

## APPENDIX 1 TO THE GOVERNANCE RULES

### Election Period Policy

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<b>Position title of responsible business unit Manager:</b>	Corporate Counsel
<b>Approved by:</b>	<a href="#">Council</a>

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## 1. TITLE

Election Period Policy

## 2. OBJECTIVE

To ensure:

- (a) compliance with the provisions of the *Local Government Act 2020* (Vic) dealing with the election period during the lead up to local government elections;
- (b) Council does not make prohibited decisions or use resources inappropriately during the election period;
- (c) there are limits on public consultation and the scheduling of Council events; and
- (d) access to information held by Council is made equally available to candidates during the election period.

This policy forms part of the Governance Rules for Glen Eira City Council.

## 3. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Act	<i>Local Government Act 2020</i> (Vic)
Election Period	The period before an election day that: <ul style="list-style-type: none"><li>(a) starts at the time that nominations close on nomination day; and</li><li>(b) ends at 6 p.m. on election day.</li></ul>
Electoral Material	An advertisement, handbill, pamphlet or notice that contains Electoral Matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.
Electoral Matter	Matter intended or likely to affect voting but not including any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.  Matter is to be taken to be intended or likely to affect voting if, among other things, it contains an express or implicit reference to, or comment on— <ul style="list-style-type: none"><li>(a) the election; or</li><li>(b) a candidate in the election; or</li><li>(c) an issue submitted to, or otherwise before, voters in connection with the election</li></ul>
Prohibited Decision	Any decision during the election period for a general election that— <ul style="list-style-type: none"><li>(a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or</li><li>(b) commits Council to expenditure exceeding one per cent of its income from general rates, municipal charges and service rates and charges in the preceding financial year; or</li><li>(c) Council considers could be reasonably deferred until the</li></ul>

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- next Council is in place; or
- (d) Council considers should not be made during the election period.
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## **4. POLICY**

### **4.1. Prohibited Decisions**

- 4.1.1. Council will not, by resolution or under delegation, make any Prohibited Decision during the Election Period.
- 4.1.2. Council decisions which 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 are prohibited during the Election Period for a general election and a by-election.
- 4.1.3. Agendas for Council Meetings held during the Election Period must contain a certification by the Chief Executive Officer that no Agenda item involves the making of a Prohibited Decision.
- 4.1.4. A Prohibited Decision relating to the appointment or remuneration of the Chief Executive Officer, or which commits Council to expenditure exceeding one per cent of its income from general rates, municipal charges and service rates and charges in the preceding financial year, is invalid if it is made during the Election Period.
- 4.1.5. Any person who suffers any loss or damage as a result of acting in good faith based on a Prohibited Decision which is invalid under section 4.1.4 is entitled to compensation from Council for that loss or damage.

### **4.2. Council Resources and Misuse of Position**

- 4.2.1. Councillors must not misuse, or inappropriately make use of, their position to gain an advantage for themselves or another person, or to cause detriment to Council or another person at any time, including during the Election Period. Without limitation, if a Councillor chooses to stand as a candidate for the election, the Councillor must:
- (a) continue to act in accordance with their obligations under the Act and relevant codes of conduct;
  - (b) take care to maintain the distinction between their position as a current Councillor and their role as a candidate for the election;
  - (c) avoid any conflicts of interest between their position as a current Councillor and their role as a candidate for the election; and
  - (d) maintain appropriate relationships with Council Officers, including by observing all relevant communications protocols between Councillors and Council Officers.
- 4.2.2. Council resources, including land lines and mobile telephones, computers and email accounts, offices, meeting rooms, secretarial support, equipment and stationery will be used exclusively for normal Council business and must not be used in connection with any candidate's election campaign.
- 4.2.3. Photographs or images taken by or on behalf of Council must not be used for the purposes of, or connected with, a candidate's election campaign.

- 4.2.4. Council's logo, branding and letterhead must not be used in connection for the purposes of, or in connection with, a candidate's election campaign.
- 4.2.5. Reimbursements of Councillors' out-of-pocket expenses must only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- 4.2.6. Council Officers must not assist in preparing Electoral Matter or any related activity.

