



Election Period Policy

25 November 2019

ELECTION PERIOD POLICY

1. Status of Policy

This policy has been adopted by Council in compliance with the requirements of section 93B of the *Local Government Act 1989 (Act)*.

2. Purpose

In order to ensure that general elections for the Whitehorse City Council are conducted in a manner that is fair and equitable, and is publicly perceived as such, the Council affirms the following policy principles.

3. Election Period

The "Election Period" starts on the last day on which nominations for that election can be received and ends at 6.00pm on election day.

As soon as possible, and no later than 30 days prior to the commencement of the Election Period, the Chief Executive Officer will ensure that:

- a) All Councillors, Managers and staff are informed of the requirements of this policy; and
- b) A copy of this policy is given to all Councillors

4. Major Policy Decisions

During the Election Period the Council will not make a major policy decision without first obtaining Ministerial exemption.

A major policy decision is defined under section 93A of the Act to mean a decision:

- a) Relating to the employment or remuneration of the Chief Executive Officer;
- b) To terminate the appointment of the Chief Executive Officer;
- c) To enter into a contract the total value of which exceeds 1% of the Council's revenue from rates and charges; and
- d) To exercise any entrepreneurial power if the sum assessed under section 193(5A) of the Act in respect of the proposal exceeds 1% of the Council's revenue from rates and charges.

Where possible, the Chief Executive Officer will schedule matters for the Council to ensure that major policy decisions are made either prior to the commencement, or after the conclusion, of the Election Period.

5. Inappropriate Decisions

During the Election Period the Council will follow procedures intended to prevent the making of inappropriate decisions which include decisions that:

- a) Would affect voting in an election; or
- b) Could reasonably be made after the election.

All documentation prepared for Council or special committee meetings 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 general election or could encourage Councillor candidates to use the item as part of their electioneering.

Councillors commit to refraining from moving motions or raising matters at a meeting that could potentially influence voting at the election.

6. Caretaker Statement

During the Election Period, the Chief Executive Officer will ensure that a "Caretaker Statement" is included in every agenda submitted to the Council or to a special committee of Council for a decision. The "Caretaker Statement" will appear at the start of the agenda and will state that:

"The recommended decisions on all reports on this agenda do not fall within the definition of a Major Policy Decision as outlined in Section 93A of the Act and Council's Election Period Policy".

Should any report be presented to the Council or a Special Committee during an Election Period, which it is considered does fall within Section 93A of the Act, this will be clearly indicated with a statement both at the commencement of the agenda and at the heading of any such report.

7. Council Resources

The Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in this regard. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice will be sought from the Chief Executive Officer or the Executive Manager Governance and Customer Service

Council resources, including offices, support staff, mayoral vehicle, meeting facilities, hospitality, equipment photocopying and stationery will be used exclusively for normal Council business during the Election Period and will not be used in connection with any election.

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.

No Council logos, letterheads, or other Whitehorse City Council logos or associated Council material will be used for, or linked in any way to, a candidate's election campaign.

The Chief Executive Officer and Council staff will not be asked to undertake any tasks connected directly or indirectly with electioneering.

8. Public Consultation

During the Election Period the Council will undertake procedures to limit public consultation. Whilst consultation is an integral part of Council's policy development process and operations, Council is concerned to ensure that consultation is not undertaken close to a general election so as to possibly become an election issue in itself and influence voting. Councillors acknowledge that issues raised through the consultation and decisions that follow may also unreasonably bind the incoming Council.

No public consultation will be undertaken during the Election Period unless authorised by a Council decision that acknowledges the application of this policy and justifies to the Whitehorse community the special circumstances making it necessary and how the risks of influencing the election will be mitigated or prevented.

9. Council Events

Councillors acknowledge that the scheduling of Council events in the lead up to elections may raise concerns over their potential use by sitting Councillors for electioneering purposes. To this end the Chief Executive Officer will ensure that no Council events will be scheduled during the Election Period unless there are special/exceptional circumstances making it necessary and justifying how the risks of influencing the election will be mitigated or prevented.

10. Information

The Council recognises that all election candidates have rights 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 there shall be complete transparency 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 services. Such information will not relate to policy development, new projects or matters that are the subject of public or election debate or that might be perceived to be connected with a candidate's election campaign.

An Information Request Register will be maintained by the Executive Manager Governance and Customer Service 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.

All requests for information are to be directed to the Chief Executive Officer in written format.

11. Publicity

It is recognised that Council publicity is intended to promote Council activities and services. Council publicity will not be used in any way that might influence the outcome of a Council election.

Council is required to comply with Section 55D of the Act which states:

"A Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer."

The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process."

Penalty: 60 penalty units.

In addition:

- a) During the Election Period, no Council employee may make any public statement that could be construed as influencing the election;
 - b) During the Election Period, publicity campaigns, other than for the purpose of conducting the election, will be avoided wherever possible. Where a publicity campaign is deemed necessary for a Council service or function, it must be approved by the Chief Executive Officer. Council publicity during the Election Period will be restricted to promoting normal Council activities;
 - c) Any requests for media advice or assistance from Councillors during the Election Period will be channelled through the Chief Executive Officer or Executive Manager Governance and Customer Service. In any event, no media advice or assistance will be provided in relation to election campaign matters, or in regard to publicity that involves specific Councillors;
 - d) Councillors will not use their position as an elected representative to access Council staff and other Council resources to gain media attention in support of an election campaign; and
 - e) All Council media releases (which exclude electoral matters) in the Election Period will be issued in the name of the Chief Executive Officer as appropriate.
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12. Assistance to Candidates

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 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 or the Executive Manager Governance and Customer Service.

13. Social Media

During the Election Period, Councillors standing for re-election must not include in their official Councillor emails any reference to their personal social media accounts such as Facebook.

14. Public availability of this Policy

A copy of this policy is:

- a) Available for inspection by the public at the Council's customer service centres; and
 - b) Published on the Council's Internet website.
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