

Adoption of Caretaker Policy

Tuesday 11 August 2026
Council

Strategic Alignment - Our Corporation

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Public

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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.

On 2 July 2026, the *Local Government (Elections) (Periodic Elections) Amendment Act 2026* commenced, changing the polling day for the next periodic local government elections to Wednesday, 7 April 2027. Following commencement of the amending legislation, the Electoral Commissioner has released the revised election timetable, including confirmation that the close of nominations will occur at 12.00 pm on 9 February 2027. All other key election dates have likewise been amended to align with the new legislative polling date.

The change to the election timetable also necessitates an amendment to Council's Caretaker Policy. Under the Elections Act, the caretaker period ordinarily commences on the day nominations close unless otherwise specified in a council's caretaker policy. Consistent with this approach, Council's current Policy, adopted on 26 May 2026, provided for caretaker arrangements to commence on 8 September 2026, which reflected the election timetable that applied before the postponement of the periodic election to 7 April 2027.

To ensure the Policy remains consistent with the revised election timetable, the commencement date for the caretaker period has been updated to 9 February 2027, being the date nominations close. Adoption of the amended Policy is recommended. Leaving the Policy unchanged would result in Council entering caretaker arrangements on 8 September 2026, approximately seven months before polling day, which would impose unnecessary restrictions on Council's operations and decision-making processes for an extended period.

RECOMMENDATION

THAT COUNCIL

1. Adopts the Caretaker Policy as contained in Attachment A to Item 14.2 on the Agenda for the meeting of the Council held on 11 August 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 14.2 on the Agenda for the meeting of the Council held on 11 August 2026.
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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 2026 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</i> (SA) 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.
26/27 Budget Allocation	\$995,000 has been allocated.
Proposed 27/28 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
26/27 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

Background

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. 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.
5. 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.
6. In readiness for the 2026 periodic election, Council considered amendments to the Caretaker Policy at the City Finance and Governance Committee on 19 May 2026 ([Link 2](#)), adopting the 2026 Caretaker Policy at Council on 26 May 2026.
7. On 2 July 2026, the *Local Government (Elections) (Periodic Elections) Amendment Act 2026* commenced, changing the polling day for the next periodic local government elections to Wednesday, 7 April 2027.
8. Following commencement of the amending legislation, the Electoral Commissioner released the revised election timetable ([Link 3](#)), including confirmation that the close of nominations will occur at 12.00 pm on Tuesday 9 February 2027. All other key election dates have likewise been amended to align with the new legislative polling date.
9. The change to the election timetable also necessitates an amendment to Council's Caretaker Policy. Under the Elections Act, the caretaker period ordinarily commences on the day nominations close unless otherwise specified in a council's caretaker policy.
10. Consistent with this approach, Council's 2026 Caretaker Policy, adopted on 26 May 2026, provided for caretaker arrangements to commence on 8 September 2026, which reflected the election timetable that applied before the postponement of the periodic election to 7 April 2027.
11. To ensure the Policy remains consistent with the revised election timetable, the commencement date for the caretaker period has been updated to Tuesday 9 February 2027, being the date nominations close. No further amendments have been made to the Policy adopted by Council on 26 May 2026.
12. A 'tracked changes' version of the Caretaker Policy is available as [Link 4](#).
13. Adoption of the amended Caretaker Policy is recommended. Leaving the Caretaker Policy unchanged would result in Council entering caretaker arrangements on 8 September 2026, approximately seven months before polling day, which would impose unnecessary restrictions on Council's operations and decision-making processes for an extended period.

Election Timetable

14. As a result of the delay in the election, the nomination period will commence on Tuesday, 26 January 2027 and conclude at 12 noon on Tuesday, 9 February. 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.
15. Voting packs will be posted out by ECSA to eligible voters between Thursday, 11 March 2027 and Wednesday, 17 March 2027, and voting will close at 5:00pm on Wednesday, 7 April 2027.
16. The scrutiny and count process will begin on Saturday, 10 April 2027 at 9:00am and is expected to last several days before the conclusion of the election.
17. The scrutiny and count process will be conducted by the ECSA on Level 6 of the Colonel Light Centre. Security and access arrangements will be in place to enable ECSA staff, candidates, scrutineers and other interested parties access to Level 6 during this period.
18. 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.

19. Should Council adopt the Policy, it will be in effect from Tuesday 9 February 2027 until the declaration of election results.

DATA AND SUPPORTING INFORMATION

Link 1 – 2026 Caretaker Policy

Link 2 – Agenda Item 7.2 - Adoption of Caretaker Policy, City Finance and Governance Committee, 19 May 2026

Link 3 – Revised Election Timetable

Link 4 – Track changes – 2027 Caretaker Policy

ATTACHMENTS

Attachment A – 2027 Caretaker Policy

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