

CHAPTER 11 – ELECTION PERIODS

Overview Notes:

The Election Period Policy governs the conduct of Council, Councillors and members of Council staff during an election period to ensure appropriate decision-making in the lead up to a Council election.

The Election Period prohibits the use of Council resources for any election campaign and puts in place a procedure to ensure Council does not print, publish or distribute any material that may influence the outcome of the election.

11.1 Election Periods Generally

- (1) Council in accordance with section 69 of the Act⁶ will have in place an ~~election~~ Election Period policy that:
 - (a) governs decision making during a local government election period, including what may be considered at a *Council Meeting* or Delegated Committee Meeting;
 - (b) prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
 - (c) sets out the conditions for any community engagement required to be undertaken during an election period, including consultations and Civic events sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
 - (d) defines roles and responsibilities in relation to who is the spokesperson for Council during an election period; ~~and~~
 - (e) sets out the requirements for a Councillor who is a candidate in an election including a Federal, State or Council election.
- (2) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its election period policy.
- (3) The Election Period Policy forms part of these Rules.
- (4) The operation of Council Advisory Committees shall be suspended upon the commencement of the election period ahead of a general Council election.

⁶ 69 Governance Rules to include election period policy

- (1) A Council must include an election period policy in its Governance Rules.
- (2) An election period policy must prohibit any Council 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*; or
 - (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; or
 - (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.
- (3) An election period policy must prohibit 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.

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- (5) Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

11.2 Election Period Policy

1. Introduction

Section 60 of the ~~Local Government Act 2020 (the Act)~~ in section 60 requires Council to develop, adopt and keep in force Governance Rules for or with respect to which include an election period policy in accordance with section 69 of the Act.

2. Context

Under Section 69(2) of the Act, an election period policy must prohibit any Council 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*; or
- (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; or
- (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.

A Council decision made in contravention of subsection (a) or (b) above is invalid. ~~And any~~ 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 it contravening Section 69(2) is entitled to compensation from the Council for that loss or damage.⁷

Under Section 69(3) of the Act the election period policy must prohibit 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.

Section 304 of the Act states:

- (1) a Councillor or member of Council staff must not use Council resources in a way that—
 - (a) is intended to; or
 - (b) is likely to—affect the result of an election under this Act; and
- (2) 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.

⁷ Section 69(5)

This does not include material that only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Section 123 of the *Act* prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in their role, to gain an advantage, or disadvantage another (Misuse of Position).

3. Objectives

To support and ensure the conduct of good governance for Council and the organisation during Election Periods through the transparency and accountability of Councillors, Council officers, and candidates during an election period.

4. Application

Candidates for Elections

Councillors must comply with this policy, regardless of whether they intend to nominate or have already nominated as candidates for election.

Council Officers who are candidates for election must comply with this policy and in addition:

- (a) take leave from their duties for the duration of the election period in accordance with section 256(8) of the *Act* (if not enough paid leave is accrued, unpaid leave will be available).
- (b) return any council equipment (including, but not limited to, motor vehicles, telephones and computers), documents or information which is not available to the public for the duration of the election period.
- (c) immediately resign upon election in accordance with s 256(8) of the *Act*.

Council committee members, including Advisory Committee members who are candidates for election are expected to comply with this policy and in addition:

- (d) submit apologies for any committee meetings or other activities held during the election period.
- (e) return any council equipment, documents or information which is not available to the public for the duration of the election period.
- (f) immediately resign from the committee upon election.

Other candidates for election are expected to comply with the obligations of this policy where they apply.

5. Policy Details

5.1 Election Caretaker Period

During the 'Election Period' for a General Election the Council will be deemed to be in 'Caretaker Mode'.

~~The Act defines the Election Period to mean the period that—~~

~~(a) starts at the time (i.e. noon) that nominations close on nomination day;
and~~

~~(b) ends at 6 p.m. on election day.~~

~~This policy defines an additional ‘Pre-Election Period’ in addition to the 32 days
— which will commence on the date legislated for the close of the roll — 57 days
before the election day.~~

