



**GREATER SHEPPARTON CITY COUNCIL**

# **ELECTION PERIOD POLICY**

Adopted by Council: 18 August 2020

Next Review: Within 12 months of a General Election

## ELECTION PERIOD POLICY

*The Election Period Policy also forms part of Council's Governance Rules.*

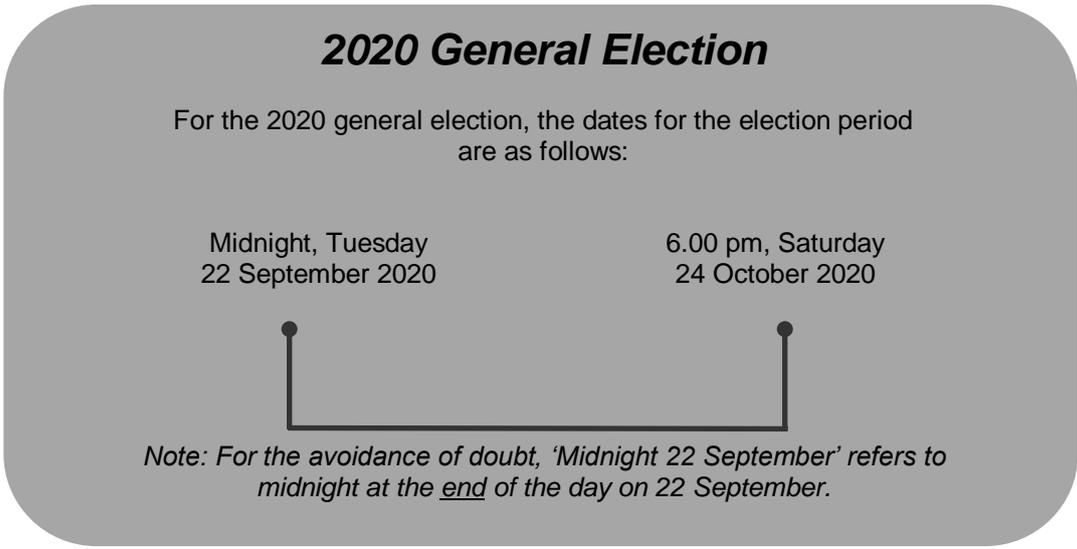
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<b>Business Unit:</b>	Corporate Services
<b>Responsible Officer:</b>	Team Leader Governance
<b>Approved By:</b>	Chief Executive Officer
<b>Adopted By:</b>	Council 18 August 2020
<b>Next Review:</b>	Within 12 months of a General Election

## DOCUMENT REVISIONS

<b>Version #</b>	<b>Summary of Changes</b>	<b>Date Adopted</b>
1.2	Reviewed to comply with S93B(2)(b) of the <i>Local Government Act 1989</i> . Section 1.3, 1.4, 2.1, 2.2, 2.3, 3.1, 4, 5, 7, 13 and 15 added	17 September 2019
1.3	Reviewed to comply with S60 of the <i>Local Government Act 2020</i>	18 August 2020

**PURPOSE**

Greater Shepparton City Council (**Council**) is committed to implementing clear and transparent caretaker provisions during election periods. This Policy will apply to the election period prior to a general election or by-election. The Chief Executive Officer (**CEO**) or the Governance Department will advise all Councillors and staff of the commencement date for any election period applying to Council. The election period commences at midnight on the last day for nominations and ends at 6.00pm on the day of the election to which the election period applies.



**CONTEXT**

The will of the people, expressed through democratic elections, is the cornerstone of democracy at all levels of government, including local government. A guiding principle of the exercising of this free will is that outgoing governments must safeguard the authority of incoming governments. This principle is applied through the implementation of a caretaker period prior to an election. During a caretaker period, an outgoing government shall not make any decisions which could be considered to unreasonably bind an incoming government.

Unlike other levels of government in Australia, where caretaker provisions are established by convention rather than law, the *Local Government Act 2020 (the Act)* requires councils to comply with special arrangements during council elections to ensure the probity of the election process. These include statutory requirements relating to decision-making, limitations on publications and the use of council resources.

While these statutory requirements establish limits on what a council may and may not do, they represent the minimum caretaker provisions which a Council must apply and they do not address the ways in which a council could or should modify its usual actions and processes during an election period.

