

CHAPTER 4 - ELECTION PERIOD POLICY

Election Period Policy

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Responsible Officer:	Chief Executive Officer

PART 1 POLICY

1. PURPOSE

The *Local Government Act 2020 (the Act)* requires the Council to include and adopt an Election Period Policy (**Policy**) in its Governance Rules.

The purpose of this Policy is to ensure transparency and accountability around the behaviour and actions of Councillors, Council staff, contractors, registered Council volunteers and candidates during the election period.

The 'election period' is the period that:

- a) starts at the time that nominations close on nomination day; and
- b) ends at 6pm on election day.

For the purposes of the 2024 general election this means that the election period starts at noon on 17 September 2024 and ends at 6pm on 26 October 2024.

2. POLICY STATEMENT

Council and Councillor activities will be actively managed and monitored in the lead up to any election, whether it be a by-election or general election, to ensure:

- there is a level playing field for all candidates
- Council information can be equally accessed by all candidates
- Council resources are not used in any way to support a candidate
- conflicts of interest are avoided
- there is a distinct and clear separation of activities between an incumbent Councillor performing their role under the Act and that same person being a candidate or prospective candidate in a forthcoming election; and
- Council complies with its obligations under the Act.

3. APPLICATION OF THIS POLICY

This Policy applies to all Councillors, Council staff, Council registered volunteers and contractors, and must be complied with when they are:

- involved in making decisions
- about to publish material which has reference in it to a candidate (including incumbent Councillors), the election or an issue before the voters in connection with the election
- involved in any public consultation process
- involved in organizing a function or event
- supplying administrative or resource support to Councillors
- a Councillor requesting access to Council information; and
- a Councillor requesting media advice or assistance.

4. ACCOUNTABILITY AND RESPONSIBILITIES

Role	Responsibilities
Chief Executive Officer (CEO)	<p>During an election period, the CEO will, as far as practicable, plan for significant policy matters to be considered well in advance of the election period and ensure Council staff are aware of their obligations during an election period.</p> <p>The CEO will also actively monitor:</p> <ul style="list-style-type: none"> • decisions made by Council, Delegated Committees or staff members as delegates during the election period • Council's publications, promotions, media, consultations and events during the election period • the use of Council resources, including venues, during the election period; and • access to Council information by Councillors and candidates during the election period. <p>The CEO will keep a Request for Information Register.</p>
Councillors	<p>During the election period, a Councillor:</p> <ul style="list-style-type: none"> • will continue to perform their role as a Councillor (unless granted a leave of absence) • may continue to engage and communicate with the community in performing their role as a Councillor • must comply with the Act and Councillor Code of Conduct; and • must not misuse their position to direct or improperly influence Council staff, or access Council resources or information, in support of any election campaign or candidacy.

5. DEFINITIONS

Term	Meaning
Act	means the <i>Local Government Act 2020</i>

OFFICIAL

Candidate	<p>means a person who:</p> <ol style="list-style-type: none"> 1. has nominated as a candidate for an election under section 256 of the Act; or 2. has: <ul style="list-style-type: none"> • publicly expressed an intention to be a candidate in the election; or • formally nominated as a candidate in the election with the Election Manager.
Chief Executive Officer (CEO)	includes an Acting Chief Executive Officer.
Council	means Strathbogie Shire Council
Council Branding	<p>means branding and logos related to Council or the:</p> <ul style="list-style-type: none"> • Euroa Community Cinema • Euroa Visitor Information Centre (The Hub) • Nagambie Visitor Information Centre • Evolve Youth Committee; or • Active Evolution youth activity.
Council Resources	<p>means Council:</p> <ul style="list-style-type: none"> • staff, contractors and registered Council volunteers • owned property, or property managed or controlled by Council on behalf of a third party • equipment • stationery; or • finances.
Electioneering	means any action, statement and/or publication that contains material directly related to, or likely to influence, a Councilors' re-election or a candidate's election.
Election Manager	means the Victorian Electoral Commission or a person appointed in writing by the Victorian Electoral Commission.
Electoral Material	means an advertisement, handbill, pamphlet or notice that contains electoral matter but does not include an advertisement in a newspaper announcing the holding of a Council or Delegated Committee meeting.
Electoral Matter	<p>means any matter which is intended or likely to affect voting in an election but does not include any electoral material produced by, or on behalf of, the Election Manager for the purposes of conducting an election.</p> <p>Electoral matter is to be interpreted as being matter intended or likely to affect voting in an election if it contains an express or implicit reference to or comment on:</p>

