



Election Period Policy

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1. Background

- 1.1. Council staff and councillors must observe specific legislative and governance requirements during the period leading up to an election.
- 1.2. The *Local Government Act 2020* provides that during the 'election period' certain prohibitions apply to the general functions and powers of Council. It is during this time that Council enters caretaker mode.
- 1.3. The 'election period' is defined by the *Local Government Act 2020* as starting at the time that nominations close on nomination day and ending at 6pm on the election day. The last day for nominations is the day that is 32 days before the election day.
- 1.4. This policy replaces and overrides any previous policy or document that refers to the caretaker or election period.

2. Objectives

- 2.1. The Election Period Policy (Policy) is a requirement under sections 60 and 69 of the *Local Government Act 2020*.
- 2.2. The Policy aims to facilitate the continuation of the ordinary business of local government in Latrobe City throughout the election period in a responsible and transparent manner, in accordance with statutory requirements and established caretaker conventions.
- 2.3. This Policy commits Council during the election period to:
 - 2.3.1. Avoid making any prohibited decisions or significant decisions;
 - 2.3.2. Avoid making any inappropriate decisions that could unreasonably bind a future Council; and
 - 2.3.3. Ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

3. Scope

- 3.1. This Policy applies during the 'Election Period' (see below for definition) and covers:
 - 3.1.1. Decisions that are made by Council, a delegated committee of the Council, a community asset committee of the Council or a delegate of the Council;

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- 3.1.2. Any material that is published by the Council;
 - 3.1.3. Public consultation by the Council during the Election Period;
 - 3.1.4. Attendance and participation in functions and events;
 - 3.1.5. The use of Council resources;
 - 3.1.6. Access to Council information; and
 - 3.1.7. Media services.
- 3.2. This Policy takes precedence over any other Council Policy, Framework or Procedure during the Election Period in relation to compliance requirements.
- 3.3. This policy must be complied with during an Election Period if ANY of the following apply to you:
- 3.3.1. You are involved in making a prohibited or significant decisions
 - 3.3.2. You are involved in making a significant decision that will bind the incoming Council
 - 3.3.3. You are about to publish material which has reference in it to a candidate (which includes sitting Councillors) or the election or an issue before the voters in connection with the election
 - 3.3.4. You are involved in the creation of any Council publication
 - 3.3.5. You are involved in any public consultation process
 - 3.3.6. You are a Councillor who is planning to attend a function or event
 - 3.3.7. You supply resource support to Councillors
 - 3.3.8. You are a Councillor requesting access to Council information
 - 3.3.9. You are a Councillor requesting media advice or services
- 3.4. This Policy has been written to provide a guide only for Council staff, Councillors and candidates and is not a substitute for legal advice. Individuals should seek their own independent advice if they are unsure about any aspect of the *Local Government Act 2020*, the *Local Government Act 1989* and associated regulations in relation to the election period.

4. Principles of Management

4.1. Council Decision Making

- 4.1.1. Council decision making includes decisions that are made by Council, a delegated committee of the Council, a community asset committee of the

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Council or a delegate of the Council.

4.1.2. It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period.

4.1.3. Sub-section 69(2) of the *Local Government Act 2020* prohibits any Council decision during the election period for a general election that:

- 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
- 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
- the Council considers could be reasonably deferred until the next Council is in place; or
- the Council considers should not be made during an election period.

4.1.4. Sub-section 69(3) of the *Local Government Act 2020* prohibits during the election period for a general election or a by-election Council making any decision 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.

4.1.5. The Council therefore commits to the principle that it will make every endeavour to avoid making prohibited decisions (pursuant to section 69 of the *Local Government Act 2020*) or decisions that inappropriately or unreasonably bind the incoming Council. This includes a commitment to comply with the requirements relating to significant decisions.

4.1.6. A Caretaker statement will be included in every report submitted to the Council, a delegated committee of the Council, a community asset committee of the Council or to a delegate of the Council.

