**Council Policy**

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<th>Policy Name</th>
<th>Caretaker Period</th>
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<td>Policy Number</td>
<td>CL07</td>
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<td>Responsible Section</td>
<td>Governance</td>
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<tr>
<td>Responsible Department</td>
<td>Corporate Services</td>
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<tr>
<td>Date Last Adopted</td>
<td>12 December 2017</td>
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<tr>
<td>Date of Next Review</td>
<td>December 2021</td>
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<tr>
<td>Applicable Legislation</td>
<td>• Local Government Act 1999</td>
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<td></td>
<td>• Local Government (Elections) Act 1999</td>
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<td>• Local Government (Elections) Regulations 2010</td>
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<tr>
<td>Related Governance Documents</td>
<td>• Code of Conduct for Elected Members</td>
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<td>• Elected Members Allowances &amp; Support Policy</td>
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<td>City Plan Theme</td>
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**Purpose/Objective**

The purpose of this Policy is to clearly set the parameters that Council will operate within during a Caretaker period. A caretaker period and hence consequent provisions are required pursuant to section 91A of the Local Government (Elections) Act 1999 and are generally regarded as necessary for the promotion of transparent and accountable government during an election period.

During a Local Government election period, Council will assume a caretaker mode, and will avoid actions and decisions which could be, or could be perceived to be, as intended to influence voters or otherwise to have a significant impact on or unnecessarily bind the incoming Council.

**Principles**

It is a long established democratic principle that outgoing elected bodies should not use public resources for election campaigning, nor make decisions which may unreasonably, inappropriately, or unnecessarily bind an incoming Council.

This Policy affirms Council's commitment to fair and democratic elections, and adherence to this principle. This Policy includes a commitment to comply with the requirements of Section 91A of the *Local Government (Elections) Act 1999* and also includes recognised best-practice standards for councils during an election period.
Application

This Policy applies to:

- each periodic election of members of the Council under the Local Government (Elections) Act 1999; and
- each general election of members of the Council held pursuant to a proclamation or notice under the Local Government Act 1999; and
- so far as can be made applicable and subject to consistency with the Local Government Act 1999, any general election of members of the Council under Section 56 of the Local Government Act 1999; and
- to both the elected Council (Council Members) and to staff and captures all 'designated decisions' of Council, a committee of Council, or a delegate of the Council.

The Policy does not apply to supplementary elections.

Definitions

caretaker mode means the conduct of the Council and its staff during the election period for a general or periodic election (as defined below).

designated decisions means decisions expressly prohibited from being made by section 91A of the Local Government (Elections) Act 1999. (See clause 4.3 below)

election period means the period commencing on -

(a) the day of the close of nominations for the election; (18 September 2018) or
(b) if a Council has specified a day (being a day that falls earlier than the day of the close of nominations) in its caretaker policy—ie; the day of the opening of nominations, 4 September 2018;
and expiring at the conclusion of the election.

general election means a periodic election held under Section 5 of the Local Government (Elections) Act 1999, or an election pursuant to a proclamation or notice under the Local Government Act 1999

prescribed contract means a contract entered into by the Council for the purpose of undertaking—

road construction or maintenance; or drainage works.

All references to Council Members should be read as including the Mayor and the Deputy Mayor.

All references to the Chief Executive Officer should be read as including an Acting Chief Executive Officer and his/her nominee.
Policy

1. BACKGROUND

The Local Government (Elections) Act 1999 came into operation on 21 December 2009. These provisions require the adoption of a caretaker policy to govern the conduct of the Council (Council Members) and its staff during the election period for a general election.

This Policy applies during an election period of Council to cover:
- designated decisions as defined in the Local Government (Elections) Act 1999 that are made by Council;
- other significant decisions that are made by Council;
- responsibilities of Council staff;
- materials published by Council;
- attendance at and participation in functions and events;
- use of Council resources;
- access to Council information; and
- Council media services.

This Policy applies to both the elected Council (Council Members) and to staff and captures all designated decisions of Council, a committee of Council, or a delegate of the Council.

This Policy forms part of (and is to be read in conjunction with) the Council's Elected Member Code of Conduct and Staff Code of Conduct in accordance with Section 91A(7) of the Local Government (Elections) Act 1999.

