

COUNCIL POLICY



TITLE:	ELECTION PERIOD POLICY
ID NUMBER:	CPO-CORPS-GE-008
DEPARTMENT:	Corporate Services
UNIT:	Corporate Services
RESPONSIBLE OFFICER:	Director Corporate Services

ADOPTED DATE AND BY WHOM:	<p>Version 1: Adopted by Council on 22 March 2016</p> <p>Version 1.1: Minor administrative amendments made following review 10 September 2019.</p> <p>Version 1.2 Further amendments made following review introduction of LG Act 2020 Adopted by Council on 12 December 2023</p>
EXPIRY DATE:	12 December 2027
REVIEW DATE:	<p>12 June 2027</p> <p><i>This policy will be reviewed every four years or as required by any legislative or Council changes.</i></p>

AVAILABILITY:	Organisation wide Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Public Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Internet Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
ADVISE AVAILABILITY:	Media Release Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Sou Wester (Responsible Officer to prepare article) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1. References

[Local Government Act 2020](#)

Glenelg Shire Council, Records Management Policy OPO-CORPS-RECM-001 (DocSetID: 1933907)

Glenelg Shire Council Governance Rules (DocSetID: 2726760)

2. Introduction

During an 'Election Period' Local Government goes into caretaker mode to avoid actions and decisions which could be seen to be influencing voters, providing an advantage to a Councillor standing for election, or which will have a significant impact on the incoming Council.

This Policy explains to our community how Council will conduct business immediately prior to an election to ensure transparency and probity.

This Policy applies during an 'Election Period' and covers:

- (a) Decisions that are made by Council, a committee of Council or a person acting under delegation from Council or the Chief Executive Officer
- (b) Material that is published by Council
- (c) Attendance and participation in functions and events
- (d) The use of Council resources
- (e) Access to Council information
- (f) Media advice and support
- (g) The role of Councillors and Staff.

3. Purpose

Glenelg Shire Council is committed to the conduct of democratic, open, fair and honest Local Government elections within its area and therefore adopts the practices detailed within this Policy in addition to legislative requirements.

This Policy has been developed in order to ensure that general elections for Glenelg Shire Council are conducted in a manner that is fair and equitable and is capable of withstanding public scrutiny.

4. Scope

This Policy applies to all Councillors and Council Staff during the 'Election Period'.

5. Principles

The Glenelg Shire Council is committed to:

- the conduct of democratic, open, fair and honest Local Government elections within its area
- ensuring that all candidates are treated equally
- ensuring that the ordinary business of Local Government continues throughout the 'Election Period' in a responsible and transparent manner and in accordance with statutory requirements and established 'caretaker' conventions
- ensuring that the ongoing ordinary business of Council is kept separate from councillors' activities which relate to the election
- ensuring that in the run up to the election, Council does not make decisions which inappropriately bind the next Council
- ensuring that Council resources are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing councillors as candidates in the election.

6. Election Period

The 'Election Period' for the October 2024 Local Government general elections commences at the time that nominations close on the scheduled nomination day until 6pm election day. A period of 32 days. The election is scheduled for the 26 October 2024.

6.1 Election Period Legislative Requirements

Specific requirements have been incorporated into the Act that require Council to develop an 'Election Period' policy that prohibit Council making inappropriate or major policy decisions, or publishing or distributing electoral matter during the 'Election Period'.

The following is a summary of the key requirements of the Act during the 'Election Period':

Section 69(1) requires Councils to include an 'Election Period' policy in its Governance Rules.

Section 69(2) prohibits certain Council decisions during the 'Election Period' – including

- a. decisions relating to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- b. 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. For clarification under the 23/24 Budget this amount will be \$326k.
- c. decisions that Council considers could be reasonably deferred until the next Council is in place
- d. decision that Council considers should not be made during an election period.

Section 69(3) An election period policy must prohibit 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.

Any Council decision made in contravention of the above is invalid.

7. Council Policy

7.1 Council Decisions

This section of the Policy applies to decisions made by the Council, or a person acting under delegation given by the Council or Chief Executive Officer (CEO).

