

POLICY LOCATION	Executive Office	POLICY TITLE	Election Period Policy
POLICY NUMBER	CA06	DATE ADOPTED	June 2020
REVISION NUMBER	3	REVISION DATE	October 2023

Purpose

This policy has been adopted by the Buloke Shire Council (**Council**) in compliance with the requirements of Section 69 of the *Local Government Act 2020 (Act)*.

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

Election Period

The election period means the period that:

- a) starts at the time that nominations close on nomination day; and
- b) ends at 6 p.m. 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 and members of Council staff are informed of the requirements of this policy, and
- b) a copy of this policy is given to all Councillors.

Prohibited decisions

Council is prohibited from making any Council decision:

- a) during the election period for a general election that:
 - i. 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
 - ii. 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
 - iii. the Council considers could be reasonably deferred until the next Council is in place; or
 - iv. the Council considers should not be made during an election period; or
- b) 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.

What is a Council decision?

For the purposes of this policy, Council decision means the following:

- a) a resolution made at a Council meeting;
- b) a resolution made at a meeting of a delegated committee; or
- c) the exercise of a power or the performance of a duty or function of Council by a member of Council staff (which includes the Chief Executive Officer) or a Community Asset Committee under delegation.

Caretaker Statement

- a) During the election period, the Chief Executive Officer will ensure a Caretaker Statement is included in every agenda submitted to the Council or to a delegated committee of Council for a decision. The Caretaker Statement will appear at the start of the agenda and will state that:

The recommended decisions in all reports on this agenda are not prohibited decisions as defined in the Election Period Policy.

- b) Should any report be presented to the Council or a delegated committee during an election period, which is considered does constitute a prohibited decision, this will be clearly indicated with a statement both at the commencement of the agenda and at the heading of any such report.

Council Resources

Council will ensure due propriety is observed in the use of all Council resources, and members of Council staff are required to exercise appropriate discretion in this regard. In any circumstances where 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 Director Corporate Services.

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 incurred in the performance of normal Council duties, and not for expenses which could be perceived as supporting or being connected with a candidate's election campaign.

No Council logos, letterheads or other Buloke Shire 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 members of Council staff will not be asked to undertake any tasks connected directly or indirectly with electioneering.

Councillors and members of Council staff are required to comply with section 304(1) of the Act which states:

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.

Penalty: 60 penalty units.

Community Engagement

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

No community engagement will be undertaken during the election period unless authorised by a decision made at a Council meeting that acknowledges the application of this policy and justifies to the Buloke community the special circumstances making it necessary and how the risks of influencing the election will be mitigated or prevented.

Council Events

Councillors acknowledge that the scheduling of Council events in the lead up to elections may raise concerns over their potential use by 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 or exceptional circumstances making it necessary and justifying how the risks of influencing the election will be mitigated or prevented.

Information

Council recognises all election candidates have rights to information from the Council administration. However, it is important that Councillors continue to receive information which is necessary to fulfil their elected roles. Neither Councillors nor candidates will receive information or advice from members of Council staff which 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 members of Council 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 which are the subject of public or election debate or which might be perceived to be connected with a candidate's election campaign.

Publicity

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

Councillors and members of Council staff are required to comply with section 304(2) of the Act which states:

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.

Penalty: 60 penalty units.

In addition:

- a) during the election period, no member of Council staff may make any public statement that could be construed as influencing the election;
- b) during the election period, publicity campaigns, other than for the purposes 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. 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 members of 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.

Assistance to Candidates

- a) Council affirms that all candidates for the Council election will be treated equally.
- b) 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.
- c) All election related enquiries from candidates, whether 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 Director Corporate Services.

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.

Public Availability of this Policy

A copy of this policy is:

- a) available for inspection by the public at the Council's Wycheproof District Office; and
- b) published on the Council's internet website.

References

Local Government Act 2020