	<ul style="list-style-type: none"> • the election, or • a candidate in the election, or • an issue submitted to, or otherwise before, the voters in an election. <p>It includes content which:</p> <ul style="list-style-type: none"> • publicises the strengths or weaknesses of a candidate • advocates the policies of the Council or of a candidate • responds to claims made by a candidate; or • publicises the achievements of the elected Council.
Publish	means publish by any means, including by publication on the Internet
Public Consultation	means a process that involves an invitation(s) to individuals, groups, organisations or the community generally to comment on an issue, proposed action or proposed policy but excludes any consultation required to be conducted by an Act or Regulation.
Social Media, websites and other digital platforms	<p>means any form of social media account (e.g. Facebook, and Instagram), website, app or other publicly available digital platform where content is directly managed, owned or auspiced by Council, including but not limited to:</p> <ul style="list-style-type: none"> • Council’s Facebook, Instagram and LinkedIn accounts • Euroa Community Cinema Facebook and Instagram accounts • Youth Services accounts • What’s on in Strathbogie Shire • any other auspiced social media site managed by committees appointed by Council • Enewsletters and group emails; and • Apps (Applications)

6. DECISION MAKING

The ordinary, day to day business of local government must continue throughout the election period. That business will be conducted by Council (and, in particular, its staff) in a responsible and transparent manner and in accordance with statutory requirements.

6.1 Limitations

In accordance with section 69(2) of the Act, this Policy prohibits any of the following decisions being made by Council during the election period for a general election:

- (a) A decision that relates to the appointment or remuneration of the Chief Executive Officer but not the appointment or remuneration of an Acting Chief Executive Officer
- (b) A decision that commits the Council to expenditure exceeding one percent of the Council’s income from general rates, municipal charges and service rates and

- charges for the preceding financial year
- (c) A decision that could reasonably be deferred until the next Council is in place; or
 - (d) A decision the Council considers should not be made during an election period.

Section 69(4) of the Act provides that a Council decision made in contravention of subsection (2) (a) or (b) of section 69 is invalid. Further, Council recognizes that any person who suffers any loss or damage because of acting in good faith on a Council decision that is invalid is entitled to compensation from Council for that loss or damage under section 69(5) of the Act.

The following are decisions that Council considers should not be made during the election period for a general election:

- Allocation of community grants
- Direct funding to community organisations
- Major Planning Scheme Amendments
- Significant planning applications; and
- Changes to strategic objectives and strategies in the Council Plan.

6.2 Council and Delegated Committee Meetings

The only items of business to be considered at a Council or Delegated Committee meeting held during the election period for a general election will be those related to adopting the Annual Report (including financial statements for the Annual Report), procedural items to complete Council's term of office (such as noting records of Briefings of Council) and consideration of minor and non-contentious planning permit applications.

Public Question Time will be suspended during the election period for a general election.

No Notices of Motion will be accepted by the Chief Executive Officer for a Council meeting held during the election period for a general election.

6.3 Election Period Statement

During the election period for a general election, the Chief Executive Officer will ensure an Election Period Statement is included in any report submitted to a Council or a Delegated Committee meeting for consideration, stating that:

"The recommended decision is not a prohibited decision as defined under section 69(2) of the Local Government Act 2020."

The Election Period Statement must appear on every report submitted to a Council or Delegated Committee meeting.

7. ANNUAL REPORT

Section 98 of the Act requires Council to prepare an Annual Report. As per section 100 (2)(a) and (2)(b) of the *Local Government Act 2020*, Council is required to present its Annual Report at an open meeting on a day not later than the day before election day in the year of a general election or within four months of the end of the financial year in any other year. Since the Annual Report is required by legislation to be presented to a meeting of Council and published during the election period, the following will apply to an Annual Report presented to a Council meeting in the year of a general election:

- Information in the Annual Report will be restricted to what is required by legislation and

will not contain any material that could be regarded as overt electioneering or that promotes individual Councillors or candidates.

- Information referring to specific Councillors in the Annual Report will be limited to names, titles, contact details and membership of Delegated Committees and other bodies to which they have been appointed by Council.
- A Mayor's message will be included in the Annual Report but restricted to general Council business and not specific achievements of elected representatives.
- The Chief Executive Officer will determine the final content of the Annual Report produced.
- The Annual Report is available on Council's website and display copies will be available at customer service centres. Printed copies will be made available on request.