4.1.7. Refer to Appendix One: Council Decision Making Guidelines and Procedures for detailed requirements.

4.2. Material Published by Council

4.2.1. Section 304(2) of the *Local Government Act 2020* prohibits Council from printing, publishing or distributing or causing, permitting or authorising the printing, publishing or distributing of any electoral material, being an advertisement, handbill, pamphlet or notice during an election period unless it only contains information about the election process or is otherwise required in accordance with or under any Act or regulation.

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4.2.2. Refer to Appendix Two: Material published by Council Guidelines and Procedures for detailed requirements.

4.3. Public Consultation

4.3.1. It is prohibited under this policy for public consultation to be undertaken during the Election Period (new consultation or existing) on an issue that is contentious unless prior approval is given by the Council or the Chief Executive Officer.

4.3.2. Due to this prohibition, it is prudent for the Council not to commission or approve any public consultation if such consultation is likely to run into the Election Period, unless the Council or the Chief Executive Officer gives prior approval.

4.3.3. Where public consultation is approved to occur during the Election Period, the results of that consultation will not be reported to Council until after the Election Period except where approved by the Chief Executive Officer or his delegate.

4.3.4. Refer to Appendix Three: Public Consultation for detailed requirements.

4.4. Functions and Events

4.4.1. Reference to events and functions means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community.

4.4.2. It may take the form of conferences, workshops, forums, launches, promotional activities, or social occasions, such as dinners, receptions and balls.

4.4.3. Where there is a public event staged by external bodies, Councillors may continue to attend these functions during the Election Period in accordance with the adopted *Provisions of Resources and Support to Councillors Policy*.

4.4.4. Refer to Appendix Four: Functions and Events Guidelines and Procedures for detailed requirements.

4.5. Use of Council Resources

4.5.1. 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 that regard.

- 4.5.2. Pursuant to sub-section 304(1) of the *Local Government Act 2020* it is prohibited for Councillors or Council staff to use Council resources in a way that is intended to or is likely to affect the result of an election.
- 4.5.3. Council resources, including documents (not available publicly), officers, support staff, hospitality services, equipment (including phones and internet connections) and stationery shall be used exclusively for normal Council business during the Election Period, and shall not be used in connection with an election.
- 4.5.4. No Council logo, letterhead or other Latrobe City branding will be used for, or linked in any way to a candidate's election campaign.
- 4.5.5. Support staff for the Mayor and Councillors must not be asked to undertake any tasks connected directly or indirectly with an election campaign.
- 4.5.6. Refer to Appendix Five: Use of Council Resources Guidelines and Procedures for detailed requirements.
- 4.6. Access to Council information
- 4.6.1. All election candidates have equal rights to information relevant to their election campaigns from the Council administration.
- 4.6.2. Neither Councillors nor candidates will be provided information or advice from Council staff that might be perceived to support election campaigns, and there shall be transparency in the provision of all information and advice during the Election Period.
- 4.6.3. Information and briefing material prepared or secured by staff for a Councillor during the Election Period must be necessary to the carrying out of the Councillor's role and must not be related to election issues or to issues that might be perceived to be of an electoral nature.
- 4.6.4. The Governance team will maintain an Information Request Register during the election period. This 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.
- 4.6.5. Refer to Appendix Six: Access to Information Guidelines and Procedures for detailed requirements.
- 4.7. Media services

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- 4.7.1. Council's Media and Marketing team undertake the promotion of Council activities and initiatives. During the election period, this team's services must not be used in any way that might promote a Councillor or an election candidate.
- 4.7.2. Council publicity during the election period will be restricted to communicating normal Council activities and initiatives.
- 4.7.3. Media releases will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election candidate. Where it is necessary to identify a spokesperson, the Chief Executive Officer or his or her delegate will be the default spokesperson.
- 4.7.4. Refer to Appendix Seven: Media Services Guidelines and Procedures for detailed requirements.