2. ELECTION PERIOD

During an election period Council must assume a caretaker mode which means that it:

- must avoid decisions which are prohibited by Section 91A of the Local Government (Elections) Act 1999 (i.e. "designated decisions"); and
- will avoid making decisions which will unnecessarily or inappropriately bind the incoming Council; and
- will otherwise strive to avoid other actions and decisions which could or would be perceived as influencing or having the potential to influence voters or to have a significant impact on the incoming Council.

An election period:

- Council may specify a day whereby the election period is to commence, which must be a date prior to the close of nominations, and for the purposes of specifying a date for the operation of this policy declares the opening of nominations as the relevant day (which for the 2018 periodic elections is 4 September 2018); and

- terminates at the conclusion of the election (as defined at Section 4(2) of the Local Government Act 1999) for the relevant periodic or general election being the time at which the last result of the election is certified by the returning officer.
Hence the election period commences on the 6th Tuesday after the closing date for the voters roll, (approximately 7 weeks before polling day for a periodic election, and at least 21 days before polling day for a general election), and runs until the returning officer certifies the election results.

3. **CONDUCT AFFECTED BY THIS POLICY**

This Policy applies to the following types of conduct:

3.1 **Mandatory Policy Provisions**

   a) designated decisions which are prohibited under the *Local Government (Elections) Act 1999* — refer to Clause 4.3.

3.2 **Discretionary Policy Provisions**

   a) other significant decisions not within Clause 3.1(a) above but which are binding on the incoming Council and prohibited by this Policy — refer to Clause 4.4.

   b) responsibilities of Council staff in regard to upholding the objectives of this Policy, and reporting breaches of this Policy — refer to Clause 5.

   c) publication of Council material; in particular any material which has reference in it to a candidate (including current Council Members), the election, or an issue before the voters in connection with the election — refer to Clause 6.

   d) public consultation processes — refer to Clause 7.

   e) attendance at functions or events by Council Members — refer to Clause 8.

   f) the use of Council resources by Council members — refer to Clause 10.

   g) Council Member access to Council information — refer to Clause 11.

   h) Council Member requests for media advice or services — refer to Clause 12.

This Policy recognises that Council Members are required to perform their legislative and ceremonial duties and obligations during the "election period". Accordingly, this Policy is to be interpreted in such a way as to ensure that the actions and decisions of Council Staff and Council Members ensure that fairness and equity for the election campaigns of all candidates is achieved and that Council Members are not unnecessarily and/or unfairly disadvantaged as a consequence of their current tenure as an elected member of the Council.

4. **SIGNIFICANT DECISIONS**

4.1 **Application of clause**

This clause applies to decisions of Council, a committee of Council, or a delegate of Council.

4.2 **Scheduling consideration of designated decisions**

The Chief Executive Officer must ensure that designated decisions are not scheduled for consideration during the election period.

4.3 **Designated decisions prohibited by the Local Government (Elections) Act 1999**

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**ECONOMY • COMMUNITY • ENVIRONMENT • PLACEMAKING • LEADERSHIP**

Council Policy CL07 - Caretaker Period (ECM Common # 10083379)
Before using a printed copy, ensure you are using the current version from ECM.
The following table outlines those decisions which are expressly prohibited by Section 91A of the Local Government (Elections) Act 1999.

<table>
<thead>
<tr>
<th>Designated Decisions</th>
<th></th>
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<tbody>
<tr>
<td>a) A decision relating to the employment or remuneration of the Chief Executive Officer, (other than a decision to appoint an acting Chief Executive Officer) other than a decision of a kind excluded from the definition of designated decision by regulation.</td>
<td></td>
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<tr>
<td>b) A decision to terminate the appointment of the Chief Executive Officer</td>
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<tr>
<td>c) A decision to enter into a contract, arrangement or understanding (other than a prescribed contract) the total value of which exceeds whichever is the greater of $100 000 or 1% of the council's revenue from rates in the preceding financial year, other than a decision of a kind excluded from the definition of designated decision by regulation. A prescribed contract means a contract entered into by the Council for the purpose of undertaking road construction or road maintenance or drainage works.</td>
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<tr>
<td>d) A decision allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates for election), other than a decision of a kind excluded from the definition of designated decision by regulation.</td>
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If the Council considers that there are extraordinary circumstances which require the making of any of the above decisions, the Council may apply in writing to the Minister for an exemption, the effect of which would be to allow such a designated decision to be made during the election period.

