



Election Period Policy

(Adopted by Council 25 August 2020)

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1. PURPOSE

- 1.1 The purpose of this policy is to ensure that:
- All general elections for Golden Plains Shire Council are conducted in a manner that is fair and equitable;
 - Procedures are in place to prevent the Council from using resources inappropriately during the election period;
 - Community engagement and the scheduling of Council events is limited and controlled;
 - Information held by Golden Plains Shire Council is made equally available and accessible to all candidates during the election;
 - The community is informed about how Golden Plains Shire Council will conduct business during the election period; and
 - The community's trust is upheld by the transparency of the Council election process.

2. SCOPE

- 2.1 This policy applies to Golden Plains Shire Council Councillors, to all Council staff (whether permanent, temporary, casual, part-time or contract), to all candidates for the Council election and to all members of the community and the public.
- 2.2 This policy applies to all general elections, and where stated, to by-elections, of the Council.

3. POLICY STATEMENT

- 3.1 The intent of this policy is to acknowledge that during the election period, the business of Council still needs to continue and ordinary matters of administration still need to be addressed.
- 3.2 Golden Plains Shire Council is committed to fair and democratic elections and therefore adopts and endorses the following practices and legislative requirements.

4. PROCEDURES

4.1 Election Period

The Election Period commences at 12noon on Tuesday 22 September 2020 (the time that nominations close on nomination day) and continues until 6pm on Saturday 24 October 2020 (election day).

4.2 Role of Chief Executive Officer

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

- All Councillors and Council staff are informed of the application of this policy prior to the commencement of the election period; and
- Matters of Council business prohibiting decisions during the election period 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

4.3 Council Decision Making

Under the Local Government Act 2020 (the Act), Council is prohibited from making any Council decision:

- (a) during the election period for a general election that:
 - (i) 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
 - (ii) commits the 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; or
 - (iii) the Council considers could be reasonably deferred until the next Council is in place; or
 - (iv) the Council considers should not be made during an election period; or
- (b) during the election period for a general election or a by-election 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.

4.4 What is a Council decision?

For the purposes of clause 4.3 of this policy, **Council decision** means the following:

- (a) a resolution made at a Council meeting;
- (b) a resolution made at a meeting of a delegated committee; or
- (c) the exercise of a power or the performance of a duty or function of Council by a member of Council staff (which includes the Chief Executive Officer) or a Community Asset Committee under delegation.

4.5 Council Meeting Reports

In order to facilitate compliance with its commitment to ensuring good governance during elections, the following procedures apply:

4.6 Election Period Statement

During the election period, the CEO will ensure that an 'Election Period Statement' is included in reports submitted to Council for a decision.

The 'Election Period Statement' should specify:

- 'The recommended decision is not a *'Prohibited Decision'*, as defined in the Election Period Policy.'

During the election period, Golden Plains Shire Council will not make a decision on any matter or report that does not include an Election Period Statement.

4.7 Public Question Time

If a Council Meeting is held during the Election Period, public question will be suspended.

4.8 Council Publications

Printing, publishing or distributing any advertisement, handbill, pamphlet or notice during the election period is prohibited unless the advertisement, handbill, pamphlet or notice has been certified in writing by the CEO.

The CEO must not delegate the power to certify any advertisement, handbill, pamphlet or notice under this section to a member of Council staff.

A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, Golden Plains Shire Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the CEO under this clause.

4.8.1 Certification of Publications

Publications to be printed, published or distributed during the election period must first be certified by the CEO.

The certification by the CEO will be in writing on or affixed to a copy of the publication and be in the following form:

"Certified by the Chief Executive Officer in accordance with Council's Election Period Policy.

Copies of all certified documents will be retained in a register maintained by the Executive Assistant to the CEO.

Publications requiring certification include:

- Brochures, pamphlets, handbills, flyers, magazines and books;
- Reports (other than agenda papers and minutes which do not require certification by the CEO unless they are printed or published for a wider distribution than normal).
- Advertisements and notices
- New website material

- Social media publications (which includes Facebook and Twitter 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
- Any publication or distribution of Councillors' speeches

4.8.2 Website

Material published on Golden Plains Shire Council's website in advance of the election period is not subject to certification, however existing material that is prominently displayed will be reviewed and consideration 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 Golden Plains Shire Council's website during the election period must be certified by the CEO.

4.8.3 Social Media

Any publication on social media sites, including Facebook, Twitter, blogs, wiki pages and Podcasts during the election period, must be certified by the CEO.

Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted.

4.8.4 Annual Report

Golden Plains Shire Council is required by the *Local Government Act 2020* to produce and put on public display a copy of its Annual Report. The Annual Report will 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.

The Annual Report does not require certification by the CEO, however any publication of an extract or summary of the Annual Report will require certification.

4.9 Media Services

No media advice or assistance will be provided by Council staff in relation to election campaign matters or electioneering.

Media services, including media releases, will not be provided for Councillors during the election period.

Any media releases will be certified and issued in the name of the Chief Executive Officer.

4.10 Spokesperson

During the Election Period, only the person occupying the office of Chief Executive Officer of Council, which includes a person acting in that office, is permitted to be the spokesperson for Council.

4.11 Use of Council Resources

It is an established democratic principle that public resources must not be used in a way that would influence the way people vote in elections, except in regard to supporting the actual election process. Golden Plains Shire Council therefore commits to the principle that Council resources will not be used inappropriately during a Council election.

All Council resources 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.

Council's resources are not to be 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.

In addition, equipment and facilities provided to Councillors for the purpose of conducting normal Council business will not be used for campaigning purposes. This includes the Mayors vehicle which must not be used for campaigning purposes or campaigning travel.

