

Election Period – Council Policy No. 118

1. BACKGROUND

This Policy has been prepared in accordance with section 93B(1), (2) and (3) of the *Local Government Act 1989* which requires Council to prepare, adopt and maintain an election period policy in relation to procedures to be applied by a council during the election period for a general election, by 31 March 2016. Further, following the general election on 22 October 2016, councils must continue to maintain the election period policy by reviewing and, if required, amending the policy not later than twelve months from the commencement of the election period for the next election.

2. POLICY PURPOSE

The purpose of this policy is to specify procedures intended to prevent Council from making inappropriate decisions or using resources inappropriately during the election period before a general election; the limits on public consultation and the scheduling of Council events; and procedures to ensure that access to information held by Council is made equally available to candidates during the election as required by section 93B(3) of the *Local Government Act 1989*.

3. DEFINITIONS

The Act	<i>Local Government Act 1989</i>
Election Period	In relation to a general election, means the period that starts on the last day on which nominations for that election can be received and ends at 6pm on election day.
Major Policy Decision	<p>Any decision:</p> <ul style="list-style-type: none"> (a) Relating to the employment or remuneration of a Chief Executive Officer under section 94 of the Act, other than a decision to appoint an acting Chief Executive Officer; (b) To terminate the appointment of a Chief Executive Officer under section 94 of the Act; (c) To enter into a contract the total value of which exceeds whichever is the greater of: <ul style="list-style-type: none"> • For goods and services, \$150,000 or 1% of Council's revenue from rates in the preceding financial year • For building and construction works, \$200,000 or 1% of Council's revenue from rates in the preceding year (d) To exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of Council's revenue from rates in the preceding financial year.
Inappropriate Decisions	those that would affect voting at an election or decisions that may unreasonably bind an incoming council and could reasonably be deferred until after the election.

4. INTRODUCTION

Councils must comply with special arrangements during the election period in the lead up to a general election.

Election policy provisions contained within the Act are intended to ensure councils do not interfere with the integrity or probity of the election process and also ensure that the authority of an incoming council is not bound by decisions made in respect of which it may find itself unable to change.

The Act regulates council activity in two ways. It prohibits councils from making certain types of decisions and it requires that materials produced by councils must not contain matter that will affect voting at the election.

The election period commences 32 days before an election. The business of Council continues throughout this period. This policy seeks to ensure that Council does not take action that will bind a future council.

5. POLICY STATEMENT

Decision making

During the election period, all reports prepared for the consideration of Council will be carefully vetted by the Chief Executive Officer to ensure that no agenda item is included that could potentially influence voters' intentions at the forthcoming election or could encourage councillor candidates to use the item as part of their electioneering.

During the election period, all councillors will refrain from moving motions or raising matters at a meeting that could potentially influence voting at the forthcoming election.

The following decisions will be avoided during the election period:

- Allocating community grants or other direct funding to community organisations
- Major planning scheme amendments
- Changes to strategic objectives and strategies contained within the Council Plan.

Use of Resources

Councillors will continue to be provided with resources and receive information during the election period to continue to perform their elected role.

Resources such as officers, email services, equipment, branding and stationery are only to be used for normal Council business and not for any election campaign activities.

Information and briefing material prepared and provided to Councillors must be necessary to the carrying out of the Councillor's role and must not be used for election purposes.

Public Consultation

Public consultation is 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.

Public consultations will be avoided during the election period.

Public consultation under the *Planning and Environment Act 1987*, or matters subject to section 223 of the *Local Government Act 1989*, may be undertaken during the election period to facilitate the day-to-day business of Council, to ensure matters continue to be proactively managed. These consultations will proceed only after agreement by the Chief Executive Officer and will avoid any express or implied links to the election. The circumstances making this consultation necessary, and how the risks of influencing the election will be mitigated or prevented will be communicated to the community.

Events

Normal Council events are not prohibited during the election period however Council will keep these events to a minimum. Where events occur and whether or not a Councillor is to make a speech, Councillors will be conscious of the fact that they are representing Council and are not to use the opportunity for electioneering.

Material printed or disseminated during the election period to publicise a function or event will be subject to a certification process.

Functions or events for the purpose of electioneering will not be resourced or publicised by Council.

Access to Council Information

With respect to Council held information, Councillor candidates will be treated in the same way as other candidates.

Councillors may continue to automatically access Council held documents during the election period, but only as is necessary for them to perform their current role and functions. Information routinely provided to Councillors will include:

- Information that is publicly and freely available, eg Council Plans, Annual Reports, strategies, policies.
- Information and advice provided by Council officers as part of Council meeting agendas
- Briefing papers in relation to matters to be decided upon at forthcoming Council meetings. It is likely that the briefing information provided to Councillors during the election period will be of a more routine nature than normal, given the approach to decision making during the election period.

All requests received by Council staff for information about Council projects, programs or services will be responded to in a 'business as usual' manner. This means up to date responses will be provided about progress on Council projects or services to Councillors, candidates or the public.

Requests for information which require significant resources to be devoted to making a response or which might be perceived to support an election campaign, will be referred to the Chief Executive Officer or the Director Corporate Services for consideration.

All election related enquiries from candidates or prospective candidates will be directed to the Returning Officer.

Communications

As the Act prevents a council from publishing or distributing material likely to influence voting at the election during the election period, all documents produced by Council during the election period, will be certified by the Chief Executive Officer that they are not electoral material.

Electoral material is that which is intended, or likely to affect voting in an election by containing an express or implicit reference to, or comment on:

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

The types of material subject to the certification process will include:

- Council newsletters, including e-newsletters
- Council website
- Advertisements and public notices
- Media releases
- Leaflets and brochures
- Mail outs to multiple addresses
- Social media postings.

Documents published before the election period commences, but available after commencement, do not require certification.

6. RELATED LEGISLATION/POLICIES

- *Local Government Act 1989*

7. POLICY REVIEW

Prior to an election period, the Chief Executive Officer will ensure that Councillors and Council staff are advised in regard to the application of this Policy.

This Policy will be published on Council's website.

Copies of this Policy will be made available to the Returning Officer for distribution to candidates for their information.

Council will review this Policy not later than twelve months from the commencement of the election period for the next election.

At the time it was reviewed, this Policy was compliant with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

8. FURTHER INFORMATION

Members of the public may inspect all policies at Gannawarra Shire Council's Kerang and Cohuna office or online at www.gannawarra.vic.gov.au.

Any enquiries in relation to this policy should be directed to the Director Corporate Services on (03) 5450 9333.

Records – Document Profile No. 14/00484

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