5. Accountability and Responsibility

- 5.1. In addition to any roles outlined in the appendixes or above in section 4, the following accountabilities and responsibilities for this policy are outlined below.
- 5.2. Council
 - 5.2.1. Responsibility to ensure this Policy is consistent with Council's strategic direction and Council policies
 - 5.2.2. Responsibility for the decision to approve this Policy by Council Resolution
- 5.3. Councillor
 - 5.3.1. Responsibility to comply with this policy
- 5.4. Chief Executive Officer
 - 5.4.1. Overall responsibility for compliance with this policy
 - 5.4.2. Overall responsibility for enforcing accountability
 - 5.4.3. Overall responsibility for providing resources
 - 5.4.4. Overall responsibility for performance monitoring
 - 5.4.5. Responsible to ensure that members of Council staff are advised in regard to the application of the election period policy.
- 5.5. General Manager
 - 5.5.1. Responsibility for compliance with this policy

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- 5.5.2. Responsibility for enforcing accountability
- 5.5.3. Responsibility for providing resources
- 5.5.4. Responsibility for performance monitoring
- 5.5.5. Responsible to ensure that members of Council staff are advised in regard to the application of the election period policy.

5.6. Manager

- 5.6.1. Comply with this policy
- 5.6.2. Develop internal frameworks and procedures in compliance with this policy (if applicable)
- 5.6.3. Enforce responsibilities to achieve compliance with frameworks and procedures
- 5.6.4. Provide appropriate resources for the execution of the frameworks and procedures
- 5.6.5. Responsible to ensure that members of Council staff are advised in regard to the application of the election period policy.

5.7. Employees, Contractors, Volunteers and Council Committees

- 5.7.1. Participate where required in the development of frameworks and procedures in compliance with this policy.
- 5.7.2. Comply with this policy, frameworks and procedures that are developed to achieve compliance with this policy.

6. Evaluation and Review

- 6.1. This policy will be reviewed on request of Council, in the event of significant change in the Executive team, significant changes to legislation applicable to the subject matter of the policy or, in any other case, during each Council term (generally four years).

7. Definitions

Act In the context of this policy, means the *Local Government Act 1989* or *Local Government Act 2020* as referenced.

Council Means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.

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Council officer	Means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Councillor(s)	Means the individuals holding the office of a member of Latrobe City Council.
Election Period	Has the same meaning as 'election period' in section 3(1) of the <i>Local Government Act 2020</i> , and means the period that starts at the time that nominations close of nomination day and ending at 6pm on the election day.
Electoral advertisement, handbill, pamphlet or notice	Means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting in accordance with the definition contained within the <i>Local Government Act 2020 Act</i> (section 3(1)).
Electoral Matter	<p>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 returning officer for the purposes of conducting an election.</p> <p>Without limiting the generality of the definition of 'electoral matter', a 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:</p> <ul style="list-style-type: none"> • the election; or • a candidate in the election; or • an issue submitted to, or otherwise before, the voters in connection with the election.
Public Consultation	Means 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.

Publication	Includes any means of publication including letters and information on Councils website, Facebook and Twitter.
Publish	Means publish by any means including by publication on the Internet.
Significant Decision	Means irrevocable decisions that: <ul style="list-style-type: none"> • Commits the Council to substantial expenditure or significant actions; and • Will have a significant impact on the municipality or the community.

8. Related Documents

- 8.1. Governance Rules
- 8.2. Councillor Code of Conduct
- 8.3. Staff Code of Conduct
- 8.4. Provisions of Resources and Support to Councillors and Delegated Committee Members Policy

9. Reference Resources

- 9.1. *Local Government Investigations and Compliance Inspectorate Information Bulletin 4, August 2012.*
- 9.2. *Reforms arising from the Local Government Amendment (Improved Governance) Act 2015, A guide for councils.*

10. Appendices

- 10.1. *Local Government Act 1989 and Local Government Act 2020* relevant sections
- 10.2. Council Decision Making Guidelines and Procedures
- 10.3. Material published by Council Guidelines and Procedures
- 10.4. Functions and Events Guidelines and Procedures
- 10.5. Use of Council Resources Guidelines and Procedures
- 10.6. Media Services Guidelines and Procedures
- 10.7. Access to Information Guidelines and Procedures

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Appendix One: Council Decision Making Guidelines and Procedures

1. Significant Decisions

- In the context of this policy, significant decisions include:
 - Approval of contracts that require significant funding in future financial years or are regarded as politically sensitive;
 - Decisions that have significant impacts on Council's income or expenditure or that relate to expenditure on politically sensitive matters;
 - Decisions of a politically sensitive nature;
 - Policy or strategy decisions;
 - The exercise of any entrepreneurial power under section 193 of the *Local Government Act 1989*;
 - The exercise of the power to participate in any beneficial enterprise under section 110 of the *Local Government Act 2020*.