The Local Government (Elections) Act 1999 stipulates that any designated decision made by the Council during the election period without an exemption from the Minister is invalid. Furthermore, it also stipulates that the Council is liable to pay compensation to any person who suffers loss or damage as a result of acting in good faith in reliance on such a designated decision.

4.4 Other significant decisions which are prohibited by operation of this Policy

<table>
<thead>
<tr>
<th>Prohibited Decision</th>
<th>Is it allowed?</th>
<th>Notes</th>
</tr>
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<tbody>
<tr>
<td>An irrevocable major policy or otherwise significant decision that significantly affects the Council area or community</td>
<td>No – unless approval is granted by the Chief Executive Officer – see Clause 4.5 below.</td>
<td>This is an internal requirement of Council</td>
</tr>
<tr>
<td>Any other major policy or other significant decision not specified above which will bind the incoming Council</td>
<td>No - unless approval is granted by the Chief Executive Officer – see Clause 4.5 below.</td>
<td>This is an internal requirement of Council</td>
</tr>
</tbody>
</table>
Alternatively and, so far as is reasonably practicable, the Chief Executive Officer should avoid scheduling other significant (including major policy) decisions for consideration during an election period and, instead, ensure that such decisions are either:

a) considered by Council prior to the election period; or
b) scheduled for determination by the incoming Council.

4.5 Role of the Chief Executive Officer

The determination as to whether any policy decision is major or any other decision is significant will be made by the Chief Executive Officer.

4.6 Considerations for the Chief Executive Officer in giving approval

In the case of a major policy or other significant decision referred to the Chief Executive Officer as otherwise being prohibited by Clause 4.4 above, in deciding whether to grant approval, the Chief Executive Officer must have regard to all of the circumstances, including but not limited to:

a) whether the decision is significant;
b) the urgency of the issue (i.e. can it wait until after the election?);
c) the possibility of financial repercussions if it is deferred;
d) whether the decision is likely to be controversial; and
e) the best interests of the Council;

and he/she may consult with the Audit Committee in this regard.

4.7 Decisions made prior to an “election period”

This Policy applies to actual decisions made during an election period, not the announcement of decisions made prior to the election period. Whilst announcements of earlier decisions may be made during an election period, as far as practicable any such announcements should be made before the election period begins.

5. COUNCIL STAFF RESPONSIBILITIES DURING AN ELECTION PERIOD

Prior to any election period, the Chief Executive Officer will ensure that all members of Council staff are advised of the provisions and application of this Caretaker Policy.

5.1 Council staff must not undertake an activity that may affect voting in the election, except where the activity relates to the election process and is authorised by the Chief Executive Officer; and

5.2 Council staff must not authorise, use or allocate a Council resource for any purpose which may influence voting in the election, except where it relates only to the election process and is authorised by the Chief Executive Officer; and
5.3 Council staff must not assist Council Members in ways that are or could create a perception that they are being used for election purposes. In any circumstances where the use of Council resources might be construed as being related to a candidate’s election campaign, the incident must be reported to and advice sought from the Chief Executive Officer.

6. COUNCIL PUBLICATIONS DURING AN 'ELECTION PERIOD'

6.1 Prohibition on publishing certain materials during an 'election period'

Subject to the operation of Section 12(b) of the Local Government (Elections) Act 1999 Council must not:

a) print, publish or distribute; or

b) cause, permit or authorise others to print, publish or distribute on behalf of Council,

any advertisement, handbill, pamphlet or notice that contains electoral material during an election period.

Council Members are, however, permitted to publish campaign material on their own behalf, but cannot assert for that material to be originating from, or authorised by, Council (e.g. by the use of Council logos).

This Policy does not prevent publications by Council which merely announce the holding of an election or relate only to the election process itself for the purposes of Section 12(b) of the Local Government (Elections) Act or otherwise.

Note: The term publication should be interpreted broadly and includes electronic and web based materials.

