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| Document Type: | Council Policy | TRIM reference: | DOC/20/25571 |
| Document Status: | Approved by Council | | |
| Policy Owner (position): | Principal Governance Officer | | |
| Internal endorsement required: | Not Applicable | | |
| Final Approval by: | Council | | |
| Date approved: | 1/09/2020 | | |
| Evidence of approval: | Council – Refer to Notes in TRIM | | |
| Version Number: | 3 | Frequency of Review: | 4 years |
| Review Date: | 1/09/2023 | | |
| Date rescinded: | Click here to enter a date. OR <input checked="" type="checkbox"/> Not applicable | | |
| Related legislation: | Local Government Act 2020 | | |
| Related strategic documents, policies, or procedures: | <ul style="list-style-type: none"> Not Applicable | | |

| Date | Version Number | Details of Version | Modified by |
|------------|----------------|--------------------|------------------------------|
| 7/01/2020 | 1 | Adopted | Principal Governance Officer |
| 01/07/2020 | 2 | Draft Under Review | Principal Governance Officer |
| 01/09/2020 | 3 | Adopted | Principal Governance Officer |

1. Purpose

This policy has been developed in accordance with the Local Government Act 2020 (the Act) to ensure the Mount Alexander Shire Council elections on Saturday 24 October 2020 (and subsequent elections) are conducted in a manner that is ethical; fair and equitable; and are publicly perceived as such.

The 'election period' as defined by the Act for the 2020 Local Government elections will commence at 12.00 pm on Tuesday 22 September 2020 and end at 6.00 pm on election day, 24 October 2020. The 2020 General Election in Mount Alexander Shire Council will be conducted by postal voting, which closes at 6.00 pm Friday 23 October 2020.

2. Scope

This policy applies to the Councillors and employees (including full time, part time, casual employees, agency staff and students) and Community Asset Committees created under Section 65 of the Act. The policy is also applied in the management of contractors, volunteer groups and consultants of Mount Alexander Shire Council.

3. Policy

Council is committed to conducting business during the election period in an open, ethical, fair and equitable manner and to safeguarding the incoming Council's authority.

To support this commitment Council will:

- Avoid making significant new policies or major decisions that could unreasonably bind a future Council.
- Ensure that public resources, including staff 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.
- Limit public consultation, media comment, and publications to ensure that no advantage is afforded to a sitting Councillor.
- Ensure the Chief Executive Officer or his delegate approves all media comment and publications during the election period, and hold evidence of those approvals.

3.1. 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 are informed of their roles and responsibilities thirty (30 days) prior to the commencement of the election period.
- Ensure as far as possible, that matters of Council business requiring significant decisions are scheduled for Council to consider prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.

- Not include in the order of business for any Council Meeting scheduled during the election period, any matters requiring major policy decisions or matters that could be considered inappropriate decisions.

The Chief Executive Officer will issue guidelines to staff on the role and responsibilities of staff in the implementation of this policy.

The Chief Executive Officer will also issue guidelines to Councillors to inform them about changes to services, processes and procedures that may impact them in their role during the election period.

3.2. Decision Making

In accordance with Section 69 of the Act, Council is prohibited from making any decision during the election period for a general election that:

- 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;
- 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;
- c) The Council considers could be reasonably deferred until the next Council is in place; or
- d) The Council considers should not be made during an election period.

Council is prohibited from making 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.

During the election period, the Council, a Committee of Council, the CEO or a Council officer acting under delegation will not:

- a) Approve, amend or repeal any policy, plan or strategy, including those contained in or related to the Mount Alexander Shire Planning Scheme, which has been adopted by Council; or
- b) Use their position to influence Council officers, or access Council resources of information, in support of any election campaign or candidacy.

A Council decision made in contravention of subsection (a) or (b) above is invalid under the Act.

Under the Act, any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of this clause is entitled to compensation from the Council for that loss or damage

During the election period, reports to Council and Committee meetings will be carefully vetted to avoid listing matters on the Agenda which could foreseeably influence voters' intentions at the forthcoming election; or encourage Councillor-candidates to use the matter as part of their election platform.

Councillors will not move motions on, or raise matters at Council or Committee meetings that could potentially influence voting at the election.

3.3. Extraordinary Circumstances

If the Council considers that there are extraordinary circumstances which require the making of a decision during the election period that in doing so would breach the Act, the Council may apply in writing to the Minister for Local Government for an exemption from the application of this prohibition.