~~The Election Period and Pre-Election Period are graphically depicted below.~~

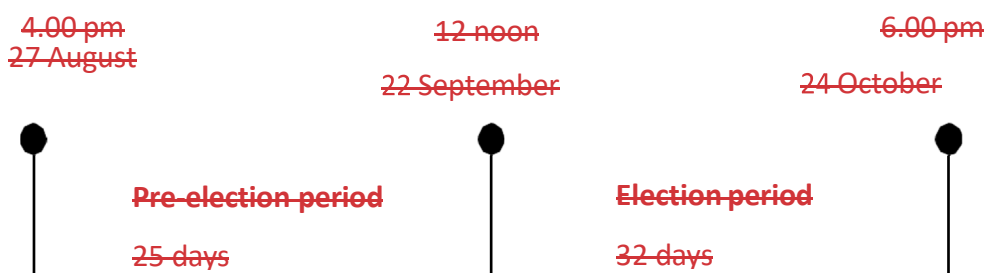
~~This approach is consistent with the Election Period Policy adopted by Council
prior to the 2016 General Elections.~~

The Local Government Act defines the ‘Election Period’ as the period that starts
at the time nominations close on the last day on which nomination day at s for
that election can be received and ends at 6pm on election day (32 days).

The 2024 Election Period will commence at 12pm on Tuesday 24 September
2024 and end at 6pm on Saturday 26 October 2024.

Election Period and the Pre-election Period

~~The Local Government Act defines the ‘Election Period’ as the period that starts on the
last day on which nominations for that election can be received and ends at 6pm on
election day (32 days). This policy defines an additional ‘Pre-election period’ as beginning
at 4pm on the date of close of the roll and ending at the commencement of the Election
Period (57 days).~~



During this extended election period Councillors:

- Will continue to fulfil their duties.

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- Will continue to engage, and communicate with, the community in their Councillor role.
 - Must comply with the Act and Councillor Code of Conduct, ~~and~~.

- Must not use their position to influence Council officers, or access Council resources or information, in support of any election campaign or candidacy.

5.2 Inappropriate Decisions

~~Section 69(2) of the Act requires that this Policy must prohibit any Council 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; or~~
- ~~(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; or~~
- ~~(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.~~

Pursuant to section 69(2) of the Act, Council will avoid making decisions that would affect voting at an election or decisions that may unreasonably bind an incoming Council and could be deferred until after the election. These are defined in the Act as inappropriate decisions.

In addition to the decisions outlined in section 69(2), other ~~E~~examples of inappropriate decisions may include:

- Allocating community grants or other direct funding to community organisations
- Major planning scheme amendments
- Changes to strategic objectives and strategies identified in the Council Plan
- Adopting policy
- Setting advocacy positions.

Council will however, allow an exception to this principle where:

- A decision will be considered only if absolutely necessary for Council operational purposes or pursuant to a statutory requirement.

The only items to be considered at an Ordinary Council or Delegated Committee Meeting held during the election period, will be of an administrative nature. For the avoidance of doubt any report considered at an Ordinary Council or Delegated Committee Meeting held during the election period will be subject of certification (i.e. a Caretaker Statement) by the Chief Executive Officer in accordance with 5.3 below.

At a Meeting designated to consider Planning and Related Matters, only permit applications that may otherwise be subject of an application to VCAT on the grounds Council has failed to determine within the prescribed time will be considered.

5.3 Extraordinary Circumstances

If the Council considers that there are extraordinary circumstances where the municipality or the local community would be significantly disadvantaged by the Council not making a particular Major Policy Decision, the Council will, by resolution, request an exemption from the Minister for Local Government, in accordance with section 177 of the Act.

It shall be the ultimate responsibility of the *Chief Executive Officer* to determine if a matter is a major policy decision. Where possible, the *Chief Executive Officer* will ensure that matters are scheduled for Council to ensure that major policy decisions are resolved prior to the commencement of the Election Period or scheduled for determination by the incoming Council.

~~Council will avoid making decisions that would affect voting at an election or decisions that may unreasonably bind an incoming Council and could be deferred until after the election. These are defined in the Act as inappropriate decisions.~~

~~Examples of inappropriate decisions include:~~

- ~~• Allocating community grants or other direct funding to community organisations~~
- ~~• Major planning scheme amendments~~
- ~~• Changes to strategic objectives and strategies identified in the Council Plan~~
- ~~• Adopting policy~~
- ~~• Setting advocacy positions.~~

~~Council will however, allow an exception to this principle where:~~

- ~~• A decision will be considered only if absolutely necessary for Council operational purposes or pursuant to a statutory requirement.~~

