

Title:	Election Period Policy
Type:	Council
Adopted:	24 June 2020

1. Purpose

The *Local Government Act 2020* ('the Act') provides that during the 'election period' certain prohibitions apply to the general functions and powers of Council.

The 'election period' is defined by the Act as starting at the time that nominations close on nomination day and ending at 6pm on the election day. The last day for nominations is the day that is 32 days before the Election Day.

2. Rationale

The Election Period Policy ("the Policy") has been developed in order to ensure that the general elections for the Murrindindi Shire Council are conducted in a manner that is ethical, fair and equitable, and are publicly perceived as such. The Policy will also facilitate the continuation of the ordinary business of local government in the Murrindindi Shire throughout the election period in a responsible and transparent manner, in accordance with statutory requirements. . In accordance with section 69 of the Act, the following is prohibited during the election period:

- a) decisions regarding the appointment or remuneration of the Chief Executive Officer but not to the appointment of or remuneration of an Acting Chief Executive Officer
- b) decisions committing Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year
- c) decisions on items where Council considers could be reasonably deferred until the next Council is in place
- d) decisions the Council considers should not be made during an election period
- e) decisions that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

3. Scope

The Election Period Policy applies to any Councillor of the Murrindindi Shire Council, members of delegated committees of Council and all members of the Murrindindi Shire Council staff.

Specifically, this policy must be complied with during the election period if ANY of the following apply to you:

- You are involved in making a major policy decision;
- You are involved in making a significant decision that will bind the incoming Council;
- You are about to publish written material which has reference in it to a candidate (which includes sitting Councillors), or the election or an issue before the voters in connection with the election;
- You are involved in the creation of any Council publication;
- You are involved in any public consultation process;
- You are a Councillor who is planning to attend a function or event;
- You supply resource support to Councillors;
- You are a Councillor requesting access to Council information; or
- You are a Councillor requesting media advice or services.

4. Definitions

Reference Term	Definition
<i>Election period</i>	Has the same meaning as 'election period' in <i>section 3(1)</i> of the <i>Act</i> , and means the period that starts at the time that nominations close on nomination day and ends at 6pm on election day.
<i>Publication</i>	Includes any means of publication including letters and information on the Internet.
<i>Community Engagement</i>	Means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the community.
<i>Significant Decision</i>	Means an irrevocable decision that significantly affects the municipality.

5. Policy

5.1 Significant Decisions

During the election period, Council will avoid making decisions that significantly affect the municipality and unreasonably bind the incoming Council. This includes (but is not limited to):

- decisions regarding the CEO's employment or remuneration, other than a decision to appoint an Acting CEO
- financial decisions exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year
- adoption of any Council strategies or policies that would bind an incoming Council to the outcomes included.

5.2 Community Engagement

Council will avoid any community engagement or public consultation processes during the election period unless absolutely critical to facilitate the day to day business of Council. This will include the facilitation of any project reference groups or advisory committees during the election period. Any such engagement will avoid express or implicit links to the election.

The Chief Executive Officer reserves the right to postpone any matter if the issue is likely to affect voting. Council will not conduct public consultation on any contentious or politically sensitive matter after the commencement of the caretaker period.

These requirements do not apply to public consultation required under the *Planning and Environment Act 1987*, or matters subject to *Section 223* of the *Local Government Act 1989*.

5.3 Council Resources

Under section 304(1) of the *Act* it is an offence (60 Penalty Units) for a Councillor or a member of Council staff to use Council resources in a way that is intentionally or is likely to affect the result of an election.

Under section 304(2) of the *Act* it is an offence (60 penalty units) for a Councillor or member of Council staff to use Council resources to intentionally or recklessly print, publish or distribute any electoral material during the election period on behalf of Council or purporting to be Council.

Council resources, including offices, vehicles, staff, hospitality, services, property, equipment and stationery must be used exclusively for normal Council business during the election period and must not be used in connection with any election campaign or issue.

Sitting Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Council duties, subject to adherence to the Councillor Code of Conduct.

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Councillors standing for re-election must not use any Council equipment as a resource to assist with their election campaigns.

No Council logos, letterheads, contact details (mobile phone or email details), Councillor title or other corporate branding may be used for, or linked in any way to, a candidate's election campaign.

Reimbursements of Councillors' out-of-pocket expenses during the election period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that support or are connected with a candidate's election campaign.

Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. Where the use of Council resources appears to relate to the election campaign of a Councillor standing for re-election, the matter must be referred to the Chief Executive Officer or his or her delegate for review.