3.4. Council and Special Committee Meetings

Agenda papers and minutes of Council and Committee meetings do not require approval by the Chief Executive Officer unless they are printed or published for a wider distribution than normal.

Questions from the gallery during Public Question Time will be considered by the Chair to ensure that they comply with the principles of the Act in relation to the election period and this policy. In accordance with the Governance Rules, the Chair may disallow a question if it breaches the requirements of the Rules.

Council Meetings will continue to take place during the election period. However, the following adjustments will be made to the Agenda:

- a) Council will suspend public question time at all Council meetings during the election period. Members of the public will still be able to make written submissions and/or address the Committee meeting in relation to items listed on the agenda;
- b) Delegates Reports and Notice of Motion will not be allowed where the matter is an Electoral Matter;
- c) Councillors will limit their discussion during debate to the topic under consideration and will avoid raising Electoral Matter; and
- d) Reports for the consideration of Council will be referred to the CEO for approval before inclusion on the meeting agenda.

3.5. Application of Resources

The use of Council resources including, but not limited to, vehicles, staff, services, property, equipment, stationery, websites, social media and hospitality for any Federal, State or Council election campaign purposes is prohibited.

Where the use of Council resources appears to relate to the election campaign of a Councillor standing for re-election, the matter must be referred to the Chief Executive Officer or their delegate.

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 to or is likely to affect the result of an election under this 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, 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.

3.6. Council staff

The Executive Assistant to the CEO, Governance officers, or any other staff member, will not be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillor standing for re-election.

3.7. Use of Council Equipment by Councillors

Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Councillor duties, subject to existing protocols and terms of use.

Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns. Specifically, Council resources, including (but not limited to) fleet vehicles, laptops, mobiles, office accommodations, IT, meeting rooms, support staff and photographs. Equipment and stationery will be used exclusively for normal Council business during the election period and will not be used in connection with any election campaign.

3.8. Public Consultation

As a general rule, community consultation and engagement activity will be suspended during the election period and/or organised so as not to fall within this period.

Some community consultation activities may be necessary during the Election Period to facilitate the day to day business of Council and must be approved by the CEO or their delegate.

Any such community consultations will avoid express or implicit links to the election or an Electoral Matter. Council will not continue or commence public consultation on any contentious or politically sensitive matter after the commencement of the Election Period.

In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the Election Period, Council reserves the right to postpone a matter if the issue is likely to become an Electoral Matter.

The requirements of this clause do not apply to community consultation required under the Planning and Environment Act 1987 or matters where Council, by public notice, has invited public submissions

Where community engagement has occurred prior to the election period but the report has not yet proceeded to a Council or Committee meeting, results of the consultation will also not be provided to a Council or Committee meeting until the election period has concluded.

3.9. Council Publications

Prohibition on Publishing Material during the Election Period

Council is prohibited from printing, publishing or distributing any advertisement, handbill, pamphlet or notice during an election period unless it has been approved by the CEO or their delegate.

The publication of any material containing Electoral Matter is prohibited unless that material is only about the election process.

Publications which require approval include:

- Brochures, pamphlets, handbills, flyers, magazines and books;
- Reports (other than agenda papers and minutes);
- Advertisements, newsletters and notices except newspaper notices of meetings;
- 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 people by or on behalf of Council;
- Media releases;
- Material to publicise a function or event; and
- Any publication or distribution of speeches.

A publication is taken to contain Electoral Matter if it contains an express or implicit reference to, or comment on:

- The election; or
- A Candidate in the election; or
- An issue submitted to, or otherwise before, the voters in connection with the election.

3.10. Council Publications Including Councillor Information

References to Councillors who are standing for re-election in Council publications printed, published or distributed during the election period could be considered electoral matter and will be carefully vetted and unless it has been approved by the CEO or their delegate.

The publishing and distribution of electoral matter, as defined in Section 3 in the Act is prohibited.

3.11. Existing Publications

Existing publications, including material published on Council's website in advance of the Election Period, are not subject to certification requirements.

Existing publications will be reviewed at the start of the Election Period. Publications or material which is prominently displayed and might be regarded as likely to influence how people vote will be temporarily removed from display. Any material so removed will still be provided to members of the community upon request.

Material published on Council's website in advance of the Election Period is not subject to certification, however existing material that is prominently displayed should 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.

Councillors' contact information will remain available on the website during the election period, but Councillors' profiles will be removed.