**SCOPE**

This Policy details the caretaker provisions which are to be followed by all Councillors and Council Officers during an election period. Councillors and Council Officers need to be aware that severe penalties apply to breaches of the Act during the election period. Familiarity and compliance with the provisions detailed in this Policy will significantly reduce the risk of an

unintentional breach of the Act and give the community confidence that Council is acting in an ethical manner during the election period.

**DEFINITIONS**

<b>Reference Term</b>	<b>Definition</b>
Caretaker provisions:	The special arrangements and processes which will be applied during an election period.
Council:	Greater Shepparton City Council and the services it provides, including but not limited to Riverlinks, Aquamoves, KidsTown, Childcare Centres and the Visitor Centre.
Election period:	The 32-day period which starts at midnight on the last day for nominations and ends at 6.00pm on election day.
Election material:	An advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.
Electoral matter:	Material which is intended or likely to affect voting in an election, such as: the views, strengths or weaknesses of any candidate; advocacy of the policies of Council or of a candidate; claims made by a candidate and/or responses to such claims; and the achievements of Council, but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.
Emergency Meeting	As defined in the <i>Emergency Management Act 1986</i> . A properly constituted meeting of Council, a Delegated Committee or a Community Asset Committee.
Prohibited decision:	Any decision of Council (by resolution or under delegation: relating to the employment or remuneration of the Chief Executive Officer, other than the appointment or remuneration of an acting Chief Executive Officer; to commit Council to expenditure exceeding 1% of Council’s income from general rates, municipal charges and service rates and charges for the preceding financial year (\$796,271 for FY2019/20); that Council considers could be reasonably deferred until after the election; or that Council considers should not be made during the election period.
Publication:	Includes any advertisement (including job, television and radio advertisements), pamphlet, newsletter, bulk letter or email with more than 20 addressees, handbill, press release, social media post on a Council site, or as a Council representative on any other site, website change, report, master plan, submission to external bodies which will be made public, notice or similar type document, whether in electronic or hard copy format. For the purposes of this Policy, Council's annual report and agendas for, and minutes of, Meetings are not considered to be publications for the purposes of certification.

## **POLICY**

### **1. Decision Making**

During an election period, Council will not make any prohibited decisions.

During the election period, all agendas prepared for Meetings will be vetted by the CEO to ensure they do not contain matters which may lead to a prohibited decision being made. The following statement will be applied to agendas and minutes prepared during the election period:

#### Caretaker Statement

The [##recommendations/resolutions] contained within [##this agenda/these minutes] are not prohibited decisions, as defined in either section 69(2) of the *Local Government Act 2020* or Council's Election Period Policy.

#### *1.1 Notices of Motion*

It is recommended that Councillors avoid lodging Notices of Motion or raising items of Urgent Business during the election period. The CEO may reject any Notice of Motion lodged by a Councillor if he or she determines that the Notice of Motion contains electoral matter or would, if passed, constitute a prohibited decision.

#### *1.2 Public Question Time*

Public Question Time will not occur at Council Meetings held during the election period.

Any questions received during the election period will be deferred to the first Council Meeting after the election at which Public Question Time will occur.

#### *1.3 Meetings of Delegated Committees and Community Asset Committees*

Meetings of Delegated Committees and Community Asset Committees will not be held during the election period, unless they cannot reasonably be deferred until after the election. Where a Meeting of a Delegated Committee or Community Asset Committee cannot reasonably be deferred until after the election, the CEO will ensure that the relevant agenda contains only those matters which must be determined before the election and does not call for a prohibited decision to be made.

#### *1.4 Community Grants and Sponsorship*

Council will continue to receive and accept applications for grants and sponsorship during the election period, however, decisions on such applications will be deferred until after the election.

There will be no public promotion of any new funding streams during the election period. If public promotion commenced prior to the election period, it will continue during the election period, although Councillors will not be associated with any public promotion activities.

### **2. Council Publications**

The only publications which will be published during the election period will be those that:

- *are considered by the CEO or Director Corporate Services to be necessary and appropriate for the continuity of Council operations; and*

- *the CEO or Director Corporate Services is satisfied do not contain electoral matter.*

#### 2.1 *Council Publications Including Councillor Information*

Council will avoid the release of any publications during the election period which refer to Councillors, other than references appearing in minutes of Meetings.