During the 'Election Period' the following will apply;

- Council Meetings will continue to be convened, however, the Agenda will not include any item that could lead to an inappropriate decision under section 69 (2) of the Act. Any matter considered at a meeting will only be those matters necessary for the continued day-to-day operation of the Council.
- Council Committees (if applicable) will continue however where possible recommendations to Council will be following the conclusion of the 'Election Period'.
- External Committees with Councillor representation may continue; however, no media will be undertaken by Council or Councillors pertaining to their representation on the Committee during the 'Election Period'.
- Councillor Updates will continue although only for items confined to the ordinary day-to-day business of Council.
- Any items that could reasonably be deferred to the next Council Meeting will not be tabled during the election period.
- Councillor Workshops and Briefing Sessions will continue for matters only necessary for the continued day-to-day operation of the Council.

If Council considers that there are extraordinary circumstances where the Glenelg Shire's community would be significantly disadvantaged by the Council not making a particular 'Major Policy Decision', the Council will, by resolution, request an exemption from the Minister for Local Government in accordance with section 177 of the Act for an exemption from a compliance obligation.

7.1.1 Agenda Items, Motions and Confidential Items

As a general principle, Council Officers should, as far as practicable, avoid scheduling decisions for the 'Election Period' and instead ensure that major policy decisions are either:

- a. Considered by Council prior to the election period; or
- b. Scheduled for consideration by the incoming Council.

Council Officers will carefully vet any agenda items being proposed for consideration by Council to ensure they are not inappropriate decisions, major decisions or that could encourage councillor candidates to use the item as part of their electioneering.

Councillors will refrain from moving motions or discussing matters at a meeting that could potentially influence voting at an election.

7.1.2 Types of Decisions to be Avoided

The following are examples of the types of decisions that will be avoided during the 'Election Period':

- a. Allocation of community grants or other direct funding to community organisations
- b. Major planning scheme amendments
- c. Adoption or changes to the strategic objectives and strategies of the Council
- b. Decisions that significantly affect the municipality and unreasonably bind the incoming Council.

7.2 Material that is published by Council

7.2.1 Electoral Matter

Electoral matter is any matter that is intended or likely to affect voting in an election and includes (but is not limited to) material that deals with the election, candidates or issues of potential contention in the election.

Electoral matter includes material which:

- 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; and publicises the achievements of the elected Council

7.2.2 Existing Publications

Any publication containing electoral matter that might reasonably influence the election that is on public display in libraries, customer service centres and other public Council facilities will be temporarily removed during the 'Election Period'.

7.2.3 Publication of Promotional Material

Council organised events should not be undertaken during the election period if possible. Where such events are approved by the CEO any material concerning a Council organised or sponsored function or event which will be published or distributed during the 'Election Period' must not contain electoral material.

No election material or active campaigning is to be conducted at Council organised or sponsored events and functions.

7.2.4 Website

Material published on any Council website prior to the commencement of the 'Election Period' 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 on the website during the 'Election Period' but Councillors' profiles will be removed.

7.2.5 Social Media

Council staff will monitor their respective social media sites and remove any posts that may be considered electoral material.

Council auspiced social media must not be used for election campaigning. The ability for members of the public to post comments on Council's social media sites will continue during the 'Election Period' however posts that refer to candidates or could be regarded as electoral material will be removed.

7.2.5 Annual Report

Council is required by the Act to produce and place on public display a copy of its Annual Report. The Annual Report will be published during the 'Election Period' and will not contain any material that could be regarded as electioneering or that promotes individual Councillors. It will fulfil its statutory obligations on reporting in accordance with the Act and the *Local Government (Planning and Reporting) Regulations 2020*.

In the year of a general election, a Council must, after submitting the annual report to the Minister under section 100 (2) of the Act, hold a meeting to consider the Annual Report no later than the day before the election day.

7.3 Attendance and participation in functions and events

Reference to events and functions means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities and social occasions such as dinners, receptions and balls.

7.3.1 Public Events Conducted by External Bodies

Councillors may continue to attend events and functions during the 'Election Period'.

7.3.2 Council Events and Functions

Council organised events and functions held during the 'Election Period' should only be those essential to the operation of the Council and are subject to approval by the CEO.

7.3.3 Speeches/Keynote Addresses

Councillors should not give speeches or keynote addresses at Council organised or sponsored events and functions during the 'Election Period'.

Councillors may make short welcome speeches at Council organised or sponsored events and functions during the 'Election Period' without reference to electoral material.

7.3.4 Public Consultation

Public consultation means a process that involves inviting individuals, groups or organisations or the community generally to comment on an issue or proposed action or proposed policy, and which includes discussion of that matter with the public.

Council will not commission or approve any public consultation if such consultation is likely to run into the 'Election Period' unless prior approval is given by the CEO.