3.12. Annual Report

Council is required by the Act to produce and put on public display a copy of its Annual Report. The Annual Report may be published during the election period with the approval of the CEO.

The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.

3.13. Live Streaming of Council meetings

While Council and Committee agenda papers and minutes are considered to be part of normal Council business, the livestreaming of the Council Meetings are not. As such, livestreaming and the YouTube recordings of meetings which take place during the election period will not be made available on Council's website until after the election period has ended.

3.14. Social Media

Any new publication on social media sites including Facebook, Twitter and any other form of social media created by Council during the election period must be approved by the CEO, or their delegate.

As public comments posted on Council's social media sites could be considered electoral matter, staff responsible for administering social media sites will, where possible, disable public commenting. Where public commenting cannot be disabled, staff will monitor their respective sites during the Election Period and where possible, remove electoral matter as soon as reasonably practicable after it is posted.

3.15. Functions and events

Functions and events are defined as 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.

Functions or events may take the form of conferences, workshops forum, launches, promotional activities and social occasions such as dinners, receptions and balls.

Functions or events staged by external bodies

Councillors will continue to attend events and functions during the election period hosted by external bodies.

Council events and functions

Council organised events and functions during the election period will be limited to:

- Those essential to the operation of the Council.
- Annual events that are included in the Events Calendar.
- Those that have been approved by the Chief Executive Officer.

Speeches / key note addresses

Councillors may only make speeches at Council organised or sponsored events and functions with the prior approval by the Chief Executive Officer. The preference will be for the any such speeches or key note addresses to be delivered by the Chief Executive Officer or delegate.

Publication of promotional material

Any promotional material concerning a Council organised or sponsored function or event will be published and distributed in accordance with this Policy.

Where practicable, civic and ceremonial Council events should not be scheduled during the election period. Civic and ceremonial events do not include routine events and programs conducted as part of Council's day-to-day activities (e.g. immunisation sessions, gallery exhibitions, library programs).

Any civic or ceremonial Council event held during the election period will meet one or more of the following criteria:

- It is a planned event endorsed by the current Council Plan.
- It is routinely held at the same time of year.
- It is a commemorative or anniversary event held on or near the anniversary date.
- It demonstrates a clear community benefit, or serves an educational or welfare purpose.
- It contributes to cultural development, social awareness or sense of community identity.

3.16. Council Resources

Application of Resources

Council resources, including office accommodation, staff, hospitality, services (including phone, internet and email), property, equipment and stationery will be used exclusively for normal Council business during the election period and will not be used in connection with any election campaign or issue.

Councillor-candidates will not use Council resources in connection with any activities associated with their election campaigns, regardless of any entitlement to "reasonable personal use" of Council equipment under any other policy, protocol or terms of use.

Council staff

The Executive Assistant to the CEO, Governance officers, or any other staff member, will not be asked to undertake any tasks connected directly or indirectly with the election campaign of a Councillor standing for re-election.

Use of Council Equipment by Councillors

Councillors standing for re-election will not use Council equipment as a resource to assist with election campaigns.

Councillors' Entitlement to Reimbursement

Reimbursements of Councillors' out-of-pocket expenses during the election period will only apply to costs that have been incurred in the performance of their normal Council duties, and not for expenses that may support or are connected with a candidate's election campaign.

Council Branding

No Council logos, letterheads, or other corporate branding will be used for, or linked in any way to a candidate's election campaign.

Ward Publications

Ward-specific publications, printing of community newsletters and the Mayor's column will not be arranged or resourced by Council during the election period.

Councillor Correspondence

While the routine business of Council must continue, it is important that the administration is not perceived as providing Councillor-candidates any undue advantage whilst campaigning.

During the election period, any responses prepared by the administration in response to correspondence addressed to a Councillor-candidate, will therefore be signed by the Chief Executive Officer or relevant Director or Manager as appropriate. Such responses will acknowledge the administration is responding due to limitations imposed upon Councillors during the election period.

Officers' Discretion

The Council will ensure that due propriety is observed in the use of all Council resources and Council officers are required to exercise appropriate discretion in that regard.

Where the use of Council resources appears to relate to the election campaign of a Councillor standing for re-election, the matter will be referred to the Chief Executive Officer.

3.17. Media Services

Restriction on Services

Council's Communications Unit undertakes the promotion of Council activities and initiatives. During the election period this team's services will not be used in any way that might promote a Councillor as an election candidate. Council publicity during the election period will be restricted to communicating normal Council activities and initiatives, and is subject to certification by the Chief Executive Officer.

