

Our reference: DGBN/561



11 January 2024

Mr Stephen Linnane
Chief Executive Officer
Hope Vale Aboriginal Shire Council
ceo@hopevale.qld.gov.au

Office of the
Director-General

Department of
**Housing, Local Government,
Planning and Public Works**

Dear Mr Linnane

I am writing to you about the Local Government election caretaker provisions which are outlined in Part 5, Chapter 3 of the *Local Government Act 2009*. The 2024 Local Government elections are scheduled for 16 March 2024, I encourage you to ensure councillors and council officers are fully aware of the provisions.

Under section 90A of the *Local Government Act 2009*, the caretaker period starts on the day when the Electoral Commission of Queensland publishes the public notice about holding the election. The caretaker period for the 2024 Local Government election is expected to begin on 29 January 2024.

During the caretaker period, councillors are prohibited from making decisions:

- about the appointment, remuneration or termination of a chief executive officer
- to enter into a contract greater than \$200,000 or 1 per cent (whichever is greater) of the local government's net rate and utility charges (as stated in the local government's audited financial statements included in the local government's most recently adopted annual report)
- significant procurement activities, such as establishing preferred supplier arrangements, or establishing exceptions to obtaining quotes or tenders when entering into a contract
- to make, amend or repeal local laws
- to make, amend or repeal a local planning instrument under the *Planning Act 2016* (i.e. a planning scheme, a temporary local planning instrument or a planning scheme policy).

A prohibited policy decision made during a caretaker period will be invalid unless the Minister's approval has been given prior to making the decision.

Local governments should prepare for the caretaker period by planning to make major policy decisions before or after the election period. However, unforeseeable events can result in a local government having to make major policy decisions during the caretaker period. In exceptional circumstances local governments can apply to the Minister for Local Government.

Please be aware that processes to expedite disaster recovery funding arrangements that may require decision of a local government in the caretaker period are currently under consideration by the department with further advice to be issued soon.

In the general course of events, the Minister decides on a case-by-case basis whether the proposed decision meets the exceptional circumstances requirement of the *Local Government Act 2009* or the *City of Brisbane Act 2010*. For further information on these requirements, please see the enclosed *Caretaker Period for Local Government elections factsheet*.

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In addition, the Department of Housing, Local Government, Planning and Public Works (the department) has been advised that the Office of the Independent Assessor has received a number of complaints relating to councillors using their councillor social media accounts for campaigning purposes. The department sent a separate communication on 9 January 2024 to councillors advising caution around the use of council-provided facilities for campaign purposes prior to the caretaker period.

If you require any further information, please contact Ms Louisa Lynch, Director, Governance and Capability, in the department, by telephone on 0499 833 689 or by email at louisa.lynch@dsdilgp.qld.gov.au, who will be pleased to assist.

Yours sincerely



Matthew Nye
Acting Director-General

Encl.