2. Scheduling Consideration of Significant Decisions

- As a general principle, the Chief Executive Officer should, as far as practicable, avoid scheduling decisions for the Election Period and instead, ensure that significant decisions are either considered by Council prior to the Election Period, or scheduled for determination by the incoming Council.

3. Significant Decisions during Election Period

- If a significant decision cannot be scheduled prior to or after the Election Period, then you need to refer to the list below to determine whether it is effected by this Policy. If you are unsure of whether a decision does or does not fall within the list below, speak with the Chief Executive Officer or his appointed delegate.

Proposed Decision	Is it allowed?	Source
Relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer;	No	Prohibited by section 69 of the <i>Local Government Act 2020</i>

Proposed Decision	Is it allowed?	Source
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;	No	Prohibited by section 69 of the <i>Local Government Act 2020</i>
The Council considers could be reasonably deferred until the next Council is in place;	No	Prohibited by section 69 of the <i>Local Government Act 2020</i>
Any decisions that Council considers should not be made during an election period	No	Prohibited by section 69 of the <i>Local Government Act 2020</i>
Any decision 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	No	Prohibited by section 69 of the <i>Local Government Act 2020</i>
The exercise of any entrepreneurial power under section 193 of the <i>Local Government Act 1989</i> or any exercise of the power to participate in any beneficial enterprise under section 110 of the <i>Local Government Act 2020</i>	No	This is an internal Council requirement
Allocating community grants or other forms of direct funding for community organisations	No	This is an internal Council requirement.
Major planning scheme amendments	No	This is an internal Council requirement.
Changes to strategic objectives or strategies in the Council Plan	No	This is an internal Council requirement.
Entering into a contract that require significant funding in future financial years or is regarded as politically sensitive	No	This is an internal Council requirement.
Decisions that have significant impacts on Council's income or expenditure or that	No	This is an internal Council requirement.

Proposed Decision	Is it allowed?	Source
relate to expenditure on politically sensitive matters		
Decisions of a politically sensitive nature	No	This is an internal Council requirement.
Policy or strategy decisions	No	This is an internal Council requirement.

4. Considerations for the Chief Executive Officer in giving Approval

- In the case of a significant decision referred to the Chief Executive Officer which is not expressly prohibited, in deciding whether to give approval the Chief Executive Officer will need to have regard to a number of factors including:
 - Whether the decision is 'significant'
 - The urgency of the issue (can it wait until after the election?)
 - The possibility of financial repercussions if it is deferred, if any
 - Whether the decision is likely to be controversial
 - Whether the decision is in the best interests of the Council

5. Agendas and Reports

- During the election period, the Chief Executive Officer will ensure that a 'Caretaker Statement' is included in every report submitted to the Council, delegated committee, a community asset committee or to a delegate for a decision.
- The Caretaker Statement will specify:
 - *The recommended decision is not a prohibited decision, as defined in section 69 of the Local Government Act 2020 or a significant decision within the meaning of the Election Period Policy.*
- During the election period, the Council will not make a decision on any matter or report that does not include this Caretaker Statement.