During the election period, Council resources will not be used in any way that might promote a Councillor as an election candidate.

New Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to certification by the Chief Executive Officer.

Media Releases/Spokespersons

Media releases during the election period will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election candidate. Where it is necessary to identify a spokesperson, the Chief Executive Officer or his delegate will be consulted.

Media releases require approval by the Chief Executive Officer.

Councillors

Councillors must not use their position as an elected representative or their access to Council Officers and other Council resources to gain media attention during the election period in support of an election campaign.

Council Employees

During the election period no Council employee will make any public statement that relates to an election issue unless prior approval from the Chief Executive Officer has been obtained.

3.18. Information

Candidates' Access to Information

Council recognises that all election candidates have certain rights to information relevant to their election campaigns from the Council administration subject to legislative constraints such as:

- A Councillor may continue to access Council information only as it is necessary for them to perform their role as Councillor and in accordance with the Councillor Access to Information Policy.
- All election Candidates have equal rights to Council information relevant to their election campaigns from the Council administration in accordance with the Council's Public Transparency Policy and the Freedom of Information Act 1982 (Vic).
- Neither Councillors nor Candidates will receive information or advice from Council officers that may improperly advantage Candidates in the elections.
- Council will provide Candidates with a copy of a Councillor Candidate Information Kit (if any) produced by the Victorian Electoral Commission to assist them in running and nominating for Council.
- Council will provide Candidates with a copy of this policy. A copy of this policy will be available at the Civic Centre upon request.

Information Request Register

The Governance Unit will maintain a publicly available Information Request Register during the election period. This Register will record requests by persons who identify themselves as candidates when seeking information relating to electoral matters or when making other general enquiries. The register will also record the responses provided.

Any candidate may, upon request, obtain information about the recorded requests made by another candidate as recorded in the Information Request Register and a copy of information given in response to the request.

The Principal Governance Officer may, at their discretion, automatically circulate to all candidates, the response to any request recorded in the Information Request Register.

3.19. Assistance to Candidates

All election related enquiries 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 Chief Executive Officer or his or her delegate.

Candidate Information

Information is available to prospective candidates from the Municipal Association of Victoria and the Victorian Electoral Commission to assist them in running and nominating for Council. Candidates will be informed of their obligation to complete a Nomination Form which will be available from the Returning Officer, which should be accompanied by the nomination fee.

Candidates will also be informed of the requirements to complete and submit an 'Election Campaign Return' to the Chief Executive Officer within 40 days after the Election Day. The return must contain details of any campaign donation or gift valued at more than \$500 which was received between 30 days after the previous election and 30 days after the current election.

4. Definitions of Abbreviations Used

| Term | Definition |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Caretaker Period | Has the same meaning as 'Election Period' in Section 3 of the Act, and means the period that starts on the entitlement date and ends at 6.00 pm on Election Day. |
| Councillor-Candidate | Means a current Councillor who has nominated, or is considering nominating for election in the 24 October 2020 Council elections. |
| Electoral Matter | <p>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 returning officer for the purposes of conducting an election.</p> <p>Without limiting the generality of the definition of electoral matter, matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on -</p> <ol style="list-style-type: none"> The election; or A candidate in the election; or An issue submitted to, or otherwise before, the voters in connection with the election. <p>Electoral matter includes material 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. Publicises the achievements of the elected Council. |
| Election Period | <p>In relation to an election, means the period that -</p> <ul style="list-style-type: none"> Starts on the last day on which nominations for that election can be received; and Ends at 6.00 p.m. on election day; <p>That is, 12.00 pm on 22 September 2020 through to 6.00 pm on 24 October 2020.</p> |
| Electoral | Means an advertisement, handbill, pamphlet or notice that contains |

| Term | Definition |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Advertisement, Handbill, Pamphlet Or Notice | electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting. |
| Inappropriate Decisions | Inappropriate decisions made by a Council during an election period include any of the following - a) Decisions that would affect voting in an election. b) Decisions that could reasonably be made after the election. |
| Publication | Means: a) A published work in any form (e.g. hardcopy or digital) including but not limited to brochures, articles, letters, posters, policies, strategies, papers, letters, commentary. b) The act or process of publishing. |
| Publish | Means publish by any means including by publication on the Internet |
| Public consultation | Means a process which 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. |
| Significant decision | An irrevocable decision that significantly effects the municipality. |

5. Human Rights Statement

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