~~The only items to be considered at an Ordinary Council or Delegated Committee Meeting held during the election period, will be of an administrative nature. For the avoidance of doubt any report considered at an Ordinary Council or Delegated Committee Meeting held during the election period will be subject of certification (i.e. a Caretaker Statement) by the Chief Executive Officer in accordance with 5.3 below.~~

~~At a Meeting designated to consider Planning and Related Matters, only permit applications that may otherwise be subject of an application to VCAT on the grounds Council has failed to determine within the prescribed time will be considered.~~

Considerations for Officers with Delegated Authority

Before making decisions under delegated authority during the election period, officers should consider the following:

- Whether the decision is 'significant'
- The urgency of the issue (that is, can it wait until after the election?)
- The possibility of financial repercussions if it is deferred
- Whether the decision is likely to be controversial
- The best interests of Council.

Officers requiring assistance in determining whether a decision is likely to be inappropriate should seek advice from the ~~Manager Governance~~Head of Governance & Risk in the first instance.

5.35.4 Caretaker Statement

During the election period, the *Chief Executive Officer* will ensure that a Caretaker Statement is included in every report submitted to the Council or to a delegated committee of Council for a decision.

The Caretaker Statement will specify one or more of the following:

- The recommended decision is not an Inappropriate Decision, ~~as defined in~~under section 69(2) of the *Local Government 2020*, or ~~an Inappropriate Decision~~ within the meaning of the Election Period Policy.
- The recommended decision is an Inappropriate Decision within the meaning of the Election Period Policy, but the following negative consequences of a failure to make a decision on this matter outweigh the consequences of binding an incoming Council. [*Insert description of negative consequences of failure to make decision*].
- The recommended decision is a Major Policy Decision, ~~as defined in~~pursuant to section 69(2) of the *Local Government 2020*, but an extraordinary circumstances exemption was granted by the Minister for Local Government on [insert date].

During the election period, the Council will not make a decision on any matter or report that does not include one of these Caretaker Statements.

Councillors will refrain from moving motions or raising matters at a meeting that could potentially influence voting at the election.

5.45.5 Candidacy

A Councillor must not use Council resources for candidacy, or any purpose that may be perceived as being used for candidacy (individual or political party). This applies to a Councillor standing in local, state, or federal government elections, and for any other elected positions, for example, positions on boards. Such use would constitute misuse of position by the Councillor.

5.55.6 State and Federal Government Elections

Councillors will ensure there is a demonstrable distinction between their obligations to Council and their personal interests as a candidate, or member of a political party, in an election period prior to a state or federal election.

In accordance with the adopted Councillor Guidelines for State and Federal Elections 2018 a Councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as a candidate in a state or federal election, is a 'Prospective Candidate' and will provide written advice to the *Chief Executive Officer*, as soon as practicable, who will then advise all Councillors.

Councillors must comply with the provisions of the adopted Councillor Guidelines for State and Federal Elections 2018

5.65.7 Council Publications

Public resources, including Council Publications, must not be used in a way that would influence the way people vote in elections.

Electoral matter

The Council will ensure that it complies with section 304(2) of the *Act* which requires that 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.

The following definitions from the *Act* are noted:

Section 3(1) '**electoral material**' means 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; '**publish**' means publish by any means including by publication on the Internet;

Section 3(4) **‘electoral matter’** means 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 election manager for the purposes of conducting an election.

Section 3(5) 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 -

- (a) the election; or
- (b) a candidate in the election, or
- (c) an issue submitted to, or otherwise before, the voters in connection with the election.

The *Chief Executive Officer* (or delegate) must certify that any Council publication does not include ‘electoral matter’ before it can be issued.

For the purpose of this Policy, ‘publications’ include hard copy and electronic advertisements, social media posts, promotional media releases, fliers, posters, newsletters/updates, booklets, surveys, invitations and group mailouts/emails.

Any publications to be issued during the election period are to be forwarded to the relevant General Manager for approval, and then sent to the ~~Council Business~~ – Governance Services Unit for vetting for electoral matter. Once vetted, the publication will then be submitted to the *Chief Executive Officer* (or delegate) for certification. **Appendix 1** contains the certification memorandum required for a publication during the election period.

Council publications available in Council facilities will be reviewed before the election period to identify and temporarily remove anything that might reasonably influence the election.

The *Chief Executive Officer*, or delegate, will be the primary spokesperson for Council communications during an election period.

