

# Election Period Policy

**(Adopted by Council 25 June 2024)**

ELECTION PERIOD POLICY

CONTENTS

- 1. PURPOSE.....3
- 2. SCOPE.....3
- 3. POLICY STATEMENT.....3
- 4. RESPONSIBILITIES.....9
- 5. DEFINITIONS OF TERMS OR ABBREVIATIONS USED .....9
- 6. RELATED LEGISLATION AND DOCUMENTS .....10
- 7. HUMAN RIGHTS STATEMENT OF COMPATIBILITY .....11
- 8. POLICY OWNER .....11
- 9. FEEDBACK .....11
- 10. DOCUMENT INFORMATION .....12

## ELECTION PERIOD POLICY

### 1. PURPOSE

1.1 The purpose of this policy is to:

- 1.1.1 Comply with the requirements of section 69 of the Local Government Act 2020;
- 1.1.2 Provide for the continued operation of Council during election periods in a manner that is fair, equitable and transparent;
- 1.1.3 Ensure that Council documents, media, programs, events and consultation are conducted in such a way that will not influence the outcome of the election or promote any particular candidate;
- 1.1.4 Prevent Councillors and candidates from misusing Council resources during the election period;
- 1.1.5 Inform the community about how Golden Plains Shire Council will conduct business during the election period and promote transparency of the Council election process.



### 2. SCOPE

2.1 This policy applies to:

- 2.1.1 Golden Plains Shire Council Councillors;
- 2.1.2 Council staff (whether permanent, temporary, casual, part-time or contract);
- 2.1.3 All candidates for Golden Plains Shire for local government elections;
- 2.1.4 All members of the community and the public, to the extent that it may impact the interactions between Council, Councillors, candidates and members of the community.

2.2 This policy applies to all general local government elections, and where stated, to by-elections, in Golden Plains Shire.

2.3 This policy applies to all Councillors of Golden Plains Shire Council, whether or not they have nominated as a candidate for the 2024 Local Government election.

### 3. POLICY STATEMENT

3.1 During the election period, the business of Council must continue and ordinary matters of administration must continue to be addressed.

3.2 Golden Plains Shire Council is committed to fair and democratic elections, and commits to comply with the restrictions, limitations and controls described in this policy to ensure that all candidates seeking election to Council in Golden Plains Shire are

## ELECTION PERIOD POLICY

treated fairly and equitably.

### 3.3 Election Period

3.3.1 As defined in the Act, the Election Period commences at the time that nominations for the election of Council close on nomination day, and ends at 6pm on Election Day.

3.3.2 The Election Period for the 2024 Local Government Elections commences from 12pm on 17 September 2024 until 6pm on Election Day, being 26 October 2024, inclusive.

### 3.4 Role of the Chief Executive Officer during Election Period

3.4.1 The Chief Executive Officer must take all reasonable steps to:

- a) Ensure that all Councillors and Council staff are informed of the application of this policy prior to the commencement of the election period;
- b) Ensure that no prohibited decisions are made during the Election Period, either by ensuring these decisions are either scheduled to be made prior to the commencement of the Election Period or deferred for determination by the incoming Council.

### 3.5 Election period statement

3.5.1 During the Election Period, the Chief Executive Officer will ensure that an 'Election period statement' is included in all reports submitted to Council for resolution.

3.5.2 The Election Period Statement will be in the following terms:

"The recommended decision is not a 'prohibited decision' as defined in the Election Period policy."

3.5.3 During the Election Period, Council must not make a decision on any matter or report which does not include an Election Period Statement.

### 3.6 Public question time

3.6.1 If a Council Meeting is held during the Election Period, no time will be allocated for public question time.

### 3.7 Council publications

3.7.1 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.

3.7.2 The CEO must not delegate the power to certify any advertisement, handbill, pamphlet, document or notice under clause 3.7 to any member of Council staff.

3.7.3 In accordance with section 304 of the Act, 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 (for example, using the logo or branding of), the Council, unless:

- a) the electoral material only contains information about the election process; or
- b) is otherwise required in accordance with or under any Act or regulation;

## ELECTION PERIOD POLICY

and

c) has been certified by the CEO under clause 3.8.

### 3.8 Certification of publications

3.8.1 Where the CEO is required to certify the publishing, printing or distribution of any publication, the certification must be in writing on or affixed to each copy of the publication and must be in the following form:

“Certified by the Chief Executive Officer in accordance with Council’s Election Period policy.”

3.8.2 In determining whether to certify a publication in accordance with this clause, the CEO will consider whether the publication contains electoral material.

3.8.3 Copies of all documents certified by the CEO in accordance with this policy will be retained and recorded in a register maintained by the Executive Assistant to the CEO.

3.8.4 Publications requiring certification include:

- a) Brochures, pamphlets, handbills, flyers, magazines and books;
- b) 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);
- c) Advertisements and notices;
- d) New website material;
- e) Social media publications (which includes Facebook and Twitter posts);
- f) Emails with multiple addresses, used for broad communication with the community;
- g) Mass mail outs or identical letters sent to a large number of people by or on behalf of Council;
- h) Media releases;
- i) Material to publicise a function or event;
- j) Any publication or distribution of Councillors’ speeches.