Appendix Two: Material published by Council Guidelines and Procedures

1. Prohibited Material

- It is prohibited under the *Local Government Act 2020* and the *Local Government Act 1989* for Council to print, publish or distribute; or to cause, permit or authorise others to print, publish or distribute on behalf of the Council, any advertisement, handbill, pamphlet or notice that contains electoral matter during the Election Period.
- Publications should be read broadly to include all documents that are produced for the purpose of communicating with people in the community, including Council newsletters, advertisements and notices, media releases, leaflets and brochures, emails and mailouts to multiple addresses, electronic information and web based productions including Council's website, Facebook account and Twitter page.
- The controls do not cover advertisements that simply announce the holding of a meeting or about the election process itself.
- Electoral matter is any matter that is "intended or likely to affect voting in an election" and this includes (but is not limited to) material that deals with the election, candidates or issues of contention in the election.
- A publication is taken to contain electoral matter if it contains an express or implicit reference to, or comment on:
 - The election; or
 - A candidate in the election; or
 - An issue submitted to, or otherwise before, the voters in connection with the election.
- Material is definitely electoral matter if it:
 - publicises the strengths or weaknesses of a candidate;
 - advocates the policies of the Council or of a candidate;
 - responds to claims made by a candidate; or
 - publicises the achievements of the elected Council.

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- Councillors may publish campaign material on their own behalf, but cannot purport for that material to be originating from, or authorised by, Council or Latrobe City Council i.e. by use of Council logos.

2. Election Period Publications Procedure

- Any Council publication which is potentially affected by this policy will be reviewed by the Council's Communications and Governance teams prior to publication.
- This is to ensure that any circulated, displayed or otherwise publicly available material during the Election Period does not contain material that may be construed as 'electoral matter'.

3. Publications that require Review

- The recommended practice (in line with State and Federal Governments), is where possible to avoid all publication activity during the caretaker period except where it is essential for the conduct of Council operations.
- Publications which require review by the Council's Communications and Governance teams prior to release include:
 - Brochures, pamphlets, handbills, flyers, magazines and books;
 - Reports (other than agenda papers and minutes);
 - Advertisements and notices, except newspaper notices of meetings;
 - New website material;
 - New social media content (which includes Facebook and Twitter posts);
 - Emails with multiple addresses, used for broad communication with the community;
 - Mass mail outs or identical letters sent to a large number of people by or on behalf of Council;
 - Media releases;
 - Material to publicise a function or event; and
 - Any publication or distribution of Councillors' speeches.

4. Documents on Display at all Council facilities

- Council publications with references to either current Councillors or candidates that could be considered campaign material or to be otherwise promoting any

Councillor or candidate, both on website and public display will be withdrawn from display during an election period.

5. Councillor Information

- Any reference to Councillors standing for re-election in Council publications printed, published or distributed during an election period must not include promotional text.

6. Annual Report

- If the publication date of the Annual Report occurs during the Election Period, it is affected by the legislative restrictions on publications and therefore may not include information about Councillors beyond what is required by the Local Government Regulations.
- The Annual Report does not require review by the Council's Communications and Governance teams; however any publication of an extract or summary of the Annual Report will require review.

7. Council and Committee Agendas and Minutes (Refer to Appendix One: Council Decision Making Guidelines and Procedures for more information)

- Agenda papers and minutes of Council and Committee meetings do not require review by the Council's Communications and Governance teams unless they are printed or published for a wider distribution than normal.

8. Latrobe City Council Websites

- This provision applies to all Council websites, which includes the Council main website and microsites (e.g. Latrobe City Libraries, Latrobe Leisure, Visit Latrobe and the Latrobe Regional Gallery, but not limited to these microsites).
- During the election period the Council website will not contain material precluded by this policy. Any references to the election will only relate to the election process.
- Material published on Council's website in advance of the caretaker period is not subject to review by the Council's Communications and Governance team, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that would be considered electoral matter, were it to be published during the election period.
- Information about Councillors will be restricted to names and contact details.

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- Any new material published on Council's web site during the election period that may be considered to be an advertisement, handbill, pamphlet or notice must also be subject to the review process. Council agendas, minutes and the annual report are considered exempt from review.
- Where information is removed for the election period, a statement will be published that states:

'As the Latrobe City Council election will be held on [Day, Date], the Latrobe City Council has assumed a caretaker role from [Date].

During the caretaker period, content will only be added to this website in accordance with the Election Period Policy.'