6.2 Electoral Material

For the purposes of this Policy "electoral material" means material which is calculated (i.e. intended or likely) to affect voting in an election. However, it does not include any materials produced by Council relating to the election process by way of information, education or publicity, or materials produced by or on behalf of the returning officer for the purposes of conducting an election.

Without limiting the generality of this definition, material will be considered to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:

a) the election; or

b) a candidate in the election; or

c) an issue submitted to, or otherwise before, the voters in connection with the election.
6.3 Council website

During an election period, new material which is precluded by this Policy will not be placed on the Council website. Any information which refers to the election will only relate to the election process by way of information, education or publicity. Information about Council Members will be restricted to names, contact details, titles, membership of committees and other bodies to which they have been appointed by the Council.

The Council's website will include an express link or reference to the Local Government Association publication of candidate profiles and electoral statements for the purposes of Section 19A of the Local Government (Elections) Act 1999.

6.4 Other Council publications

Insofar as any Council publications, such as the Annual Report, are required to be published during an election period, the content regarding Council Members will be restricted to that strictly required by the Local Government Act 1999 and Regulations.

Council publications produced before an election period containing material which might be construed as electoral material are not to be circulated or displayed during the election period. However, they will be made available to members of the public on request.

7. PUBLIC CONSULTATION DURING AN ELECTION PERIOD

7.1 Prohibition

It is prohibited under this Policy for discretionary public consultation to be undertaken during the election period (either new consultation or existing) on an issue which is contentious unless prior approval is given by the Council or the Chief Executive Officer.

For the purpose of this provision, discretionary public consultation means consultation which is not legislatively mandated and is a process which involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

For the avoidance of doubt, this Policy does not prevent any mandatory public consultation required by the Local Government Act or any other Act which is required to be undertaken to enable the Council to fulfil its functions in relation to any matter or decisions which are not prohibited by this Policy.

7.2 Approval for public consultation

Given the prohibition under Clause 7.1 of this Policy, Council should not commission or approve any public consultation where it is likely that such consultation will continue into an election period, unless Council or the Chief Executive Officer provide prior approval for such consultation to occur in the election period.
Where public consultation is approved to occur during an election period, the results of that consultation will not be reported to Council until after the election period, except where otherwise approved by the Chief Executive Officer or as necessary for the performance of functions as set out at Clause 7.1 above.

8. ATTENDANCE AT EVENTS AND FUNCTIONS DURING AN 'ELECTION PERIOD'

In this clause, reference to events and functions means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities, and social occasions such as dinners, receptions and balls.

8.1 Events staged by external bodies

Council Members may continue to attend events and functions staged by external bodies during an election period.

8.2 Council events and functions

Council organised events and functions held during the election period will be reduced to only those essential to the operation of the Council. This may be varied by a Council resolution or where prior approval has been given by the Chief Executive Officer.

8.3 Addresses by Council Members

Council Members may not give speeches or keynote addresses at Council organised or sponsored events and functions during an election period.

Council Members may, however, make short welcome speeches at Council organised or sponsored events and functions during an election period where prior approval is given by the Chief Executive Officer.

8.4 Recording of attendance at external meetings and functions

The noting of attendances of Council Members at external meetings and functions in attendance records may be undertaken unless in doing so the Council Member is connected with information or promotional text or images contained elsewhere in the material.

8.5 Publication of promotional material

In preparing any material concerning a Council organised or sponsored function or event which will be published or distributed during the election period, such preparation must be consistent with Clause 9 of this policy.
9. CONSIDERATION IN GIVING APPROVAL UNDER CLAUSES 7 (PUBLIC CONSULTATION) OR 8 (ATTENDING EVENTS)

In the case of matters referred to the Chief Executive Officer under Clauses 7 or 8 of this Policy (which are not expressly prohibited under Clause 6) of the Policy, the Chief Executive Officer when deciding whether to give approval should have regard to all of the circumstances, including but not limited to:

a) whether the decision is significant;
b) the urgency of the issue (i.e. can it wait until after the election?);
c) the possibility of financial repercussions if it is deferred;
d) whether the decision is likely to be controversial; and
e) the best interests of Council

and may, as he/she thinks fit, consult with the Council's Audit Committee.