### 3.9 Council’s website

3.9.1 Material published on 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.

3.9.2 Councillor contact information will remain available on the website during the Election Period, but Councillors’ profiles will be removed.

3.9.3 Any material published on Council’s website during the Election Period must be certified by the CEO, in accordance with clause 3.8.

### 3.10 Social media

3.10.1 Any publication on social media sites, including Facebook, Twitter, blogs, wiki pages and podcasts during the Election Period, must be certified by the CEO, in accordance with clause 3.8.

3.10.2 Staff responsible for administering individual social media sites will monitor

## ELECTION PERIOD POLICY

their respective sites during the Election Period and use moderation features where available to ensure no electoral matter is posted.

### 3.11 Annual report

- 3.11.1 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.
- 3.11.2 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.

### 3.12 Media assistance and support

- 3.12.1 No media advice or assistance will be provided by Council staff in relation to election campaign matters or electioneering.
- 3.12.2 Media services, including media releases, will not be provided for Councillors during the Election Period.
- 3.12.3 Any media releases will be certified in accordance with clause 3.8 and issued in the name of the Chief Executive Officer.

### 3.13 Spokesperson

- 3.13.1 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.

### 3.14 Use of Council resources

- 3.14.1 In accordance with section 304 of the Act, a Councillor or member of Council staff must not use Council resources in a way that is intended or likely to affect the result of an election under the Act.
- 3.14.2 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.
- 3.14.3 Council's resources are not to be misused in any way that may influence voting in an election or provide an undue advantage for a candidate. This includes financial, human and material resources.
- 3.14.4 Equipment and facilities provided to Councillors for the purpose of conducting normal Council business must not be used for campaigning purposes. This includes the Mayor's vehicle which must not be used for campaigning purposes or campaigning travel.
- 3.14.5 Where Councillors are provided with Council funded support in accordance with the Councillor Support and Expenses policy, such as mobile phones, landlines and internet connections, and 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.
- 3.14.6 Payment or reimbursement of costs relating to Councillors' expenses, as provided by the Councillor Support and Expenses policy, incurred during the Election Period will be reimbursed only where the costs are necessary for

## ELECTION PERIOD POLICY

the performance of normal Council duties. No expenses will be reimbursed where that expense has been incurred as a result of or in connection with campaigning or that could be reasonably perceived as supporting any candidate's election campaign.

- 3.14.7 Council logos, letterheads, photographs, images or branding are not to be used, or linked in any way to a candidate's election campaign.
- 3.14.8 Council staff, including the CEO, will not perform and must not be asked to perform any tasks connected directly or indirectly to electioneering.

### 3.15 **Public consultation**

- 3.15.1 Some public consultation activities may be necessary during the Election Period to facilitate the day-to-day business of Council and ensure matters continue to be proactively managed.
- 3.15.2 Any such public consultations will avoid express or implicit links to the election.
- 3.15.3 Council will not continue or commence public consultation on any contentious or politically sensitive matter after the commencement of the Election Period.
- 3.15.4 This clause 3.15 does 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.

### 3.16 **Functions and events**

- 3.16.1 Council functions and events will not take place during the Election Period unless the CEO considers that exceptional circumstances exist that make it necessary to hold the function or event during the Election Period. Any function or event held during the Election Period must relate only to legitimate Council business and will not be conducted, or be reasonably perceived to be conducted, in connection with any election activity.
- 3.16.2 Councillors may attend public events during the Election Period, but they must not use their appearance at a public event during the Election Period for electioneering.
- 3.16.3 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 perceived as providing the Councillor any advantage or platform during the election period. Any speeches prepared for Councillors must be approved by the CEO.

### 3.17 **Travel and accommodation**

- 3.17.1 During the Election Period, Councillors must not undertake any interstate or overseas travel in their capacity as a Councillor. In circumstances where it is necessary for the Mayor (or nominee) to represent Council on an interstate or overseas delegation or forum, Council may by resolution approve such attendance. If consideration by Council is not possible or otherwise impracticable, the CEO may approve the attendance.

### 3.18 **Access to information**

- 3.18.1 All election candidates have equal rights to information relevant to their election campaigns from the Council administration, subject to legislative restrictions such as the *Privacy and Data Protection Act 2014*. While it is important that sitting Councillors continue to receive information that is

## ELECTION PERIOD POLICY

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.

- 3.18.2 To the extent possible, any information or advice provided to an individual candidate during the Election Period will be made available to all candidates. This may be provided through an information sharing system nominated by Council or by email. The process for accessing information will be communicated to each candidate.

### 3.19 **Information request register**

- 3.19.1 The Executive Assistant to the CEO will maintain an information request register during the Election Period. This register will contain all requests relating to electoral matters and non-routine requests for information by Councillors and candidates and the response provided to each request.