9. Latrobe City Council Social Media

- Any publication on social media sites such as Facebook or Twitter that are under the auspices of Council will also require review by the Council's Communications and Governance teams. Similar requirements apply to Council blog sites.
- Any publication of images or videos on social media sites must be approved by the Chief Executive Officer.
- Latrobe City Council's Communications team monitors the Latrobe City Council corporate Facebook and Twitter feeds between the hours of 9.00am and 5.00pm on weekdays (excluding public holidays), and any negative or inappropriate posts are deleted. Occasionally when it is deemed necessary by Council's Communications team, the monitoring is extended to include weekends, major festivals/events, and emergencies.
- The ability for members of the public to post comments on Council's social media sites will be removed for the duration of the Election Period.
- Any publication on social media sites including Facebook, Twitter, blogs and wiki pages during the election period must be reviewed by the Council's Communications and Governance teams.
- Social media posts are to be kept to a minimum, and are to cover normal day-to-day activities only.
- Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted. No matter is permitted that

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may be construed as electoral matter – sites should be reviewed to ensure there is none.

- No launches or announcements of any new projects, policy initiatives, or programs are to be made on social media during the election period.
- No hosting or responding to political content at all is permitted.

10. Council Photographs

- Councillors should not use their position as an elected representative or their access to Council staff and other Council resources or information in support of an election campaign. This includes photos or images provided by Council for past Council activities.

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Appendix Three: Public Consultation

1. Prohibition

- It is prohibited under this policy for public consultation to be undertaken during the Election Period (new consultation or existing) on an issue that is contentious unless prior approval is given by the Council or the Chief Executive Officer.
- For the purposes of this policy, public consultation means 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.

2. Right to Postpone

- It is prudent for the Council not to commission or approve any public consultation if such consultation is likely to run into the Election Period, unless the Council or the Chief Executive Officer gives prior approval.
- Some public consultation activities may be necessary during the caretaker period to facilitate the day to day business of Council and ensure matters continue to be proactively managed.
- Any such public consultations will avoid express or implicit links to the election.
- In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the election period, Council reserves the right to postpone a matter if the issue is likely to affect voting.
- Council will not continue or commence public consultation on any contentious or politically sensitive matter after the commencement of the election period.

3. Statutory Consultation Processes

- Consultations under the *Planning and Environment Act 1987* or Section 223 of the *Local Government Act 1989* statutory provisions shall only proceed after express agreement by the relevant General Manager and then only if it:
 - relates solely to the normal day-to-day business of Council; and
 - does not relate to a matter that is considered a major or significant decision.

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4. Approval for Public Consultations

- Any request for public consultation to occur during the election period, must be referred to the Chief Executive Officer.
- Where the matter is not already expressly prohibited, in deciding whether to give approval the Chief Executive Officer will need to have regard to a number of factors including:
 - 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; and
 - whether the decision is in the best interests of the Council.
- Where public consultation is approved to occur during the Election Period the results of that consultation will not be reported to Council until after the Election Period except where approved by the Chief Executive Officer or his delegate.

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Appendix Four: Functions and Events Guidelines and Procedures

1. Functions and Event Definition

- Reference to events and functions means gatherings of internal and/or external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners, receptions and balls.

2. Public Events Staged by External Bodies

- Councillors may continue to attend events and functions during the Election Period.
- As a general rule, any such attendance will not be represented as acting in an official capacity on behalf of the organisation.

3. Council Events and Functions

- Council organised events and functions held during the Election Period will be reduced to only those essential to the operation of the Council.
- This may be varied by a Council resolution or where the Chief Executive Officer has given prior approval.
- Councillor attendance at Council events (if any during the election period) should not be used to gain attention in support of an election campaign.
- No election material or active campaigning is to be conducted at Council sponsored event or be displayed in any Council building.
- Where a Council organised event or function is proposed to be held during the Election Period and that event or function would ordinarily have or, if it were held at another time would ordinarily expect to have, one or more Councillors attend in an official capacity, the event or function must first be referred to Council to confirm that it will be held, rescheduled or, if held, amended in such a way as to allow Councillors to participate in an official capacity.