Where Councillors have Council funded services, such as mobile phones, land lines, internet connections and where it is impractical for Councillors to discontinue their use of these during the election, Councillors will reimburse Council for usage of those services during the election period that exceeds normal usage levels. The CEO will issue an invoice to any Councillor who exceeds normal usage levels or it is shown that the services were used for campaigning purposes.

Golden Plains Shire Council logos, letterheads, photographs and images are not to be used, or linked in any way to a candidate's election campaign.

Council staff, including the CEO, will not perform any tasks connected directly or indirectly to electioneering.

4.12 Public Consultation

Some public consultation activities may be necessary during the election period to facilitate the day to day business of Golden Plains Shire Council and ensure matters continue to be proactively managed.

Any such public consultations will avoid express or implicit links to the election.

Golden Plains Shire Council will not continue or commence public consultation on any contentious or politically sensitive matter after the commencement of the election period.

The above requirements under Public Consultation do not apply to public consultation required under the *Planning and Environment Act 1987*, s.223 of the *Local Government Act 1989*, the *Local Government Act 2020*, or Council's Community Engagement Policy.

4.13 Functions and Events

Council functions and events will not take place during the election period unless the CEO can justify to the community the special circumstance making it necessary to hold the function or event. Any function or event held during the election period shall related only to legitimate Council business and shall not be used, or be able to be constructed to be used, in connection with any election activity.

Councillors may attend public events during the election period, but they are not to use their appearance at a public event during the election period for electioneering.

Where deemed appropriate by the CEO, Councillors may make speeches during functions or events however, the speech must not have any political reference which may be constructed as giving a sitting Councillor any advantage during the election period. Any speeches prepared for Councillors must be approved by the CEO.

4.14 **Travel and Accommodation**

During the election period Councillors shall not undertake any interstate or overseas travel in their capacity as a Councillor. In circumstances where it is imperative that the Mayor (or nominee) represent Council on a delegation or forum, Council may by resolution approve such attendance. If consideration by Council is impracticable, the CEO may determine.

4.15 **Access To Information**

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 roles, neither Councillors nor candidates will receive information or advice from Council staff 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.

A process will be instigated whereby information requested by any candidate will be made available to all candidates in a timely manner, having regard to the reasonableness of the request. This will be achieved via a dedicated candidate information page on Councils website or a group email, as appropriate.

4.15.1 **Information Request Register**

The Executive Assistant to the CEO 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 response given to those requests.

4.15.2 **Advice to Candidates**

All candidates for the Council election will be treated equally. Towards this outcome:

- Any advice to be provided to candidates as part of the conduct of the Council election should be provided equally to all candidates.

- All election related enquires from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the CEO (or appropriate senior management).

4.16 **Improper Use of Position**

The *Local Government Act 1989* prohibits Councillors from misusing or inappropriately making use of their position under ss.76D and 76E. A breach of s.76D attracts serious penalties, including possible imprisonment.

4.17 **Council Committees**

The operation of Council Delegated Committees shall be suspended upon the commencement of the election period ahead of a general Council election.

Any outstanding Delegated Committee Reports may still be reported to a meeting of Council during this period.

Delegated Committees shall resume meeting following the election and the appointment by the incoming Council to each committee.

5. **SUPPORTING INFORMATION**

- 5.1 The *Local Government Act 1989* and the *Local Government Act 2020* are applicable to this policy.

6. **RESPONSIBILITIES**

6.1 **Compliance, monitoring and review**

The policy owner is responsible for ensuring the policy:

- aligns with relevant legislation, government policy and Council's requirements/strategies/values;
- is implemented and monitored (i.e. the policy is followed, reflects the changing policy environment, and emerging issues are identified); and
- is reviewed to evaluate its continuing effectiveness (e.g. achieving its purpose, remains relevant/current.)

Any issues or items requiring clarification will be referred to the CEO, who will make a determination with respect to matters of policy interpretation or implementation.

6.2 **Reporting**

The policy owner is responsible for reporting, where required by the policy.

6.3 Records Management

Council must maintain all records relevant to administering this policy in accordance with the *Public Records Act 1973*.

7. DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Term	Definition
<i>Council</i>	<i>Golden Plains Shire Council</i>
<i>Electioneering</i>	<i>Means any action, statement and or publication that contains material directly related to, or likely to influence, a Councillor's re-election or a candidate's election.</i>
<i>Election Period</i>	<i>The period that starts on the last day on which nominations for that election can be received; and ends at 6pm on Election Day.</i>
<i>Election Day</i>	<i>On the fourth Saturday in October in the fourth year after the last general election of Councillors for all councils was held.</i>
<i>Publication</i>	<i>Includes any means of publication, including letters and information on the Internet.</i>
<i>Community engagement</i>	<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 public.</i>
<i>Council Resources</i>	<i>Includes – offices, vehicles, staff, hospitality, services, property, equipment (phones, computers etc.) and stationery</i>

8. RELATED LEGISLATION AND DOCUMENTS

8.1 Legislation

Local Government Act 1989

Local Government Act 2020

8.2 Strategic Documents, Policies or Procedures

Councillor Code of Conduct

Code of Conduct (Staff)

Councillor Reimbursement Policy

CEO Protocol

9. HUMAN RIGHTS STATEMENT OF COMPATABILITY

9.1 It is considered that this policy does not impact negatively on any rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.


10. POLICY OWNER

- 10.1 The Coordinator Governance & Risk is the policy owner.
- 10.2 The policy owner is the individual who is given the responsibility to review, edit and maintain this policy and associated procedure. The policy owner is also the point of contact for any questions regarding this policy.

11. FEEDBACK

- 11.1 You may provide feedback about this document by emailing enquiries@gplains.vic.gov.au

12. DOCUMENT INFORMATION

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