CHAPTER 7 – ELECTION PERIOD POLICY

DEFINITIONS

Act means the *Local Government Act 2020.*

Advisory Committee means a committee under the control of Council that includes Councillors and members of the public. This excludes the Audit and Risk Committee.

Candidate means a person who has nominated as a candidate for an election under section 256 of the Act.

Delegated Committee has the same meaning as under section 3(1) of the Act.

Community Asset Committee means a committee established under section 65 of the Act.

Election in this Policy means an election held under the Act.

Election day has the same meaning as under section 3(1) of the Act.

Election manager has the same meaning as under section 3(1) of the Act.

Election period has the same meaning as under section 3(1) of the Act.

Electoral material has the same meaning as under section 3(1) of the Act.

Electoral matter has the same meaning as under section 3(4) of the Act.

General election means a general election held under section 257 of the Act.

Nomination day has the same meaning as under section 3(1) of the Act.

this Policy means this Election Period Policy.

Prohibited decision means a decision described in section 69(2) and (3) of the Act.

Publish has the same meaning as under section 3(1) of the Act

1. INTRODUCTION

The Act provides that, during the election period, certain prohibitions apply to the functions and powers of Council as it enters into a 'caretaker' period, while ensuring that the normal business of government continues and Council meets its responsibilities to the community.

2. POLICY OBJECTIVE AND BACKGROUND

This Policy addresses the requirements of the Act regarding the responsibilities, actions and behaviours of Councillors, Candidates and Council in the period leading up to a general election and during the election period.

3. APPLICATION OF THE POLICY

This Policy applies to Councillors and Council staff. This Policy applies during the election period.

4. ROLE OF THE CHIEF EXECUTIVE OFFICER

In addition to any statutory duties, the Chief Executive Officer will ensure that:

a) All Councillors and Officers are provided with access to this Policy.

b) Care is given to the scheduling of matters to be decided to ensure that they are taken prior to the election period, or where appropriate, after the election period.

c) Appropriate mechanisms are in place to ensure that Council processes and Council officers comply with the Policy and the Act.

d) Councillors are supported to undertake their duties in their role as Councillor.

5. ROLE OF COUNCILLORS

In addition to any statutory duties, Councillors will ensure that:

a) They are aware of their obligations under the Act and this Policy.

b) No Council resources or facilities are to be improperly used for electioneering.

c) No reimbursements will be sought from Council for costs incurred in electioneering.

Councillors may continue to use Council provided resources and facilities to undertake their role as a Councillor.

6. PROHIBITIONS ON DECISIONS

1) Council decisions

a) Council will not, during the election period for a general election, make a prohibited decision.

b) Council will not, during the election period for a general election, make any decisions relating to requests for funding from the Council's Discretionary Expenditure Fund.

2) Committee decisions

a) A Delegated Committee or Community Asset Committee will not, during the election period for a general election, make a prohibited decision.

3) Decisions under delegation

a) Any Council officer with decision-making authority or delegated decision-making authority will not, during the election period for a general election, make a prohibited decision.

4) Use of Council resources

a) Council resources are prohibited to be used in a way that is intended to, or is likely to, affect the result of an election.

b) Council resources should also not be used in a way that is intended to benefit one candidate over another.

c) Council resources include electronic equipment, phones, staff, facilities, and access to information.

d) However, notwithstanding clause b) and c) Council acknowledges that where Councillors pay a monetary contribution for reasonable personal use, that such reasonable personal use will remain allowable provided that it does not breach the provisions of the Act.

7. Council Meetings

Council Meetings will continue to occur during the election period to ensure that the business of Council can continue to be transacted. However, it is appropriate that some additional measures be taken.

a) In addition to the powers of review under the Governance Rules, during an election period, the Chief Executive Officer may reject any Notices of Motion that contains electoral matter. Where a Notice of Motion is rejected, the Chief Executive Officer will work with the Councillor to re-word the Notice of Motion where possible to ensure it does not contain electoral matter.

b) Public Questions will be reviewed to ensure that they don't contain electoral matter and may be rejected by the Chief Executive Officer. Where a public question is rejected, an opportunity will be provided to the community member to re-word their question to ensure it does not contain electoral matter.

c) Councillors should ensure that their debate and commentary in the Chamber does not include electoral matter.

