



Election Period Policy 2023

Document Type	Council Policy
Department	Council-wide
Date of Council Endorsement	June 2023
Date for Review	October 2027
Responsible Officer	Manager People and Governance
Authorising Officer	Director Corporate and Leisure
Version Reference Number	2.0
SIM Reference Number	RCOW-631633092-1412

1. Statement and Purpose

1.1 This Rural City of Wangaratta (Council) Election Period Policy 2023 has been developed to provide guidance to Councillors, Council staff and community members on the acceptable levels of conducted expected during a General Election, including the:

- a) matters that can be formally decided by Council;
- b) scope of Councillor attendance at functions and events;
- c) nature of communications and materials that may be published;
- d) utilisation of Council-supplied resources by Councillors;

- e) scope and limitations on any Councillor and Council staff interaction; and
- f) limits imposed on Council's expenditure.

2. Scope

2.1 This Policy applies to all Councillor, Council Staff, independent members of any Council Delegated Committee or Community Reference Group (however named), Council's Audit and Risk Committee, or any other agent of Council undertaking work on behalf of Council during the Election Period.

3. Policy

APPOINTMENT OF THE CEO

- 3.1 Council must not make any formal decision relating to the permanent appointment or remuneration of a Chief Executive Officer during an Election Period.
- 3.2 Notwithstanding 3.1, Council may appoint and determine the appropriate remuneration level of an Acting Chief Executive Officer in accordance with Council's Chief Executive Officer Employment and Remuneration Policy.

MEETINGS

- 3.3 Council must not make any decision during the Election Period that would enable Council's resources in a way that may influence voting at the election in accordance with this policy.
- 3.4 Council Officers will ensure that only reports necessary for the effective maintenance of Council's key functions will be presented at any statutory meeting or formed under the auspices of the Local Government Act 2020 (Vic).
- 3.5 Matters that Council must not formally consider at a Council Meeting during the Election Period include:
- a) Major Planning Scheme amendments;
 - b) Changes to strategic objectives and strategies in the Council Plan;
 - c) Major Council or Council Policies that may unnecessarily bind future Councils (unless required by law);

- d) Community grant applications; and
- e) The awarding of tenders and major contracts

3.6 During the Election Period, Council will discontinue any community meetings unless necessary to ensure there is minimal opportunity for electioneering by any candidates. The determination of what constitutes 'necessary' under this section resides with the Council's Chief Executive Officer.

FINANCIAL DECISION MAKING

3.7 Council must not formally endorse any Council expenditure exceeding one per cent of Council's income generated through general rates, municipal charges and service rates and charges in the preceding year during the Election Period.

3.8 Any Council decision made during the Election Period that breaches 3.7 is invalid and a person suffering loss or damage as a result of acting in good faith on a Council decision made is entitled to seek compensation as a result of this reliance.

3.9 Council will, wherever practicable, attempt to ensure that any significant expenditures anticipated are staggered in the immediate lead up to the Election Period.

COUNCIL RESOURCES

3.10 As Councillors must perform their elected duties during the Election Period, they will have access to Council resources, including Council vehicles, email accounts and mobile phones. These resources are provided to allow each Councillor to fulfill their duties as effectively as possible.

3.11 These resources may be monitored to ensure all usage during the Election Period has been made for legitimate purposes and Councillors may be required to provide evidence supporting this usage.

3.12 Council's Customer Request Management System will be actioned in a business as usual manner and Councillors may avail themselves of this tool as normal.

3.13 This system may be monitored by Council staff to ensure compliance with the Act and this policy.

PROVISION OF INFORMATION

3.14 Councillors will be able to access all information that is necessary to allow them to satisfy their public duties.

3.15 Information that is available for Councillor access during the Election Period includes:

- a) Information that is typically publicly available (including Council reports, agendas and minutes, Annual Reports and a range of Strategies and Plans in accordance with Council's Public Transparency Policy).

COMMUNICATIONS AND PUBLICATIONS

3.16 Prior to the Election Period, Council's website will be reviewed to identify anything that may be construed as electioneering.

3.17 Council's Governance unit must vet all proposed publications made on its website and social media accounts and Council's Chief Executive Officer must approve all publications.

3.18 Council publicity and communications will be restricted to promoting normal Council activities and services and for informing residents about the conduct of the election.

3.19 Council logos, letterheads or any other Council branding must not be used in connection with electioneering under any circumstance.

3.20 Council recognises that Councillors control their own social media accounts. Although Council cannot compel Councillors not to publish electioneering material on these private accounts, Councillors are reminded that the Councillor Code of Conduct applies to all communications.

3.21 Council's social media sites will be monitored for electioneering material and any inappropriate posts will be removed as soon as practicable.

3.22 Council staff must not make any public statement that could be construed as influencing the election.

COUNCILLOR FUNCTIONS

3.23 Councillors must not participate in any interstate or overseas travel in their capacity as a Councillor during the Caretaker Period. Where Councillor participation is required, Council may, by resolution, approve such attendance unless such resolution is impractical, in which case the Chief Executive Officer will determine the issue.

3.24 In cases where a Councillor would typically be spokesperson on a particular matter, the Chief Executive Officer will fulfil that role during the election period.

3.25 Council will insofar as possible reduce the number of Council functions and events during the Election Period.

3.26 Claims for the reimbursement of expenses shall conform to the requirements of the Councillor Support Policy 2020. Reimbursements of Councillors' out-of-pocket expenses during the election period will not apply to costs that could be perceived as supporting or being connected with a candidate's election campaign.

RELATIONSHIP WITH COUNCIL STAFF

3.27 Council is committed to protecting its staff from any undue influence and/or pressure during the Election Period and reinforces the obligations of its Councillors to comply with all existing Council policy relating to their interactions with Council staff.

3.28 Council's Councillor Interaction with Staff Policy governs any interactions Councillors may have with Council staff during the Election Period.

4. Roles and Responsibilities

Chief Executive Officer is responsible for ensuring Councillor compliance with the provisions of this policy and the obligations under the *Local Government Act 2020 (Vic)*.

The **Governance and Reporting Advisor** is responsible for the monitoring of the conduct of Councillors and Council staff during the Election Period and for ensuring the implementation of this policy in accordance with the Act.

5. Breaches

Breaches of this policy will be subject to the disciplinary provisions of the Councillor Code of Conduct and any applicable disciplinary procedures.

6. Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.'

7. Gender Impact Assessment

This policy has considered and applied Council's Gender Impact Assessment and satisfies the provisions established in the Gender Equality Act 2020 (Vic).

8. Monitoring and evaluation

This Policy will be reviewed at least 12 months before the 2028 General Elections.

9. Definitions

Candidate means a person who has nominated as a candidate for the 2028 General Election in accordance with section 256 of the Act.

Community Meeting means any meeting involving a Councillor with any member of the public not required by the Act for the purposes of community engagement.

Electioneering means any mechanism a candidate may use to positively influence their candidature at a General Election.

Election Period means the period of 32 days before the Victorian Local Government General Elections until 6pm on election day.

Statutory Meeting means any meeting formed under the Act, including any Scheduled Meetings, Unscheduled Meetings, Delegated Committee Meetings or Audit and Risk Committee Meetings.

10. References and Related Policies

Legislation

- *Local Government Act 2020 (Vic)*

11. Review

Version History		
Version Number	Date of change	Reasons for change
1.0	March 2019	Establishment of policy under the <i>Local Government Act 2020 (Vic)</i>
2.0	March 2023	Review to ensure compliance maintained with the <i>Local Government Act 2020 (Vic)</i>