8. ACCESS TO INFORMATION

8.1 Requests for Access to Council Information

Given that Councillors continue to perform their roles during the election period, they will continue to receive all information necessary to fulfil their roles.

Councillors may continue to access Council information and public documents during the election period but only as is necessary for them to perform their roles as Councillors.

Information to be provided to Councillors will include information that is publicly and freely available such as Council Plans, Annual Reports, strategies, policies and the like.

Briefing papers in relation to the Annual Report and procedural matters to be decided at the Council or Delegated Committee meeting during the election period will also be provided to Councillors.

All requests from Councillors to Council staff for information about Council's existing projects, programs or services will be responded to in a 'business as usual' manner. This means that up to date responses will be provided about progress on Council projects or services to Councillors, as well as candidates more generally and members of the community.

A 'business as usual' approach does not include Council staff undertaking extensive research or analysis involving significant Council resources, or providing a level of information which would not normally be available.

All election-related enquiries from candidates or prospective candidates (whether Councillors or not) must be directed to the Election Manager. Where the matter is outside the responsibilities of the Election Manager the matter will be referred to the Chief Executive Officer or their delegate.

Applications for information under Freedom of Information legislation will be dealt with in the usual manner.

8.2 Keeping a Request for Information Register

A Request for Information Register will be maintained by the Chief Executive Officer and available for inspection by the public upon request:

- The Register will be a public document that records all requests relating to electoral matters, routine and non-routine requests for information by Councillors and candidates and a summary of the responses provided.

- Council staff are required to discuss requests for information by Councillors and candidates with their Manager to determine an appropriate response prior to providing or declining to provide the information.
- Managers are responsible for ensuring all requests are logged onto the Register.
- Requests for information that require significant resources to be devoted to a response, or which might be perceived to support a candidate, will be referred to the Chief Executive Officer or their delegate.
- The Register will be published on Council's website for the duration of the election period, including a summary of responses and/or link to any requested public document.

9. COUNCIL MEDIA, SOCIAL MEDIA PLATFORMS AND PUBLICATIONS

9.1 Vetting of Publications by the Chief Executive Officer

Section 304(2) of the Act provides that:

A Councillor or member of Council staff 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, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Penalty: 60 penalty units.

The Chief Executive Officer or their delegate must vet all material:

- 9.1.1 made available during the election period irrespective of when it was printed, published or distributed before or after the start of the election period; and
- 9.1.2 to ensure that none of the material is in the nature of electoral material.

9.2 Council Spokesperson

The Chief Executive Officer, or their delegate, will be the primary spokesperson for Council during the election period for a general election.

Media and social media responses and statements will only be issued during an election period for a general election in the name of the Chief Executive Officer.

Council staff must not make any public statement that could be construed as influencing the election.

Councillors must not use their position as an elected representative, nor their access to Council staff and other Council resources, to gain media attention in support of their election campaign.

9.3 Council Websites and Social Media Sites

During the election period for a general election information about Councillors published on Council websites will only include names, contact details and titles and any information contained in the Annual Report.

Other existing content on Council's website is not subject to the Election Period Policy. However,

where practicable, consideration will be given to the removal of existing prominent material, such as the front page of the website, that could be considered Electoral Matter.

The Executive Manager, Communications, Engagement and Advocacy will review new information during the Election Period to ensure it does not contain electoral material.

The agenda and minutes for Council and Delegated Committee meetings will continue to be published on Council's website and meetings livestreamed for public viewing.

New content on social media channels is subject to the Election Period Policy during the election period. Staff responsible for administering individual social media sites will monitor their respective sites during the election period.

Comments will be turned off where possible and moderated where not possible.

9.4 Internal Publications/Intranet

The publication of internal newsletters and intranet information, including instructions for the election period, is permitted and will continue as normal during an election period. The promotion of Councillors, candidates or political parties in internal publications is not permitted.

9.5 Councillor Issued Communications

Councillors, like other candidates, are permitted to issue their own media releases, provided they do not use Council resources (including email, fax, logo or any branding, letterhead or any Council owned device). Councillors and candidates must make it clear that the views expressed are their personal views, and not the views of Council itself.

Councillors are not permitted to comment in an official capacity or on behalf of Council about an issue raised by the media during the election period for a general election.