No election material or active campaigning is to be conducted at a Council sponsored event.

No election material or active campaigning is to be displayed in any Council building.

Council will also ensure that other Murrindindi Shire Council resources are not used inappropriately in ways that may influence voting in an election or provide an undue advantage for a candidate. This includes financial, human and material resources, such as:

- a) Council staff will not undertake an activity that may affect voting in the election
- b) Council staff will not authorise, use or allocate a Council resource for any purpose that may influence voting in the election
- c) Council staff who feel they are being placed in a compromising situation by a request from a Councillor shall refer the Councillor to the Chief Executive Officer for clarification on their request.

5.4 Council Publications

Council will avoid producing any publications, advertisements or public notices unless crucial to the operations of Council or required for statutory compliance.

Publications to be printed, published or distributed during the election period must first be approved by the relevant Director or delegate.

Publications which require approval include:

- Brochures, pamphlets, handbills, flyers, magazines and books;
- Reports (other than agenda papers and minutes in discussed further below);
- Advertisements and notices, except newspaper notices of meetings;
- New website material;
- Social media publications (which includes Facebook posts);
- Emails with multiple addresses, used for broad communication with the community;
- Mass mail outs or identical letters sent to a large number of people by or on behalf of Council;
- Media releases;
- Material to publicise a function or event; and
- Any publication or distribution of Councillors' speeches.

In regard to Community participation at Council Meetings, items submitted for Public Participation Time will be reviewed to ensure that they comply with the principles of the *Act* and this policy, and may be amended accordingly before publication, or excluded from the agenda if necessary.

Material that was published on Council's website in advance of the election period is not subject to approval, however existing material that is prominently displayed will be reviewed and consideration

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given to the removal of any such material that would be considered electoral matter, were it to be published during the election period. Councillor contact information will remain available on the website during the election period, but Councillors' profiles will be removed. Any material published on Council's website during the election period must be approved by the relevant Director or delegate.

Council is required by the *Local Government Act* to produce and put on public display a copy of its Annual Report. The Annual Report may be published during the election period. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.

5.5 Events & Media Services

Council's Communications unit must not be used in any way that might promote a Councillor as an election candidate. Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to approval by the relevant Director or delegate.

Media releases will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election candidate. Where it is necessary to identify a spokesperson, the Chief Executive Officer or his or her delegate will be referenced. Media releases will require to approval by the relevant Director or delegate.

During the election period no Council employee may make any public statement that relates to an election issue unless prior approval has been obtained by the Chief Executive Officer or his or her delegate.

5.6 Assistance to Candidates

All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Victorian Electoral Commission's Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer or his or her delegate.

Any assistance and advice to be 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 provided will be documented and communicated to all candidates in advance.

Candidates will also be informed of the requirements to complete and submit an 'Election Campaign Donation Return' in accordance with section 306 of the *Act* to the Chief Executive Officer within 40 days after the election day.

5.7 Governance

All election candidates have equal rights to information relevant to their election campaigns from the Council administration. While it is important that sitting Councillors continue to receive information that is necessary to fulfil their existing elected roles, neither Councillors nor candidates will receive information or advice from Council officers that may improperly advantage candidates in the elections. There will be complete transparency in the provision of all information and advice during the election period.

Council's Governance unit will maintain an Information Request Register during the election period. This Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the responses given to those requests.

6. Related Policies, Strategies and Legislation

Governance Rules 2020
Councillor Code of Conduct
Employee Code of Conduct
Local Government Act 2020
VEC Candidates Handbook

7. Council Plan

This Policy is consistent with the Council Plan 2017-2021 Our Promise strategic objective to work in collaboration with our communities to deliver the best possible outcomes in all that we do.

8. Management and Review

In addition to the Chief Executive Officer's (CEO) statutory responsibilities, the CEO or his or her delegate will ensure as far as possible, that:

- All Councillors and Officers are informed of the application of this policy upon adoption and again 30 days prior to the commencement of the election period;
- Matters of Council business requiring major policy or significant decisions are scheduled for Council to enable resolution prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council; and
- Appropriate guidelines and instructions are provided to Council staff on their roles and responsibilities with relation to the implementation of this policy.

9. Consultation

The community is encouraged to provide feedback regarding this policy as part of the Governance Rules adoption and review process.

10. Human Rights Charter

This policy has been developed with consideration of the requirements under the Charter of Human Rights and Responsibilities.