for such an occasion, including:
 - 30.1. Formal receipt of the Squadron by taking the salute
 - 30.2. Holding a civic event to follow the Freedom of Entry.
31. This report seeks Council approval to allow the Lord Mayor to discharge all functions and duties expected in accordance with civic protocol for Freedom of Entry to the City of Adelaide exercised by the No. 24 (City of Adelaide) (Auxiliary) Squadron of the Royal Australian Air Force.
32. In accordance with the proposed Policy, all Council Members and Candidates will be invited to attend the event.

DATA AND SUPPORTING INFORMATION

Link 1 – 2022 Caretaker Policy

Link 2 – Track changes – 2026 Caretaker Policy

Link 3 – Freedom of Entry granted under Common Seal

ATTACHMENTS

Attachment A – 2026 Caretaker Policy

- END OF REPORT -