Media and social media responses and statements will only be issued during an election period in the name of the *Chief Executive Officer*. These will be subject to certification by the *Chief Executive Officer*.

Council officers will not make any public statement that could be construed as influencing the election.

Annual Report

It is a requirement of the *Act* (s 100) that the *Mayor* must report on the implementation of the Council Plan by presenting the annual report at a *Council Meeting* open to the public.

In the year of a general election the *Council Meeting* must be held on a day not later than the day before election day.

As this is a statutory requirement, it does not require certification by the *Chief Executive Officer*.

5.75.8 Council Resources

It is a requirement of the *Act* (s 304(1)) that a Councillor or member of Council staff must not use Council resources in a way that—

(a) is intended to; or

(b) is likely to—

affect the result of an election under this *Act*.

This means that the Council will also ensure other Council resources are not used inappropriately in ways that may influence voting in an election. This includes financial, human and material resources. Any staff member who considers that a particular use of Council resources may influence voting in the election must advise their General Manager or the *Chief Executive Officer* and obtain approval before authorising, using or allocating the resource.

In applying these principles, the Council understands that the following will be the normal practice during the election period:

- Council resources, including offices, support staff, hospitality services, equipment and stationery will be used exclusively for normal Council business during the Caretaker Period, and will not be used for the personal advantage of any Councillor or candidate in connection with any election. This does not apply to the provision of space for the Returning Officer.
- No new publications or pamphlets, including Darebin Community News will be published by Council during the election period.
- Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operations of the Council and such speeches will not be circulated or available for publication.
- No Council logos, letterheads, business cards, photos or other City of Darebin Council branding will be used for, or linked in any way, to a candidate's election campaign.
- Candidates will not be provided access to databases, contact lists, property counts, email addresses or any other information that would assist in mailing or other distribution of election material.
- It is recommended that staff who are either following or friends with Councillors / candidates Facebook via their social media pages or who are friends with them unfriend the Councillor / candidate during this period.
- There will be no Ward or Councillor 'Meet and Greet' meetings held.
- The Executive Officer to the *Mayor* and Councillors or any other Council staff member will not be asked to undertake any tasks connected directly or indirectly with electioneering.

- Reimbursements of Councillors' out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- Where Councillors have Council funded equipment, including laptops, tablets, printers and mobile phones, these are not to be used for election purposes or in a manner that could be perceived as supporting or being connected with a candidate's election campaign.

Council Facilities and Meeting Rooms

Council Facilities / Halls for Hire can be hired by Federal and State political members and officers, and local candidates (including Councillors) at the normal corporate hire rate determined for the facility, in the lead up to an election, but not during the election period.

To avoid a perception that Council facilities are being used to promote any candidacy, no promotional material related to the event / hired use, apart from directional signage, can be displayed in the common public areas of the facility being hired. This will be advised at [the](#) time of booking.

Use of the Title 'Councillor'

Councillors may use the title Councillor in their election material, as they continue to hold office during the election / caretaker period.

While a Councillor can refer to themselves as Councillor in all communication issued by the Councillor (verbal or written), it must be made clear that it is the communication of a candidate and not a position of Council.

Photographs and Images

Photographs and images paid for by Council or taken by Council officers are not to be used in electoral material for any candidate. This includes images of Councillors, Council events, and Council owned or maintained infrastructure.

Photographs taken by Councillors, their family or friends, or professional photos they have directly commissioned and paid for, may be used in electoral material.

5.85.9 Election Signage on Council and Electioneering Practices

In order to ensure Council resources including buildings and land are not used to support any electioneering activity Council has adopted an '[Electoral Advertising Signage and Electioneering Policy](#)'. This policy provides clear direction on:

- (a) The placement of electoral advertising signs on any Council land, municipal building or road; and
- (b) The requirements for candidates or their supporters electioneering in public places.

A copy of the policy will be provided to all candidates and is available of Councils website.

5.95.10 Public Consultation and Council Events

Public consultation is an integral part of Council's policy development process and operations, however, there are concerns that consultation undertaken close to a general election may become an issue and influence voting.

Council events in the lead up to an election can also raise concerns over the potential use of sitting Councillors using them for electioneering purposes.

If consultation must be undertaken or an event held during this time, the Council must explain to the community the special circumstances making it necessary and how the risks influencing the election will be mitigated or prevented.

