Business as usual (mostly) during the Caretaker Period

KJ

As we, again, 'hit the ground running' but this time for 2026, our local government clients are already gearing up for an extremely busy period with the next Periodic Elections in November 2026.

To assist, we highlight several preliminary matters that council leaders are required to be aware of, before we reach the 'election period'.

It is section 91A(2) of the *Local Government (Elections) Act 1999* requires that a council's Caretaker Policy must, at a minimum, prohibit the making of certain designated decisions by a council and the use of council resources for the advantage of a particular candidate (or group of candidates) during an election period.

Unless the Policy provides for an earlier date, the Caretaker Period this year will commence this year on **8 September 2026,** on the close of nominations.

Whilst many CEOs arrange for a briefing session to be provided to their Elected Member body around these obligations (usually around May / June in an election year), it has frequently been expressed to us that it would be useful for CEOs and Mayors to receive an earlier briefing, by way of a 'heads up'.

This includes, for reasons that facilitate consideration being given to an update of the Caretaker Policy, as well as early deliberations around the timing of certain decisions to be made to ensure that projects and strategic goals are not inappropriately delayed during this period.

For these purposes, Kelledy Jones Lawyers is offering to provide the council members with a one (1) hour briefing session, which will include the following topics (as well as any other questions):

- What is the Council Caretaker Policy and what impact does it have?
- What decisions can and cannot be made during the Caretaker Period?
- What is a 'Designated Decision'?
- How should Council resources be used during the Caretaker Period?

If you are interested, we can deliver this session via Zoom / Teams for a fixed fee of **$990 (ex GST).**

Upon request we can, as an alternative, provide a quotation to travel and present in person.

For further information, or to arrange a date for this training, please contact our EA Jenna, at jsmith@kelledyjones.com.au