No publications containing references to Councillors which constitute electoral matter will be released during the election period.

#### 2.2 *Existing Publications*

The CEO or Director Corporate Services will endeavour to review categories of publications which are publicly available at the commencement of the election period with a view to removing those publications which contain electoral matter relating to Councillors. Publications which are, or material which is, displayed at Council premises and assessed as containing electoral matter may be temporarily removed from display. Any material so removed may still be provided to members of the community upon request.

#### 2.3 *Annual Report*

If an Annual Report must be published by Council during the election period, the CEO will endeavour to ensure that it does not contain any electoral matter.

The Mayor's message may still be included in the Annual Report during an election year, however, the content of the Mayor's message must be limited to factual statements on Council's achievements as a whole, and must not contain any personal views, opinions or special achievements of the Mayor or Councillors.

Information in the Annual Report referring to specific Councillors will be limited to names, titles, contact details, memberships of Delegated Committees and Community Asset Committees and other bodies to which they have been appointed by, and as a representative of, Council.

### **3. Council Website**

Material which is already on Council's website at the commencement of the election period will generally remain, except that:

- *Councillor profiles, other than Councillor contact details; and*
- *any information prominently displayed which is assessed by the CEO or Director Corporate Services as electoral matter,*

will be removed.

A statement will be published on all Council websites advising that limited information (in compliance with this section) will be published on Council websites until after the election.

#### 3.1 *Internal Publications and Intranet*

The publication of internal newsletters and intranet information, including instructions for the election period, policy and procedure, 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.

The Councillor Connect newsletter will not be distributed during the election period.

#### **4. Community Engagement and Public Consultation**

Council will only conduct such community engagement and public consultation during the election period that is required by law, such as consultation required by:

- *the Planning and Environment Act 1987; and*
- *section 223 of the Local Government Act 1989.*

Consultation on major strategy or policy issues, or that which invites submissions, will not occur, or, if already commenced, will be suspended, during the election period.

#### **5. Small Town Catch Ups / Community Information Sessions**

Council will not schedule any 'Mayor and CEO Small Town Catch Ups' during the election period.

Where community information sessions are required and cannot be postponed, only Council Officers will be in attendance.

#### **6. Media**

Council will not broadcast or participate in any regular television or radio program or publish its regular newspaper or newsletter updates during the election period.

The following exceptions may be applied by the CEO or Director Corporate Services:

- *advertising commissioned and approved by the election manager, for the purpose of informing electors about the election process;*
- *advertising critical Council business, to the extent that it cannot be promoted prior to the commencement of the election period and does not contain election material; and*
- *as required and approved by the CEO or Director Corporate Services in response to an emergency.*

All advertising, apart from that commissioned by the election manager, must be approved by the CEO or Director Corporate Services.

##### *6.1 Media Interviews*

Councillors will not participate in media interviews in their capacity as a Councillor during the election period.

Councillors may participate in media interviews in their capacity as a candidate or a private citizen, but must take care to advise the media that they are speaking to them as an individual and not on behalf of Council, or in their capacity as a Councillor. This disclaimer must be made even when a Councillor believes that a media interview will not be published or broadcast as part of the interview or story.

Council Officers may only participate in media interviews during the election period on operational matters and with the permission of the CEO or Director Corporate Services.

All media interviews are to be coordinated by Council's Marketing and Communications Team.

## **7. Public Notices and Advertising**

Regular advertising, including tenders and public notices, will be postponed until after, or suspended during, the election period where possible.

The CEO or Director Corporate Services may authorise the publishing of some public notices after having regard to the following matters:

- *whether the notice is required by legislation;*
- *whether the matter can reasonably be deferred until after the election period; and*
- *whether the advertisement contains any electoral matter.*

Advertising for the purpose of recruitment is permitted during the election period.

## **8. Social Media**

Councillors and Council Officers will not engage in social media in their capacity as Councillors and Council Officers during the election period, except with the prior approval of the CEO or Director Corporate Services.

Councillors will not publish comments to official Council social media sites during the election period.

To the extent that it is technically possible to do so, all Council social media sites will be disabled for external comments during the election period, to prevent the publication of electoral matter.