Therefore:

- No formal public consultation, like previously specified in section 223 of the 1989 Act, will be conducted during this period.
- Consultation for the purpose of planning permit applications and operational issues such as canvassing residents' views on small-scale traffic treatments, installation of single trees and the like will be allowed as they are operational in nature and are unlikely to impact the conduct of the election.
- Consultation on larger projects and initiatives, strategies or plans will not occur during the election period.
- Civic Events will cease during this time.
- No election material or active campaigning is to be conducted at Council sponsored festivals.

Councillors may attend external events as a representative of Council however must not to use the opportunity to promote their election campaign.

5.105.11 Equitable Access to Council Information

The Council recognises that all election candidates have a right to information from the Council administration. However, it is important that sitting Councillors continue to receive information that is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and transparency will be observed and practised in the provision of all information and advice during the election period.

Information and briefing material prepared by staff for Councillors during the election period will relate only to factual matters or to existing Council policies and services. All such requests are to be issued through the offices of the responsible ~~Council~~ General Manager who will maintain a register of requests made and advice provided. Such information will not relate to new policy development, new projects or matters that are the subject of public or election debate or that might be perceived connected with a candidate's election campaign.

A copy of the document / advice will then be passed to the ~~Manager Governance~~Head of Governance & Risk as issued during the Election Period. The document / advice will be emailed or provided in a hardcopy format to all sitting Councillors and candidates to access. Candidates will be advised of this process in writing.

An Information Request Register will be maintained by the ~~Council Business/~~ Governance Services Unit during the Election Period. This Register will be a public document that records all requests for information by Councillors and candidates, and the responses given to those requests. Only information that can be reasonably accessed will be released.

All requests for information are to be directed to the ~~Manager Governance~~Head of Governance & Risk.

5.115.12 Publicity

It is recognised that Council publicity is intended to promote normal services or operations of the Council. Council publicity will not be used in any way that might be construed as intended to influence the outcome of the Council election.

- During the election period, no Council employee may make any public statement that could be construed as influencing the election. This does not include statements of clarification that are approved by the *Chief Executive Officer*.
- During the election period the CEO will only comment on operational matters or confirm previous resolutions of Council.
- During the election period, publicity campaigns, other than for the purpose of conducting the election, will be avoided. Where a publicity campaign is deemed necessary for a Council service or operation, it must be approved by the *Chief Executive Officer*. In any event, Council publicity during the election period will be restricted to promoting the normal services or operations of the Council.
- Any requests for media advice or assistance from Councillors during the election period will be channeled through the *Chief Executive Officer* or the Manager Governance & Communications~~Engagement~~. In any event, no media advice and/or assistance or media releases will be provided in relation to election campaign matters, or regarding publicity that involves specific Councillors.
- Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of matters that could be construed as relating to an election campaign.

Information published on Council's website ~~with regard to~~regarding sitting Councillors will be limited to statements of facts about their roles and responsibilities as a Councillor. For example, contact details, roles and responsibilities as assigned by Council resolution.

Council Websites and Social Media

Councillors may use the title Councillor in their election material, as they continue to hold office during the election / caretaker period.

The only new material published on Council's websites or social media sites during an election period will be:

- The Agenda and Minutes for any Council or ~~Special Delegated~~ Committee meetings
- The Annual Report
- Key service disruption information

Service information already published on the website will be reviewed to ensure it does not include anything that might be seen as likely to influence the election.

5.125.13 Assistance to Candidates

A copy of this Policy must:

- be given to each Councillor as soon as practicable after it is adopted,
- be available for inspection by the public at the Council office, and
- be published on Council's website.

The *Chief Executive Officer* will ensure that all Councillors, ~~Managers~~ and staff are informed of the requirements of this policy.

The Council affirms that all candidates for the Council election will be treated equally.

Any assistance and advice to be provided to Candidates as part of the conduct of the Council Election will be provided equally to all candidates. The types of assistance that are available will be documented and communicated to all candidates in advance.

All ~~election-related~~ 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*.

5.135.14 Conduct of Council Meetings

Public Question Time and Submissions will be suspended at all *Council Meetings* during the election period.

During the election period, Councillors will limit their discussion during debate to the topic under consideration and will avoid raising electoral matter, where possible.

During the election period Notices of Motions will be suspended at all *Council Meetings*.

Urgent Business will ~~be listed however~~ only be admitted in accordance with Councils Governance Rules.