8. PUBLICATIONS

1) Council Approval Process

Council will follow the approval process outlined in Appendix 1 (the approval process) before any Council communications are published during the election period.

2) General Media

a) Existing publications will be reviewed to ensure that it doesn't contain electoral material. This may include suspending certain pages on Council's website and limiting information relating to Councillors.

b) All media enquiries will continue, during the election period, to be channelled through the Executive Manager Communications and responses subject to the approval process.

c) Public comment on behalf of the organisation during the election period will be provided by the Chief Executive Officer.

3) Use of Social Media

a) Any publication on Council's social media sites during the election period must follow the approval process.

b) Council officers responsible for administering Council's social media sites will monitor these sites during the election period and use moderation features (where they are available) to ensure that no electoral matter is posted on these sites.

4) Annual Report

a) Council is required to publish an Annual Report. This policy confirms the ability of Council to publish its Annual Report during the election period, with some adjustments to ensure that there is no electoral material or material which could be seen to be promoting individual Councillors.

9. COUNCIL EVENTS & PUBLIC CONSULTATION

a) Council will not schedule any large public events during the election period. This does not include public events that are routine or are required for and relate to its normal responsibilities and legislative requirements and which cannot be left until after the election period.

b) Projects that require a formal public consultation process will be suspended during the election period. This excludes consultation which is required to effect legislative

requirements and which cannot be left until after the election period.

c) Advisory Committee meetings will not be scheduled during the election period.

10. CANDIDATES AT COUNCIL ELECTIONS

The Council will ensure that information that it provides to candidates at a Council election are made equally available to all of those candidates. As such:

a) Council acknowledges that Councillors may, in the course of their duties, have access to information. During the election period, Councillors will be provided with information to fulfill their role as Councillor. Outside of that, Councillors and candidates will only receive information that is readily available to all candidates.

b) Where a candidate requests information from Council (and Council is aware they are a candidate), then such request and any information provided will be recorded on an Information Request Register. The nature of the request and the documents provided will be made publicly available.

c) Councillors will be able to 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.

11. ONLINE ACCESSIBILITY OF THE POLICY

An electronic copy of this Policy is available on the Council's website at www.monash.vic.gov.au.

APPENDIX 1: Approval Procedures for Council Publications During the Election Period

The following procedures will apply for the approval of publications for the election period during for an election:

1. All proposed publications during the election period must be forwarded to the Manager Governance & Legal in the first instance.
2. The Manager Governance & Legal, or someone authorised by the Manager Governance & Legal for the purpose, will determine if there is any electoral material in the proposed publication (other than factual election process information).
3. Should the proposed publication contain such information, it will be returned to the author for correction.
4. Should the proposed publication not contain such information, it will be forwarded to the Chief Executive Officer (or delegate) for approval.
5. The Chief Executive Officer (or delegate) will determine whether it is appropriate to approve the proposed publication.
6. Notwithstanding the preceding provisions of these procedures, the Chief Executive Officer may, from time to time, approve categories of publications for the publishing without specific approval. If they do so:
    a. all publications will be provided to the Manager Governance & Legal in accordance with these procedures;
    b. the Manager Governance & Legal, (or delegate), will determine if a proposed publication contains electoral material and:
        (i) if it does, it will be dealt with in accordance with paragraph 3 of these procedures; but
        (ii) if it does not, the Manger Governance & Legal, (or delegate) will determine if it falls within one of the categories of approved publications and:
            1. if it does, it can be published without the need for specific approval from the Chief Executive Officer; but
            2. if it does not, it will be dealt with in accordance with paragraphs 4 and 5 of these procedures.
7. The Chief Executive Officer may vary this process as required.
8. All decisions will be recorded in a register.