During the election period, Council Officers are expected not to engage with Councillors or candidates via social media, including 'liking' or 'commenting' on posts.

## **9. Council Resources**

Councillors and Council Officers will not use any Council resources in a way that is intended, or is likely, to affect the result of an election.

During the election period, Councillors will not use Council resources for a purpose other than Council business. Council resources include, but are not limited to:

- *staff time;*
- *Council property (including meeting rooms and the Councillors' Suite);*
- *Council-provided equipment (including mobile phones, iPads, computers, printers, internet data and email accounts); and*
- *Council stationery (including Council nametags, business cards and photographs).*

The use of Council resources is generally governed by the *Councillor Resources and Facilities Policy*. This Policy is varied during the election period as follows:

- *Councillors will not attend conferences, functions or events in their capacity as a Councillor except when officially invited to do so as the representative of Council;*
- *Councillors will not undertake any professional development training in their capacity as a Councillor; and*

- *Councillors will reimburse Council for all personal use of Council-provided provided mobile telephones, including any amount under the \$50 threshold for incidental personal use.*
- *Councillors who wish to use email for election purposes must use a private email address.*

## **10. Events and Speeches**

Regular public events which are part of the normal operations of Council will continue during the election period. Additional events, particularly events which would require Councillor involvement, will only be scheduled with the approval and at the sole discretion of the CEO. The scheduling of additional events that require the involvement of Councillors during the election period will be avoided where possible.

Councillors participating in Council events during the election period as representatives of Council will not use the events for private electioneering. Material published or disseminated during the election period to promote a function or event will not promote individual Councillors.

Where a Councillor is required to deliver a speech at a function or event during the election period, Council Officers are to prepare the speech and the CEO is to confirm that it contains no electoral matter before it is provided to the Councillor.

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

## **11. Correspondence**

Routine letters and emails that are part of normal Council business are not to be affected by election processes, however, Council Officers, equipment and stationery must not be used for Councillor correspondence to the extent that it might relate to the election. This includes, but is not limited to:

- *letters with multiple addressees that are prepared by Council Officers, printed on or using Council resources or issued on behalf of Council;*
- *letters dealing with electoral matters for Councillors; and*
- *letters and emails that do not form part of general correspondence, which may be evidenced by the 'bulk' nature of such letters and emails.*

## **12. Use of the Title "Councillor"**

Councillors may use the title "Councillor" in their own election material, as they continue to hold their positions during the election period. To avoid any confusion, however, Councillors must ensure that their election publications are clearly seen to be their own material and not to represent the Council. Councillors will not use the Council logo or any facsimile or derivation of the Council logo on their election material.

## **13. Dispute Resolution**

Council will not undertake a dispute resolution procedure under the Councillor Code of Conduct during the election period.

Any dispute resolution procedures which had commenced, but were not yet resolved, prior to the election period will be placed on hold. If re-elected, the Councillors involved may resume the dispute resolution processes once they have formally resumed their position as Councillors.

#### **14. Equitable Distribution of Information**

Where access to information has been requested by candidates during the election period, the matter will be referred to the Governance Department to determine whether or not it is appropriate to provide such information.

If approved, the information will be provided to the candidate and also maintained in a register (**the Candidate Information Register**) which will be made available for inspection by any other candidate upon request.

Councillors will continue to receive information that is necessary to fulfil their existing elected roles. This information is not to be subject to being recorded in the Candidate Information Register as outlined above.

#### **15. Conduct of Council Officers**

Council Officers are discouraged from promoting any potential candidate during the election period.

Neither the CEO nor any Council Officer can be asked, offer or agree to undertake any tasks connected directly or indirectly with electioneering.

### **RELATED POLICIES AND PROCEDURES**

- *Councillor Expenses Policy*
- *Councillor Resources and Facilities Policy*
- *Councillor Code of Conduct*

### **RELATED LEGISLATION**

- *Local Government Act 2020*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*

### **REVIEW**

This policy is to be reviewed by the Team Leader Governance within twelve months prior to a general election. Should a by-election be required, the Team Leader Governance is to review this policy as soon as the need for a by-election has been identified.



26<sup>th</sup> August 2020

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**Peter Harriott**  
**Chief Executive Officer**

**Date**