Should media outlets contact Councillors or candidates directly for comment about an issue during the election period for a general election, Councillors and candidates are able to comment, provided they make it known to the media outlets that the views expressed are personal views only, and not the views of Council.

Council staff must not provide media advice or assistance to Councillors during the election period for a general election.

10 PUBLIC CONSULTATION AND EVENTS

10.1 Public Meetings and Events

Councillors may continue to attend external community events during an election period for a general election, but no formal role will be accepted, and no support will be provided by Council staff (for example, writing a speech).

Existing Council programs and services for the community will continue as business as usual but new promotional activity is not permitted during the election period if it involves the publication of electoral material.

10.2 Speeches for External Events

Council resources must not be used to prepare speeches, or support roles, for Councillors for community and external events during the election period for a general election.

10.3 Community Consultation

Public consultation and engagement exercises must be avoided during the election period, except for statutory consultations required under the *Planning and Environment Act 1987* or other legislation where the matter cannot conveniently be delayed until after the election period.

10.4 Council Facilities/Halls for Hire

Council facilities will be able to be hired by candidates (including Councillors) at the normal corporate hire rate determined for the facility in the lead up to an election, including during an election period.

To avoid a perception that Council facilities are being used to promote any candidacy, no promotional material related to the event/hired use, apart from directional signage, can be displayed in the common public areas of the facility being hired. This will be advised at the time of booking.

Candidates wishing to conduct electioneering activities in a public space, for example, a stall at a shopping strip or park, must apply for a permit in accordance with Council's Community Local Law.

No other promotional material, including signage, posters, flyers or banners, for any candidacy is permitted on Council land or at its facilities at any time. The Strathbogie Planning Scheme sets out the requirements relating to signs on private land across the Shire.

11 USE OF COUNCIL RESOURCES

11.1 Candidacy

A Councillor must not use Council resources for candidacy purposes.

11.2 Elected Councillors Performing Their Role

Councillors will have access to the resources necessary to fulfil their elected roles in accordance with the Councillor Code of Conduct.

Council resources, including offices, vehicles, hospitality, equipment, email, mobile phones and stationery, will remain available for Councillors to perform their role during the election period.

Council resources must not be used for election related purposes or used in a manner that could be perceived as supporting or being connected with a candidate's election campaign.

Council staff will not undertake any tasks connected directly or indirectly with a candidate's election campaign.

11.3 Use of the Title "Councillor"

Councillors may use the title 'Councillor' in their campaign material, as they continue to hold office during the election period.

While a Councillor may refer to themselves as Councillor in all communications issued by the Councillor (verbal or written), it must be made clear that it is the communication of a candidate and not a communication by or on behalf of Council.

11.4 Photographs and Images

Photographs and images paid for by Council or taken by Council staff must not be used in electoral material for any candidate. This includes images of Councillors, Council branded events and Council owned or maintained infrastructure.

Photographs taken by Councillors, their family or friends, or professional photos they have directly commissioned and paid for, may be used in campaign material.

11.5 Council Branding and Stationery

No Council branding, logo or letterhead can be used for, or linked in any way to, a candidate's election campaign.

Use of Council logos, branding, and stationery, whether in hardcopy or electronic form, is only permitted for Council related business.

11.6 Councillor Expense Reimbursement

Reimbursement of the out-of-pocket expenses for Councillors during the election period will only apply to expenses that have been incurred in the performance of normal Council business, as set out in Council's Expenses Policy.

Expenses that the Chief Executive Officer identifies could reasonably be perceived as supporting or being connected with a candidate's election campaign will not be reimbursed.

11.7 Councillor Correspondence

General correspondence addressed to Councillors will be answered in the usual manner.

Councillors will only sign such correspondence during the election period for a general election as is necessary. Correspondence relating to significant, sensitive or controversial matters will be referred to the Chief Executive Officer.

11.8 Politicisation of Council

Councillors must not, in their capacity as a Councillor, censure Government or Ministers during the election period for a general election.

12. RELATED POLICIES AND LEGISLATION

- *Local Government Act 2020*
- *Electoral Act 2002*
- Councillor Code of Conduct
- Staff Code of Conduct CEO Directive
- Councillor Expenses Policy
- CEO Employment and Remuneration Policy
- Community Engagement Policy
- Media Policy
- Social Media Policy

13. POLICY REVIEW

Council will continue to maintain the Election Period Policy by reviewing and, if required, amending it no later than 12 months before the commencement of each subsequent general election period.