10. COUNCIL RESOURCES
Council is to ensure that due propriety is observed in the use of Council resources and Council staff are required to exercise appropriate discretion in this regard.

10.1 Council resources

Council resources, including officers, support staff, hospitality services, equipment and stationery must be used exclusively for normal Council business during an election period and, must not be used in connection with an election other than uses strictly relating to the election process.

10.2 Correspondence

General correspondence addressed to Council Members will be answered as usual. However, Council Members will sign only the necessary minimum of correspondence during an election period.

Correspondence in relation to significant, sensitive or controversial matters should be signed by the Chief Executive Officer. Replies will be prepared in a manner to protect Council staff from any perceptions of political bias.

10.3 Expenses incurred by Council Members

Payment or reimbursement of costs relating to Council Members out-of-pocket expenses incurred during an election period must only apply to necessary costs that have been incurred in the performance of normal Council duties and not for campaigning, ie not for expenses that could be perceived as supporting or being connected with a candidate’s election campaign.

In the case of Council Member claims that cover a combination of Council and electoral business, the Chief Executive Officer may approve the partial reimbursement to cover Council activities.
10.4 Council branding and stationery

No Council logos, letterheads, or other Council branding or Council resources or facilities may be used for, or linked in any way with, a candidate’s election campaign.

10.5 Support staff to Council Members

Support Staff to Council Members must not be asked to undertake any tasks connected directly or indirectly with an election campaign.

10.6 Community meetings

Community meetings organised by the Council will not be held during an election period.

However, Council Members are at liberty to convene/hold their own community meetings provided that they do not use Council resources to do so (i.e. that room hire and other costs are paid for by the Council Member in the same manner as any other member of the public).

10.7 Equipment and facilities

Equipment and facilities provided to Council Members for the purpose of conducting normal council business must not be used for campaigning purposes.

Where Council Members have Council-funded facilities and/or services (such as mobile phones, computers, etc.) and it is impractical to discontinue their use during an election period, Council Members must not use those facilities/services for any purpose associated with an election campaign.

11. ACCESS TO COUNCIL INFORMATION

Council Members continue during an election period to have a statutory right to access Council information relevant to the performance of their functions as an elected member. This right should be exercised with caution and limited to matters that the Council is dealing with within the objectives and intent of this Policy. Any Council information so accessed must not be used for election purposes.

All candidates have equal rights of access to public information relevant to their election campaigns from Council administration. Neither Council Members nor candidates will be provided with information or advice from Council staff that might be perceived to support election campaigns, and there shall be transparency in the provision of all information and advice during an election period.

11.1 Information and briefing material

Information and briefing material prepared or secured by staff for a Council Member during an election period must be necessary to the carrying out of the Council Member’s role and must not be related to election issues or to issues that might be perceived to be of an electoral nature.
11.2 Information Request Register

An Information Request Register will be maintained by the Senior Governance Advisor during an election period. This Register will record all requests for information made by Council Members and candidates, and the response given to those requests, during the election period. Staff will be required to provide details of requests to the Senior Governance Advisor for inclusion in the Register. The Register may be viewed upon request at the Civic Centre.

12. MEDIA SERVICE

Council's media services are directly managed by or under the supervision of the Chief Executive Officer and are provided solely to promote Council activities or initiatives. They must not be used in any manner that might favour a candidate during an election period.

12.1 Media advice

Any request for media advice or assistance from Council Members during an election period will be referred to the Chief Executive Officer. No media advice will be provided in relation to election issues or in regard to publicity that involves specific Council Members.

If satisfied that advice sought by a Council Member during an election period does not relate to the election or publicity involving any specific Council Members, the Chief Executive Officer may authorise the provision of a response to such a request.

12.2 Media releases / spokespersons

Media releases will not refer to specific Council Members. Where it is necessary to identify a spokesperson in relation to an issue, the Chief Executive Officer will determine the appropriate person.

12.3 Publicity campaigns

During the election period publicity campaigns, other than for the purpose of conducting the election in accordance with the requirements of Section 12(b) of the Local Government (Elections) Act 1999, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council activity, it must be approved by the Chief Executive Officer.