- 3.19.2 The information request register will be accessible upon request for inspection at Council's offices by members of the public.

### 3.20 **Advice to candidates**

- 3.20.1 All advice provided to candidates in connection with the conduct of the Council election will be provided equally to all candidates, except where the advice contains information that Council is unable to disclose (for example where the advice contains personal information).

- 3.20.2 All election related enquiries from candidates, whether or not the candidate is a sitting Councillor, will be directed to the Coordinator Governance and Risk or, where the matter is beyond the responsibilities of the Coordinator Governance and Risk, to the CEO (or delegate).

### 3.21 **Misuse of position**

- 3.21.1 Candidates who are or have been Councillors or members of delegated committees must ensure they are aware of section 123 of the Act, which prohibits misuse of that position including through improper use of information acquired in that position or use of public funds or resources in a manner that is improper or unauthorised.

- 3.21.2 Section 123 of the Act carries a maximum penalty of 600 penalty units or 5 years imprisonment.

### 3.22 **Council committees**

- 3.22.1 The operation of Council Delegated Committees will be suspended during the Election period.

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

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

### 3.23 **Council staff member as candidates in elections**

- 3.23.1 If a Council staff member chooses to nominate as a candidate for election to Golden Plains Shire Council, they must:

- a) Immediately inform the CEO upon nomination as a candidate;
- b) In accordance with sections 34(2) and 256 of the Act, take leave (commencing at the time of nomination as a candidate at the latest) for the duration of the Election Period in order to stand for election to the



## ELECTION PERIOD POLICY

office of Councillor;

- c) For the duration of the Election Period, return any Council equipment (including but not limited to motor vehicles, computers, phones or facility access passes/keys), documents or information that is not available to the public;
- d) In accordance with sections 34(2) and 256 of the Act, upon being declared election, immediately resign as a Council staff member.

### 4. RESPONSIBILITIES

#### Compliance, monitoring and review

4.1 The policy owner is responsible for ensuring the policy:

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

#### Reporting

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

#### Records Management

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

### 5. DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Term	Definition
<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 public.
<i>Council</i>	Golden Plains Shire Council
<i>Council decision</i>	Means the following: <ul style="list-style-type: none"> <li>a) A resolution made at a Council meeting;</li> <li>b) A resolution made at a meeting of a delegated committee;</li> <li>c) The exercise of a power of the performance of a duty or function of the Council by a member of Council staff (including the Chief Executive Officer) or a Community Asset Committee under delegation.</li> </ul>

## ELECTION PERIOD POLICY

<i>Council resources</i>	Includes but is not limited to Council offices, vehicles, staff, hospitality, services, property, equipment (phones, computers, etc) and stationery.
<i>Election Day</i>	On the fourth Saturday in October in the fourth year after the last general election of Councillors for all Councils was held
<i>Election Period</i>	Has the meaning provided by the Local Government Act 2020.
<i>Electioneering</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>Electoral material</i>	Has the meaning provided by the Local Government Act 2020
<i>Prohibited decision</i>	<p>Any Council decision during the election period for a general election that:</p> <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 the Council to expenditure exceeding one percent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or</li> <li>c) The Council considers could be reasonably deferred until the next Council is in place; or</li> <li>d) The Council considers should not be made during an election period.</li> </ul> <p>Additionally, any Council decision 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.</p>
<i>Publication</i>	Includes any means of publication, including letters and information on the internet.
<i>The Act</i>	Means the Local Government Act 2020

## 6. RELATED LEGISLATION AND DOCUMENTS

### ***Strategic Documents, Policies or Procedures***

- 6.1 *Councillor and Staff Interaction Protocol*
- 6.2 *Councillor Code of Conduct*
- 6.3 *Employee Code of Conduct*

### ***Legislation***

- 6.4 *Local Government Act 2020*

## ELECTION PERIOD POLICY

6.5 *Local Government Act 1989*

6.6 *Planning and Environment Act 1987*

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### **7. HUMAN RIGHTS STATEMENT OF COMPATIBILITY**

7.1 It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic)

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### **8. POLICY OWNER**

8.1 The Coordinator Governance and Risk is the policy owner.

8.2 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.

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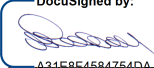
### **9. FEEDBACK**

9.1 You may provide feedback about this document by emailing [enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au)

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## ELECTION PERIOD POLICY

**10. DOCUMENT INFORMATION**

DOCUMENT TYPE:	Council Policy Document
DOCUMENT STATUS:	Adopted
DOCUMENT OWNER POSITION:	Governance and Risk Specialist
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NOTES:	<p>Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult Council's Policy page on the Golden Plains Shire Council website to ensure that the version you are using is up to date.</p> <p>Available at:  <a href="https://www.goldenplains.vic.gov.au/residents/my-council/about-council/council-policies">https://www.goldenplains.vic.gov.au/residents/my-council/about-council/council-policies</a></p>