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4. Speeches/Keynote Addresses

- Councillors should not act in an official capacity, including giving public speeches or addresses at Council organised or sponsored events and functions, 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 operation (such as citizenship ceremonies) of the Council and such speeches will not be circulated or available for publication.

5. Recording of Attendance at External Meetings and Functions

- The presence of Councillors at external meetings and functions may be recorded in attendance records, except where this record of attendance is in conjunction with information/promotional material (ie text or images) that may be considered as electoral material.

6. Publication of Promotional Material

- Publicity of Council events (if any during the election period) will be restricted to the communication of factual material and will not mention or quote any Councillor.
- In preparing any material concerning a Council organised or sponsored function or event that will be published or distributed during the Election Period, such preparation must be consistent with the controls under Appendix Two: Material published by Council Guidelines and Procedures to this Policy.

7. Council Employees

- During the Election Period no Council employee may make any public statement that relates to an election issue unless the statement has been approved by the Chief Executive Officer.
- Public statements are not only formal press releases but also verbal comments at meetings, functions and events where attending as part of their Council role.

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Appendix Five: Use of Council Resources Guidelines and Procedures

1. 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 that regard.
- Council staff should avoid assisting Councillors in ways that could create a perception that they are being used for electoral purposes.
- Council resources, including offices, vehicles, support staff, hospitality services, property, equipment and stationery must be used exclusively for normal Council business during the election period, and must not be used in connection with an election campaign.

2. Use of Council Equipment by Councillors

- Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Council duties, subject to existing protocols and terms of use.
- Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns.
- Where Councillors have Council funded services, such as mobile phones, land lines and internet connections, and where it is impractical for Councillors to discontinue their use of these during the election, Councillors will reimburse the Council for usage of those services during the election period that exceeds normal usage levels.
- Councillors may wish to consider the specific ways to administer this procedure. For instance Councillors may decide to use a private mobile phone for all election enquiries and publicise such number on election literature.

3. Correspondence

- General correspondence addressed to Councillors will be answered as usual.
- However, Councillors will sign only the necessary minimum of correspondence during the election period and correspondence in respect to significant, sensitive or controversial matters should be signed by the Chief Executive Officer.

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- Replies will be prepared so as to protect Council staff from perceptions of political bias.
- 4. Expenses Incurred by Councillors**
- Payment or reimbursement of costs relating to Councillors out-of-pocket expenses incurred during the election period must only apply to necessary 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.
 - In the case of Councillor claims that cover a combination of Council and electoral business, the Chief Executive Officer may approve a partial reimbursement to cover Council activities.
- 5. Council Branding and Stationery**
- No Council logos, letterheads, or other Latrobe City Council branding will be used for, or linked in any way to, a candidate's election campaign.
- 6. Support Staff to the Mayor and Councillors**
- Support staff for the Mayor and Councillors, Governance staff, or any other staff member, must not be asked to undertake any tasks connected directly or indirectly with an election campaign.
- 7. No Requests to Staff for Electioneering Related Tasks**
- The Chief Executive Officer or any staff should not be asked to undertake any tasks connected directly or indirectly with electioneering.
- 8. Council Photographs**
- Photos or images taken by or provided by Council are not to be used by Councillors for the purposes of electioneering or in support of their election campaign.
 - This applies equally to images on Council websites that may be able to be copied.
- 9. Use of Council Buildings**
- No election material or active campaigning is to be conducted at Council sponsored event or be displayed in any Council building.

10. Process

- Any Council staff member that feels they are being placed in a compromising situation by a request from a Councillor should politely refer the Councillor to their General Manager for clarification before authorising, using or allocating the resource.
- The General Manager will decide if the use of Council resources is appropriate or not and notify the Councillor, as well as the Chief Executive Officer and the Governance team accordingly.

