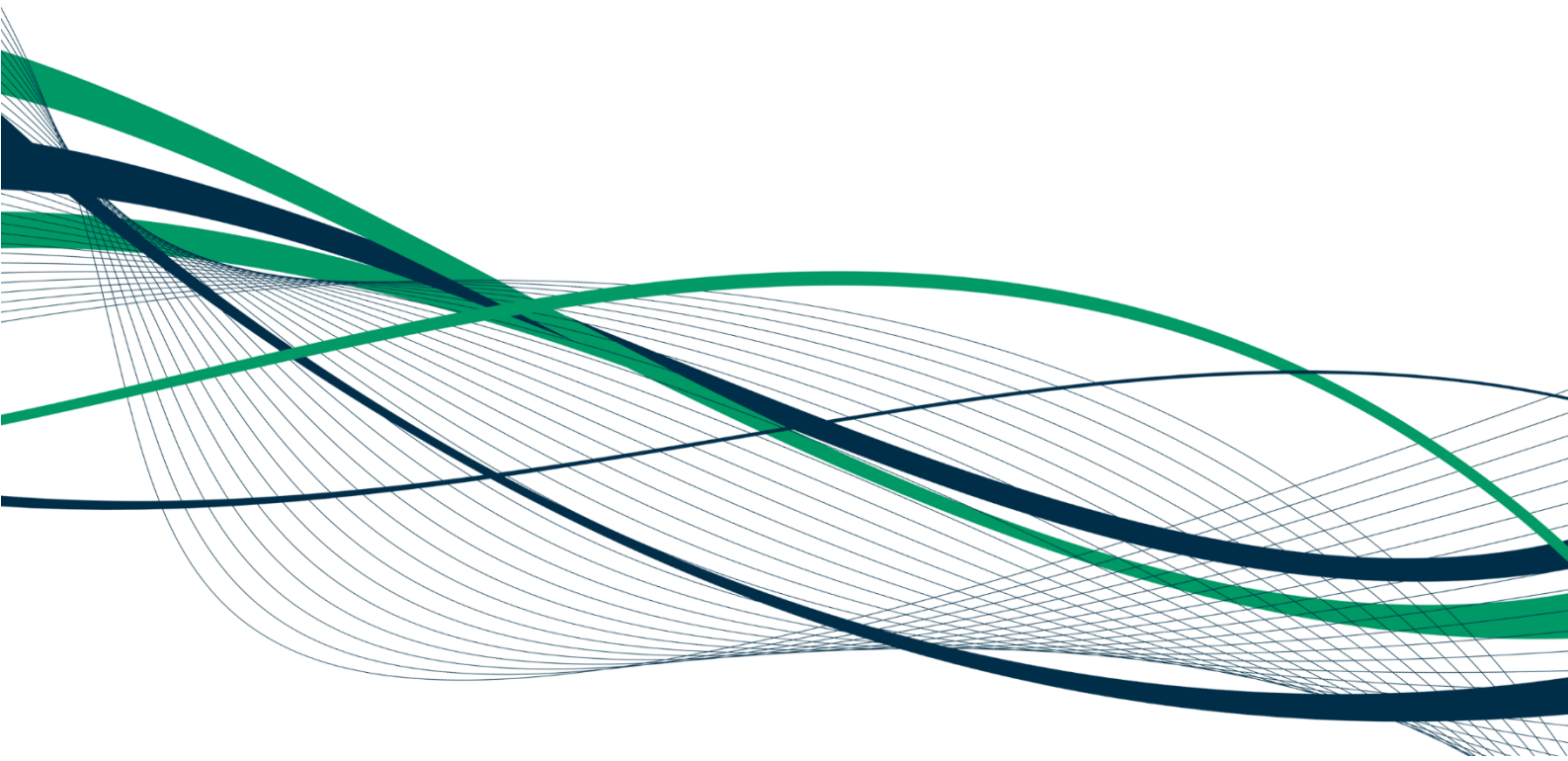




# Election Period Policy

**Adopted as part of the Governance Rules by Council: 25 August 2020**



---

## **PART 9 – ELECTION PERIOD POLICY**

### **Division 1 – General election period matters**

#### **1. Election period**

- (1) The Council's Election Period Policy is described in this Part.
- (2) The Election Period Policy applies during the "election period", which is defined in section 3 of the Act to be:
  - (a) from the time that nominations close on the last day when nominations for a Council election are received; and
  - (b) until 6pm on election day.
- (3) The Chief Executive Officer will ensure that all Councillors and Council officers are informed of the application of this policy 30 days prior to the commencement of the caretaker period.

### **Division 2 – Council decisions in election period**

#### **2. Prohibited decisions**

- (1) The Council or a delegated committee must not make any Council decision during the election period for any general election or any by-election that would enable Council's resources to be used in a way that is intended or likely to influence voting at the election.
- (2) The Council or a delegated committee must not make decisions on the following matters during the election period for a general election:
  - (a) the appointment or remuneration of the Chief Executive Officer; or
  - (b) committing 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.
- (3) The Council will not make other decisions during the election period that:
  - (a) are of a significant nature; and
  - (b) would unnecessarily bind an incoming Council.