In any event, Council publicity during an election period will be restricted to communicating normal Council activities and initiatives without any variation in form or size.
12.4 Council employees

During an 'election period', no Council employee may make any public statement that relates to an election issue unless such statements have been approved by the Chief Executive Officer beforehand.

12.5 Council’s Social Media

Social media will be used only for Council’s ordinary business and will not be used for electoral material except for information about the conduct and processes of the election.

Council’s Social Media platforms will be monitored during the Election Period and any candidate electoral material will be removed at the discretion of the Chief Executive Officer or authorised delegate.

13. EQUITY IN ASSISTANCE TO CANDIDATES

Council confirms that all candidates for the Council election will be treated equally.

13.1 Candidate assistance and advice

Any assistance and advice provided to candidates as part of the conduct of the Council Election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to candidates in advance.

13.2 Election process enquiries

All election process enquiries from candidates, whether current Council Members or not, will be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Chief Executive Officer.

14. HANDLING CODE OF CONDUCT COMPLAINTS AND COMPLAINTS UNDER THIS POLICY DURING AN ELECTION PERIOD

Any complaint against a Council Member who is also a candidate for re-election which alleges a breach of this Policy will be dealt with in accordance with this clause.

The Chief Executive Officer, upon receiving a complaint against a Council Member who is also a candidate for re-election about conduct specifically in relation to this Policy, will refer the complaint to an independent assessor for assessment and investigation.

If the complaint is, in the opinion of the independent assessor, not so serious as to warrant immediate determination, consideration of the complaint must be deferred until after the election period.

An example of a serious complaint which would warrant urgent determination is where a complaint of a deliberate and wilful breach of this Policy is made and is supported by
sufficient evidence for the independent assessor to be satisfied that the conduct of the Council Member was not an honest or innocent mistake.

If a Council Member against whom a complaint is made is not returned to office after the election, the complaint will lapse.

**Review & Evaluation**

The effectiveness of this Policy will be reviewed as determined by the Chief Executive Officer who will report to Council on the outcome of the review and make recommendations for amendment, alteration or a substitution of a new Policy.

**Availability Of Policy**

This Policy will be available for inspection at Council’s principal office during ordinary business hours and at Council’s website www.port enf.sa.gov.au. Copies will also be provided to interested members of the community upon request.

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**APPENDIX A**

Local Government (Elections) Act

91A—Conduct of council during election period

1. A council must, within 6 months of the commencement of this section, prepare and adopt a caretaker policy governing the conduct of the council and its staff during the election period for a general election.

2. Subject to this section, the caretaker policy must, as a minimum, prohibit the making of a designated decision during the election period.

3. If a council considers that there are extraordinary circumstances which require the making of a designated decision during the election period, the council may apply in writing to the Minister for an exemption from the application of this section to the designated decision specified in the application.

4. If the Minister is satisfied that there are extraordinary circumstances, the Minister may grant an exemption from the application of this section to the designated decision specified in the application subject to any conditions or limitations that the Minister considers appropriate.

5. A designated decision made by a council in contravention of this section or the caretaker policy of the council is invalid.

6. Any person who suffers any loss or damage as a result of acting in good faith on a designated decision made in contravention of this section or a caretaker policy is entitled to compensation from the council for that loss or damage.

7. The caretaker policy of a council is to be taken to form part of each code of conduct required to be prepared and adopted in relation to council members and staff under the Local Government Act 1999 or the City of Adelaide Act 1998.

8. In this section—

   designated decision means a decision—
(a) relating to the employment or remuneration of a chief executive officer, other than a decision to appoint an acting chief executive officer; or
(b) to terminate the appointment of a chief executive officer; or
(c) to enter into a contract, arrangement or understanding (other than a prescribed contract) the total value of which exceeds whichever is the greater of $100,000 or 1% of the council's revenue from rates in the preceding financial year;
(d) allowing the use of council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of council resources by all candidates for election), other than a decision of a kind excluded from this definition by regulation;

**election period** in relation to an election, means the period commencing on—
(a) the day of the close of nominations for the election; or
(b) if a council has specified a day (being a day that falls earlier than the day of the close of nominations) in its caretaker policy—the specified day, and expiring at the conclusion of the election;

**prescribed contract** means a contract entered into by a council for the purpose of undertaking—
(a) road construction or maintenance; or
(b) drainage works.