6 Miscellaneous

During the Pre-election period or the Election period, the *Chief Executive Officer* may, at ~~her or his~~their absolute discretion, introduce additional provisions to this policy ~~where~~ they believe ~~s they~~ are necessary to support the achievement of its stated policy objectives.

Any changes made by the *Chief Executive Officer* will be reflected in an update to this policy and published on *Councils* website and sent to all Councillors and candidates.

7 Monitoring, Evaluation and Review

The requirements of this policy will be monitored throughout the caretaker period to ensure compliance.

~~The policy will be further reviewed and updated not later than 12 months before the commencement of each subsequent general election period.~~

8 Associated Documents

- Governance Rules 2020
- Electoral Advertising Signage and Electioneering Policy
- Local Government Act 2020
- Summary of Election Period Restrictions – Appendix 1
- Certification Memo – Appendix 2
- Definitions – Appendix 3

Appendix 1 - Summary of Election Period Restrictions

		Pre-election Period 57 days before election	Election Period 32 days before election
4	Council staff standing as a candidate	No restriction	Must take leave and return all Council equipment and information
4	Committee member standing as a candidate	No restriction	Must lodge apologies for meetings and return all Council equipment and information
5(7)	Council resources used in conjunction with an election campaign	Not permitted	Not permitted
5(7)	Reimbursement of out-of-pocket <u>out-of-pocket</u> expenses to Councillors	Cannot include expenses that could be perceived as electoral expenses	Cannot include expenses that could be perceived as electoral expenses
5(7)	Use of Council logo, branding of phone number in campaign material	Not permitted	Not permitted
5(7)	Officer assistance in preparing campaign material	Not permitted	Not permitted
5(7)	Officer provision of databases and contact lists	Not permitted	Not permitted
5(10)	Maintenance of an Information Request Register	Not required	Required
5(9)	Routine community consultation	Permitted	Permitted
5(9)	Significant community consultation	Permitted	Not permitted
5(6)	Printing, publishing or distributing a handbill, pamphlet or notice containing electoral matter	Permitted	Not permitted
5(6)-	Printing, publishing or distributing a handbill, pamphlet or notice <u>not</u> containing electoral matter	Permitted	Permitted following certification by the Chief Executive
5(7)	Publication of the Darebin News or similar publication	Permitted, subject to restrictions	Not permitted
5(11)	Councillor details on Council's website	Restricted to names, contact details and committee or other appointments	Restricted to names, contact details and committee or other appointments

		Pre-election Period	Election Period
5(11)	Employee of Council or subsidiary organisation making a public statement that could be construed as influencing the election	Not permitted, apart from clarifications made by the Chief Executive	Not permitted, apart from clarifications made by the Chief Executive
5(11)	Publicity campaigns for Council services or functions	Should be avoided where possible, and otherwise approved by the Chief Executive	Should be avoided where possible, and otherwise approved by the Chief Executive.
5(11)	Councillor requests for media assistance	Must be approved by the Chief Executive or delegate but cannot relate to election campaigns or promote individual Councillors	Must be approved by the Chief Executive or delegate but cannot relate to election campaigns or promote individual Councillors
5(2)	Council making Major Policy Decisions	Permitted	Not permitted, except in accordance with the Act
5(2)	Council making Significant Decisions (defined in Act as inappropriate decisions)	Permitted	To be avoided, except where it is urgent and cannot be deferred
5(13)	Public Question Time / Submissions at <i>Council Meetings</i>	Continues as normal	Suspended
5(13)	Discussion of matters and raising of Urgent Business	Continues as normal	Comments by Councillors not to include Electoral Matter. Urgent Business permitted
5(9) 5(11)	Councillor attendance at meetings, events and functions	Permitted	Permitted
5(9)	Speeches by Councillors at Council events	Permitted	Limited to a short welcome, with no reference to the election.
5(9)	Annual <i>Mayoral</i> fundraising event (or similar)	Not permitted	Not permitted
5(9)	Attendance by Councillors at external events as representatives of Council	Permitted, but Councillors not to use the opportunity to promote their election campaign.	Permitted, but Councillors not to use the opportunity to promote their election campaign.
5(12)	Enquiries to Council from candidates	Shall be referred to the Returning Officer	Shall be referred to the Returning Officer
6	Introduction of additional provisions by the Chief Executive	Permitted	Permitted

2024 Council Elections



REQUEST FOR CERTIFICATION OF PUBLICATION DURING THE ELECTION PERIOD

1. Author to Complete

Document Description
(attach document):

Intended Distribution
Channel:

I declare that the material contained in the attached document has been checked by me and to the best of my knowledge, it does not contain any electoral matter.