Some public consultation activities may be necessary during the 'Election Period' to facilitate the day-to-day business of Council. Any such public consultations will avoid express or implicit links to the election.

Where public consultation is approved to occur during the 'Election Period' the results of that consultation will not be reported to Council until after the 'Election Period', except where approved by the CEO.

Where a matter or issue has potential to become contentious or politically sensitive during the 'Election Period', the consultation maybe postponed if it is likely to affect potential voting in the election.

7.3.5 Publicity campaigns

During the 'Election Period', publicity campaigns, other than for the purpose of conducting the election will be avoided wherever possible. If a publicity campaign is deemed necessary for a Council activity, it must be approved by the CEO.

Council publicity during the 'Election Period' will be restricted to communicating normal Council day to day activities and initiatives.

7.3.6 Statutory Requirements

Consultation required under legislation such as the *Planning and Environment Act 1987*, or *Local Government Act* will only be undertaken during the 'Election Period' to facilitate the day-to-day business of Council.

7.4 The use of Council resources

7.4.1 Inappropriate Use of Council Resources

Section 304(1) (2) of the Act prohibits the use of Council resources during the 'Election Period' which are intended to or likely to affect the result of an election.

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.

The 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 the provision of Council resources to Councillors.

7.4.2 Council Resources for Normal Council Business

Council resources including officers, support staff, hospitality, equipment and stationery, must only be used for normal Council business during the 'Election Period' and must not be used in connection with an election unless the conduct of the election is within the scope of the employees' duties.

Councillors must not use their Council owned mobile phone, laptop computer or councillor emails for the purposes of electioneering during the 'Election Period'.

7.4.3 Mayoral Vehicle

The Mayoral vehicle during the 'Election Period' will not be used for any activity related to the electioneering of any candidate.

7.4.4 Expenses Incurred by Councillors

Payment or reimbursement of costs relating to Councillor out of pocket expenses incurred during the 'Election Period' should only apply to necessary costs that have been incurred in the performance of normal Council duties. Costs associated with a Councillor's election campaign or costs that could be perceived as supporting or being connected with another Candidate's election campaign are not permitted.

7.4.5 Council Branding and Stationery

Councillors may publish campaign material on their own behalf but cannot purport for the material to be originating from, or authorised by, the Glenelg Shire Council.

Council logos, letterheads or other Glenelg Shire Council promotional branding cannot be used for or linked in any way to a Candidate's election campaign.

7.4.6 Council Buildings

Election material from candidates is not permitted to be displayed in Council leased or managed facilities.

7.5 Access to Council information

7.5.1 Councillor Correspondence

All Candidates have an equal right to access information from the Council administration. However, neither Councillors nor Candidates will be provided information or advice from Council staff that might be perceived to support an election campaign.

7.5.2 Information and Briefing Material

Information and briefings provided by Council staff to Councillors during the election period must be necessary to the carrying out of the Councillor's role and must not be related to election issues or to issues that might be perceived to be of an electoral nature.

7.5.3 General Correspondence

General correspondence addressed to Councillors will be answered as usual. However, Councillors may sign only the necessary minimum correspondence during the 'Election Period' and correspondence in respect to significant, sensitive or controversial matters should be signed by the CEO or by a Director. Replies will be prepared so as to protect Council staff from perceptions of political bias.

7.6 Media advice and support

Council's media service is intended to promote Council activities or initiatives and must not be used in any way that might benefit a Candidate.

Media releases will not refer to or attribute phrases to specific Councillors.

Where it is necessary to identify a spokesperson, the CEO or his delegate will be consulted.

7.7 Others matters not specified

7.7.1 Improper Use of Position

Section 123 of the Act prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in the role of Councillor, to gain advantage.

7.7.2 Councillors

Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media coverage in support of an election campaign by them or another Candidate.

7.7.3 Council staff

During the 'Election Period' no Council staff member may make any public statement that relates to an election issue unless the statements have been approved by the Chief Executive Officer.

8. Records Management

All Council records created and managed as a result of implementing this policy will be managed in accordance with the Council's Records Management Policy.

The Records Management Policy assigns responsibilities for records management to employees, supervisors, volunteers and other specific positions.

No Council records are to be destroyed without consideration of the requirements of the Act(s) that govern the functions relevant to this policy. Prior to destruction, advice must be sought from the Information and Data Unit, with consideration to the requirements of the appropriate Retention and Disposal Authority (RDA).

9. Victorian State Legislation Copyright Acknowledgement

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