

Circular No. 12-19
Date 25 June 2012
Doc ID. A285099

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SEPTEMBER 2012 LOCAL GOVERNMENT ELECTIONS – CARETAKER PROVISIONS

Purpose

With the upcoming local government elections in September 2012 this circular provides a summary of the new caretaker provisions pursuant to the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

Issue

- Like Commonwealth and State Government, local councils are expected to assume a caretaker role during the election period to ensure that major decisions are not made which would limit the actions of an incoming council.
- On 22 June 2012 amendments were made to the *Local Government (General) Regulation* to mandate what were formally caretaker conventions.
- Clause 393B requires that the council, the General Manager or any other delegate of the council (other than a Joint Regional Planning Panel or the Central Sydney Planning Committee) must not exercise the following functions during the four weeks preceding an ordinary election (caretaker period):
 - Entering into any contract or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger).
 - Determining a controversial development application, except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period. The term "controversial development application" is defined as one for which at least 25 persons have made submissions by way of objection.
 - Appointing or renewing the appointment of the General Manager or terminating their employment. (This does not include the appointment of an acting or temporary General Manager).
- In particular cases these functions may be exercised with the approval of the Minister.

- The caretaker period for the September 2012 ordinary local government elections commences on Friday 10 August 2012 and ends on Saturday 8 September 2012.

Action

- General Managers are asked to bring this circular to the attention of all councillors and senior staff.



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A Division of the Department of Premier and Cabinet