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Appendix Six: Access to Information Guidelines and Procedures

1. Candidates' Access to Information

- All election candidates have equal rights to information relevant to their election campaigns from the Council administration.
- While it is important that sitting Councillors continue to receive information that is necessary to fulfil their existing elected roles, neither Councillors nor candidates will receive information or advice from Council officers that may improperly advantage candidates in the elections (which includes internal publications such as the Councillor Bulletin).
- There will be transparency in the provision of all information and advice during the election period.

2. Information and Briefing Material

- Information and briefing material prepared or secured by staff for Councillors during the Election Period must be necessary to the carrying out of the Councillor's role and must not be related to election issues or to issues that might be perceived to be of an electoral nature.
- The information must only relate to factual matters or to existing Council services to assist Councillors in conducting normal day to day activities.

3. Information Request Register

- The Governance team will maintain an Information Request register during the Election Period.
- This Register will be a public document (available for inspection) that records all requests for information of a non-election nature by all candidates (which includes sitting Councillors) and the response given to those requests.
- The Council affirms that all candidates for the Council election will be treated equally.

4. Process for responding to an Information Request

- Responses to candidates' requests will be provided by Managers, General Managers or the Chief Executive Officer only.
- Managers will be required to discuss the request and the proposed response with their General Manager prior to the response being provided.

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- Only information that can be reasonably accessed will be released.
 - Staff will be required to provide details of requests and responses to the Governance team for inclusion in the Register.
- 5. Freedom of Information applications during the Election Period**
- Any Freedom of Information (Fol) applications lodged during the election period on matters such as expenses costs etc regarding current Councillors will be dealt with where possible outside of the election period (the Fol Act specifies a 42 day period in providing a response to a Fol application).
- 6. Candidate Assistance and Advice**
- 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.
- 7. Role of Returning Officer**
- 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 his or her delegate.
- 8. Candidate Information**
- Council will provide candidates with a Councillor Candidate Information Kit to assist them in running and nominating for Council.
 - Candidates will be informed of their obligation to complete a Nomination Form which will be available from the Returning Officer, accompanied by the nomination fee.
 - Candidates will also be informed of the requirements to complete and submit an 'Election Campaign Return' to the Chief Executive Officer within 60 days after the election day.
- 9. Election Process Enquiries**
- All election process 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 his nominee.

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10. Improper Use of Position

- Sections 76D and 76E of the *Local Government Act 1989 Act* or from 24 October 2020, sections 123 and 124 of the *Local Government Act 2020* prohibit Councillors from misusing or inappropriately making use of their position.
- A breach of any of these provisions attracts serious penalties, and in the case of section 76D of the *Local Government Act 1989* and section 123 of the *Local Government Act 2020* includes possible imprisonment.

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Appendix Seven: Media Services Guidelines and Procedures

1. Restriction on Services

- Council's communication services are intended to promote Council activities or initiatives and must not be used in any way that might favour a candidate.
- During the election period this team's services must not be used in any way that might promote a Councillor as an election candidate.
- Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to review by the Council's Communications and Governance teams.
- Contact with the local media will be restricted to the communication of normal Council activities and responding to questions not involving the election or possible election outcomes.

2. Media Advice

- Any requests for media advice or assistance from Councillors during the Election Period will be channelled through the Chief Executive Officer or the General Manager, Community Health and Wellbeing.
- No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors.

3. Media Releases/Spokespersons

- Media releases will not be provided for Councillors during the election period.
- Media releases will not refer to specific Councillors.
- Where it is necessary to identify a spokesperson in relation to an issue the Chief Executive Officer or his delegate will determine the appropriate person.
- Media releases will require review by the Council's Communications and Governance teams.

4. Publicity Campaigns

- 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 activity, the Chief Executive Officer or his delegate must approve it.

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- In any event, Council publicity during the Election Period will be restricted to communicating normal Council activities and initiatives.

- No publicity will be provided that involves specific Councillors.

5. 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 an election campaign.

6. Council Employees

- During the Election Period no Council employee may make any public statement that relates to an election issue unless the statement has been approved by the Chief Executive Officer.
- Public statements are not only formal press releases but also verbal comments at meetings, functions and events where attending as part of their Council role.

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