#### **3. Chief Executive Officer scrutiny**

- (1) The Chief Executive Officer must scrutinise the content of Council agendas during the election period to exclude matters described in clause 91.
- (2) The Chief Executive Officer must reject any notice of motion if it appears contrary to clause 91.
- (3) If, during a Council meeting, a motion or amendment is moved that appears to conflict with clause 91, the Chief Executive Officer must advise the Mayor of the conflict.

## **Division 3 – Use of Council resources**

### **4. Council resources prohibition**

As specified in section 304 of the Act, a Councillor or a member of Council staff must not use Council resources in a way that is intended or likely to affect the result of a Council election.

### **5. Councillor use of resources**

- (1) A Councillor must not expect or request a member of Council staff to take any action that is intended or likely to support a candidate's election campaign.
- (2) Subject to subclause (3), equipment and facilities provided to Councillors for the purpose of conducting normal Council business must not be used for campaigning purposes.
- (3) If a Councillor has a Council funded mobile phone, land line or internet connection and it is impractical to discontinue the use of the service during the election period, the Councillor must reimburse the Council for any usage of the service that exceeds normal usage levels during the election period.
- (4) A Councillor must not use a Council logo, letterhead or other branding in a way that would be linked to the candidate's election campaign.
- (5) Councillors may continue to use Council equipment provided to them to perform their normal Council duties, subject to existing protocols and terms of use.

### **6. Councillor Expenses claims**

- (1) A Councillor must not lodge a claim for reimbursement of expenses incurred in connection with an election campaign.
- (2) The Chief Executive Officer must reject any claim that is contrary to this clause.

### **7. Council staff**

- (1) Members of Council staff must not:
  - (a) undertake an activity that may affect voting in the election, except where it only relates to the election process and is authorised by the Chief Executive Officer; or
  - (b) authorise, use or allocate a Council resource for any purpose that may influence voting in the election, except where it only relates to the election process and is authorised by the Chief Executive Officer;
- (2) Any staff member who considers that a particular use of Council resources may influence voting in an election or provide an undue advantage for a candidate must advise the Chief Executive Officer immediately.
- (3) This clause does not prohibit a member of staff from providing support for an election campaign if the staff member:

- (a) only provides support voluntarily and in their own private time;
- (b) does not use Council resources in providing support;
- (c) does not take any action that implies Council support for a candidate; and
- (d) gives the Chief Executive Officer prior written notice of their intention to support a campaign.

## **Division 4 – Communication and events**

### **8. Publication of electoral material**

- (1) As specified in section 304 of the Act, 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 under an Act or Regulation.
- (2) The Council must only publish material during an election period that:
  - (a) is necessary for the Council to perform its functions;
  - (b) is information the Council is required to publish under an Act or Regulation; or
  - (c) is only information about the election process.
- (3) The Council must not publish material that refers to a candidate or an election issue unless that material is required to comply with subclause (2).
- (4) The Council will remove any personal profiles of Councillors from the Council website, but will retain sufficient information to enable members of the community to contact their Councillors.
- (5) Media services, including media releases, will not be provided for Councillors by the administration during the election period.
- (6) The Chief Executive Officer must establish procedures to ensure that all Council media and publications during the election period comply with this clause, including:
  - (a) printed publications;
  - (b) material published on Council websites; and
  - (c) material published in social media.

### **9. Access to Council information**

- (1) Councillors may access Council information during an election period, but only where necessary for them to perform their duties as Councillors.
- (2) No Councillors or candidates will be provided information or advice from Council staff during the election period that might be perceived as support or advice for an election campaign.

- (3) The Chief Executive Officer must ensure that information provided to any candidate during an election period is equally available to all candidates.
- (4) Subclause (3) does not apply to confidential information provided to Councillors to perform their duties as Councillors.

#### **10. Public events**

- (1) Public events must only be organised by the Council during the election period if they are necessary:
  - (a) under an Act or regulation; or
  - (b) for the Council to perform its functions.
- (2) Council will not continue or commence public consultation on any contentious or politically sensitive matter after the commencement of the caretaker period.
- (3) Community meetings will not be held during the election period.

**Mortlake Office**

Jamieson Avenue  
Mortlake VIC 3272  
(03) 5558 7888

**Port Fairy Office**

Princes Street  
Port Fairy VIC 3284  
(03) 5568 0555

**Postal Address**

PO Box 51  
PORT FAIRY VIC 3284

---

**Vision**

Moyne Shire will be a vibrant, liveable, and prosperous community.  
People are diverse, resilient and feel happy and safe.

**Purpose**

To work responsibly with the community to provide opportunities,  
respond to issues, look after assets, encourage investment and  
empower communities to help themselves.

---

Local call number **1300 656 564**

SMS text number **0429 166 506**

Website **[www.moyne.vic.gov.au](http://www.moyne.vic.gov.au)**

Email **[moyne@moyne.vic.gov.au](mailto:moyne@moyne.vic.gov.au)**

Facebook **[@moyneshire](https://www.facebook.com/moyneshire)**

Twitter **[@moyne\\_shire](https://twitter.com/moyne_shire)**

A decorative graphic at the bottom of the page consisting of several overlapping, flowing lines in shades of green and dark blue, creating a sense of movement and depth.