Name & Title

Signature

Date

2. General Manager to Complete

I have reviewed the material contained in the attached document and can advise that to the best of my knowledge, it does not contain any electoral matter.

Name & Title

Signature

Date

Once signed, return to ~~Manager Corporate Governance~~ Head of Governance & Risk for vetting.

3. Chief Executive Officer to complete

In accordance with Chapter 12.11 of the Governance Rules adopted by Council on 202022 August 2022, I certify that the attached advertisement, handbill, pamphlet or notice may be printed, published or distributed during the election period on behalf of the City of Darebin.

CEO Name *Chief Executive Officer*

Signature

Date

Appendix 3 – Definitions

Where terms used in this Policy are defined in the *Local Government Act 2020* (Act), their use in this Policy is consistent with the definitions in the Act.

<u>Words</u>	<u>Meaning/Definition</u>
<u>Act</u>	<u>means the <i>Local Government Act 2020</i> (Vic).</u>
<u>Candidate</u>	<u>means a person who is nominated to stand for a Council, Federal or State election.</u>
<u>Chief Executive Officer</u>	<u>means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position.</u>
<u>Councillor</u>	<u>means a person who holds the office of member of a Council.</u>
<u>Council Meeting</u>	<u>means a Council meeting that complies with the Act.</u>
<u>Delegate</u>	<u>means a General Manager or Head of Governance & Risk as appointed.</u>
<u>Election Day</u>	<u>means the day of an election as determined under the Act.</u>
<u>Election period</u>	<u>has the same meaning as 'election period' in section 3(1) of the Act and 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.</u>
<u>Electoral advertisement, handbill, pamphlet or notice</u>	<u>means any document that is produced for the purpose of communicating with the community and which contains electoral matter, such as:</u> <u>(a) Newsletters and other circulars (including those sent by email);</u> <u>(b) Media releases;</u> <u>(c) Leaflets, pamphlets, handbills, flyers, magazines and brochures;</u> <u>(d) Any new email, web based publications or social media posts; and</u> <u>(e) Mailouts to multiple addresses.</u>
<u>Electoral Material</u>	<u>means an advertisement, handbill, pamphlet or notices that contains Electoral Matter, but does not include an advertisement that is only announcing the holding of a meeting.</u>
<u>Electoral Matter</u>	<u>means 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 election manager for the purposes of conducting an election. Electoral 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:</u> <u>(a) the election; or</u> <u>(b) a candidate in the election; or</u> <u>(c) an issue submitted to, or otherwise before, the voters in connection with the election</u>
<u>Inappropriate decisions</u>	<u>Includes any of the following:</u> <u>(a) decisions that would affect voting in an election; or</u> <u>(b) decisions that could reasonably be made after the election.</u>

<u>Information Request Register</u>	<u>This Information Request Register will be a public document that records all requests relating to Electoral Matters and non-routine requests for information by Councillors and Candidates, and the responses given to those requests.</u>
<u>Member of Council Staff</u>	<u>means a natural person appointed by the Chief Executive Officer (other than an independent contractor under a contract for services or a volunteer) to enable:</u> <u>(a) the functions of the Council to be carried out; and</u> <u>(b) the Chief Executive Officer to carry out their functions.</u> <u>The Chief Executive Officer is also a member of Council Staff.</u>
<u>Public consultation</u>	<u>A process that 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.</u>
<u>Publish</u>	<u>means publish by any means including by publication on the internet.</u>
<u>Major Policy Decision</u>	<u>Is defined by the Act to mean a decision:</u> <u>(a) Relating to the employment or remuneration of a CEO, other than a decision to appoint an acting CEO;</u> <u>(b) To terminate the appointment of a CEO;</u> <u>To enter into a contract the total value of which exceeds 1% of Council's total revenue from rates and charges in the preceding financial year.</u>
<u>Significant decision</u>	<u>In the context of this policy, significant decisions include:</u> <u>(a) decisions that may irrevocably commit the incoming Council to substantial expenditure or to other significant actions; and</u> <u>(b) decisions that may have an irrevocable and significant impact on the municipality or a significant section of the community.</u>