### **4.3. Publications and Advertising**

- 4.3.1. A Councillor or Council Officer must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any Electoral Material during the Election Period on behalf of, or purporting to be on behalf of, Council, unless the Electoral Material only contains information about the election process or is otherwise required by law.
- 4.3.2. Council will refrain from printing, publishing or distributing any materials during the Election Period which relate to issues that are the subject of election campaigns, except if the printing, publishing or distribution of a document or other material is essential for the conduct of Council's operations. Where that is the case, the document or material must first be approved in writing by the Chief Executive Officer. This obligation also applies to any publications appearing via Council's social media platforms, including on Facebook, Twitter and YouTube.
- 4.3.3. Council will also restrict details about Councillors on Council's website to the extent practicable. Material that could be viewed as Electoral Matter on social media pages operated by Council will not be permitted to be posted during the Election Period.
- 4.3.4. Councillors who are standing for re-election must ensure that their own campaign material (to be prepared at their expense) does not bear any reference or inference that such material is from Council, or is supported or endorsed by Council and must not bear any Council identification such as logos, design schemes or colour schemes.
- 4.3.5. Council officers may not make any public statement that could be construed as influencing the election, except as approved by the Chief Executive Officer.
- 4.3.6. Council publicity during the Election Period will be restricted to promoting normal Council activities. Where a publicity campaign is deemed necessary for a Council service or function (e.g. vaccinations), it must be approved by the Chief Executive Officer. Council-funded publicity will not feature Councillors except the Mayor when representing Council in an official capacity.
- 4.3.7. Public Questions at Council Meetings, which would normally be recorded in the Minutes, should avoid Electoral Matter and a question may be ruled out of order on that ground.
- 4.3.8. During the Election Period, the Chief Executive Officer (or their delegate) shall be Council's spokesperson. Any requests for media advice or assistance from Councillors during the Election Period must be decided by the Chief Executive Officer (or their delegate). In any event, Councillors must not use their position or their access to Council Officers and other Council resources to gain media attention for the purposes of an election campaign or to

benefit an election campaign. No media advice or assistance will be provided in relation to election campaign matters, or in regard to publicity that involves specific Councillors.

#### **4.4. Election Signs on Public Land**

- 4.4.1. Election signs and notices, posters or advertisements containing Electoral Matter must not be erected, posted or displayed on land, buildings or structures owned or managed by Council except:
- (a) by the Victorian Electoral Commission (VEC) in connection with the conduct of the election; or
  - (b) where an election is to be determined by attendance voting, at voting centres on election day or early voting centres during the times and dates nominated by the VEC for early voting.

#### **4.5. Public Consultation**

- 4.5.1. No public consultation will be undertaken during the Election Period unless prior approval is obtained from the Chief Executive Officer.
- 4.5.2. Public consultation in this part means a process involving an invitation and opportunity for the public to comment or provide an opinion on a matter, proposed action or proposed policy.
- 4.5.3. The Chief Executive Officer will consider the following factors when deciding whether to approve public consultation:
- (a) whether the consultation could reasonably take place after the election;
  - (b) whether conducting the consultation could affect voting in the election;
  - (c) whether risks of influencing the election can be reduced or avoided;
  - (d) whether special circumstances exist which make the consultation necessary during the election period; and
  - (e) the financial and other repercussions of postponing the consultation until after the election.
- 4.5.4. Where public consultation during an Election Period is approved, the results of that consultation will not be published or disclosed until after the Election Period except where approved by the Chief Executive Officer.

- 4.5.5. Public consultations in this part do not include consultations required by any Act or regulation which are conducted in the normal course of Council operations, such as that following the publication of planning applications as required under the *Planning and Environment Act 1987 (Vic)*.

#### **4.6. Council Events**

- 4.6.1. Council organised events and functions held during the Election Period will be reduced to only those essential to the operation of the Council or which are held to mark national celebrations.
- 4.6.2. Publications promoting any Council events or functions held during the Election Period

must comply with this Policy.

4.6.3. Councillors are able to continue to attend meetings, events and functions in the course of performing their duties as a Councillor. Speeches at Council functions should not contain any express or implied reference to Electoral Matters.

4.6.4. Councillors are able to attend events or functions conducted by external bodies, but must be mindful of the obligations in the Act to avoid misuse of their position.

#### **4.7. Information for Candidates**

4.7.1. As much as practicably possible, access to information held by Council must be made equally available to candidates during the election, subject to applicable legislative requirements.

4.7.2. Councillors will continue to receive information necessary to perform their roles, however, neither Councillors nor candidates will receive information or advice from Council Officers that may advantage them in the election.

#### **4.8. Distribution of this Policy**

4.8.1. A copy of this Policy must:

- (a) be provided to each Councillor as soon as practicable after it is adopted;
- (b) be available for inspection by the public at the Council office; and
- (c) be published on Council's website.

#### **4.9 Committees**

4.9.1. Delegated Committees, Community Asset Committees and Advisory Committees must not discuss or debate electoral matters during the election period and will avoid meeting during the election period where practicable. All relevant provisions of the Election Period Policy will be observed at any meeting of a Delegated Committee, Community Asset Committee or Advisory Committee during the election period.

### **5. HUMAN RIGHTS CHARTER COMPATIBILITY**

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

### **6. ASSOCIATED DOCUMENTS**

Glen Eira City Council Code of Conduct for Councillors  
State and Federal Elections Policy  
Governance Rules

### **7. REFERENCES/RESOURCES**

*Local Government Act 2020 (Vic)*